AGENDA

CITY COUNCIL - REGULAR MEETING OF THE BANNING CITY COUNCIL
CITY OF BANNING, CALIFORNIA

August 27, 2024
5:00 p.m.
In Chambers

Council Chambers
99 E. Ramsey Street
Banning, CA 92220

The following information comprises the agenda for the regular meeting of the Banning City Council, a joint meeting of the City Council and Banning Utility Authority, and the Banning City Council sitting in its capacity as the Banning Successor Agency Board.

Per City Council Resolution 2016-44, matters taken up by the Council before 10 p.m. may be concluded, but no new matters shall be taken up except upon a unanimous vote of the council members present and voting. Such an extension shall only be valid for one hour and each hour thereafter shall require a renewed action for the meeting to continue.

1. CALL TO ORDER

1.1 INVOCATION
Performed by Pastor Eric Biggers of Mission Church of God in Christ

1.2 PLEDGE OF ALLEGIANCE

1.3 ROLL CALL

2. AGENDA APPROVAL

2.1 AGENDA APPROVAL

3. PRESENTATIONS

3.1 Quarterly Small Business Recognition - Family Car Wash
Recommendation: Staff respectfully recommends City Council recognize Family Car Wash, an exceptional small business within the City.

4. REPORT ON CLOSED SESSION

Serita Young, City Attorney

5. PUBLIC COMMENTS, CORRESPONDENCE, APPOINTMENTS, AND REPORTS

5.1 PUBLIC COMMENTS

5.2 CORRESPONDENCE

5.3 APPOINTMENTS

5.4 CITY COUNCIL COMMITTEE REPORTS

5.5 CITY MANAGER'S REPORT

5.6 CITY ATTORNEY'S REPORT

5.7 CITY TREASURER'S REPORT

6. CONSENT ITEMS

The following items have been recommended for approval and will be acted upon simultaneously, unless a member of the City Council/Banning Utility Authority/Successor Agency Board wishes to remove an item for separate consideration.

6.1 Approval of the Meeting Minutes for the July 9, 2024 City Council Meetings
Recommendation: Approve the minutes of the July 9, 2024 City Council Meetings.

6.2 Receive and File Accounts Payable and Payroll Warrants Issued in the Month of June 2024
Recommendation: Receive and file the warrants for period ending June 30, 2024, per California Government Code Section 37208.

6.3 Receive and File Cash and Investments Report for the Month of June 2024
Recommendation: That City Council receive and file Cash and Investment Report for June 2024 on this day, August 27, 2024, in accordance with California Government Code 53646.

6.4 Receipts, Disbursements, & Fund Balances Reporting for Fiscal Year 2023-24, Period 12, June 2024, and Fiscal Year 2024-25, Period 1, July 2024
Recommendation: Receive and file.

6.5 Receive and File Police Department Statistics for the Month of June and July 2024
Recommendation: Receive and file

6.6 Receive and File Fire Protection Services Statistics for the Month of June and July 2024
Recommendation: Receive and file

6.7 Public Works Capital Improvement Project Tracking List
Recommendation: Receive and file.

6.8 Receive and File Code Enforcement Update and Statistics for the Months of June and July 2024
Recommendation: Receive and file.

6.9 Receive and File Contracts Approved Under the City Manager's Signature Authority and Inventory Reports for June and July 2024
Recommendation: Receive and file

6.10 City Council Travel and Conference Expense Report Year to Date June 30, 2024
Recommendation: Receive and file

6.11 Consideration of Resolution 2024-128, Approving the Acceptance of the Distribution of the 2023 Emergency Management Performance Grant (EMPG) Program Award
Recommendation: Adopt Resolution 2024-128.

6.12 Consideration of Resolution 2024-129, Approving a Successor Memorandum of Understandings with the Banning Police Officers' Association, Representing All City Employees Eligible for Inclusion in the Police Unit, Effective March 28, 2024, Through March 27, 2027, and Authorizing the City Manager to Finalize and Execute a Successor Agreement

Recommendation: Adopt Resolution 2024-129.

6.13 Consideration of Resolution 2024-130, Accepting a Donation from First Industrial, LP in the Amount of $2,500
Recommendation: Adopt Resolution 2024-130.

6.14 Consideration of Resolution 2024-131, Accepting a Donation from Sun Lakes Charitable Trust in the Amount of $2,000
Recommendation: Adopt Resolution 2024-131.

6.15 Consideration of Resolution 2024-132, Awarding A Professional Services Agreement for the Construction Management and Inspections Services of Charles Street and Lincoln Street Non-Potable Water Booster Stations and Reservoirs Project to TKE Engineering, Inc. in the amount of $910,880 and Approving a 10% Contingency for a Total Project Budget of "Not-to-Exceed" $1,001,968.
Recommendation: Adopt Resolution 2024-132.

6.16 Consideration of Resolution 2024-133, Awarding a Professional Services Agreement to Albert A. Webb Associates in the amount of $79,700 for CEQA Related Biological and Paleontological Monitoring and Reporting During the Construction of Charles Street and Lincoln Street Non-Potable Water Booster Stations
Recommendation: Adopt Resolution 2024-133.

6.17 Consideration of Resolution 2024-134, Approving Amendment No. 1 to the Professional Services Agreement with Kimley-Horn and Associates, Inc. for an Additional Amount of $17,850 for Design of the Lions Park Non-Potable Water Irrigation Conversion
Recommendation: Adopt Resolution 2024-134.

6.18 Consideration of Resolution 2024-135, Approving an Amendment to the GARDA CL West, Inc. Purchase Order (PO 031919) to Increase the Amount by $2,000.00 for a Total of $27,0000.00 for Fiscal Year 2024 Expenditures and Approving a New Purchase Order for GARDA CL West, Inc. to Use During Fiscal Year 2025 for an Amount Not to Exceed $30,000.00
Recommendation: Adopt Resolution 2024-135.

6.19 Consideration of (1) Resolution 2024-136, Amending the Classification and Compensation Plan; and (2) Resolution 2024-137, Revising the Confidential Employee Benefit Plan
Recommendation: Adopt Resolution 2024-136 and Resolution 2024-137.

6.20 Consideration of Resolution 2024-138, Approving an Amendment No. 2 to the Professional Services Agreement (C00853) with Eide Bailly for External Audit Services for Fiscal Year 2022-23 Cost Overruns in the Amount of $50,000 after 23 Percent Discount
Recommendation: Adopt Resolution 2024-138.

6.21 Notification that The City is Changing its Availability Period from 60 Days to 90 Days for Eligible Revenues under the Modified Accrual Basis of Accounting
Recommendation: Receive and file.

7. PUBLIC HEARINGS

7.1 Consideration of Resolution 2024-140, Approving EA 24-0051, an Initial Study/Mitigated Negative Declaration for the Proposed Construction and Operation of a New Non-Potable Water Storage Reservoir that is 24-Feet in Diameter and 21-Feet Tall with a Capacity of Approximately 61,000 Gallons, Associated Appurtenances, Onsite Access Road, and the Construction and Operation of a New Booster Pump Station Designed for the Future Ultimate Flow of 2,500 Gallons Per Minute (GPM). The Proposed Reservoir and Booster Station will

be Located on a Portion of Accessor's Parcel Number (APN) 538-280-001 that is Approximately 7.51 Acres. The Project Site is Located on a City-Owned Property within the Open Space-Parks (OS-P) Zoning District and is Generally Located on the South Side of West Lincoln Street and East of 22nd Street, within the City of Banning, California; and Adopting a Mitigation Monitoring and Reporting Program for the Project
Recommendation: Adopt Resolution 2024-140.

8. REPORTS OF OFFICERS

8.1 Consideration of the Ring of Honor Selection Committee's Nomination to City Council to Place Arthur Lee "Art" Welch in the City of Banning's Ring of Honor
Recommendation: Accept or reject the Ring of Honor Selection Committee's nomination of Arthur Lee "Art" Welch to the City's Ring of Honor.

8.2 Consideration of Resolution 2024-141, Expressing Support for Actions to Further Strengthen Local Democracy, Authority, and Control As Related to Local Zoning and Housing Issues
Recommendation: Adopt Resolution 2024-141.

8.3 Consideration of Resolution 2024-142, Approving a Contract with American Legal Publishing, LLC (C01061) for a Municipal Code Update Project for a Term Ending on December 31, 2025, for Total Not-To-Exceed Amount of $50,000 to Conduct a Holistic Review and Update of the Municipal Code to Modernize the Code Utilizing Reader Friendly Text and Format, Eliminate Outdated and Redundant Provisions, Eliminate Inconsistencies and Contradictions, Simplify Code Provisions, and to Ensure Consistency and Compliance with Current State and Federal Law
Recommendation: Adopt Resolution 2024-142.

8.4 City of Banning Fiscal Year 2022-23 Annual Comprehensive Financial Report (ACFR), Banning Utility Authority (BUA) FY 2022-23 Financial Statements, City of Banning FY 2022-23 GANN Limit Agreed Upon Procedures (AUP) Report, City of Banning FY 2022-23 Single Audit Report, and related Management Letters and Governance Letters
Recommendation: Receive and file City of Banning Fiscal Year 2022-23 Annual Comprehensive Financial Report (ACFR), Banning Utility Authority (BUA) FY 2022-23 Financial Statements, City of Banning FY 2022-23 GANN Limit Agreed Upon Procedures (AUP) Report, City of Banning FY 2022-23 Single Audit Report, and related Management Letters and Governance Letters.

8.5 Consideration of Resolution 2024-143, Creating a Community Revitalization Investment Authority to Operate within the Community, and Making Certain Findings and Taking Certain Actions in Connection Therewith, and Resolution 2024-05 SA, Making Certain Findings Relating to the City of Banning's Creation of a Community Revitalization Investment Authority to Operate within the Community
Recommendation: (1) That the Successor Agency adopt Resolution 2024-05 SA; and (2) That the City Council adopt Resolution 2024-143.

8.6 Consideration of the First Reading and Introduction of Ordinance 1606, Setting Salaries for City Council
Recommendation: Conduct first reading of Ordinance 1606 and set second reading for September 10, 2024 Regular Meeting of the City Council.

9. DISCUSSION ITEMS

9.1 Discussion of Proposed Amendments to Banning Municipal Code and Zoning Pertaining to Cannabis Businesses, Including the Possibility of Implementing an Urgency Ordinance/Moratorium

Recommendation: Receive information and presentation from staff and public speakers; followed by discussion of the Council Members and direction to staff.

9.2 Discussion of the Banning Electric Utility Emergency Rate Increase Scenarios
Recommendation: Discuss the different alternatives for a possible emergency electrical rate increase and provide direction to staff.

9.3 Presentation and consideration of the Results of the Time Study and Associated Cost Analysis of the Itron Electric Meter Failures Due to Mesh Communication Issues that Resulted in Reprogramming and Replacing Impacted Electric Meters
Recommendation: Receive and file presentation and provide direction to staff regarding seeking reimbursement from Itron for meter reprogramming and exchange costs.

9.4 Overview and Presentation of Industrial Development Projects in the City of Banning
Recommendation: Receive, file, and discussion only

10. ITEMS FOR FUTURE AGENDAS

10.1 NEW ITEMS
10.2 EXISTING ITEMS

1. Grow Banning (Sanchez)
2. Neighborhood Groups/Identities (Minjares)
3. Update on Community Garden (Flynn)
4. Zencity Contract (Flynn)
5. Zoom Options for Public Meetings (Flynn)
6. Developer Presentation for Sunset Crossroads Project (Flynn)
7. City Manager Evaluation (Flynn)
8. All Active Lawsuits against the City (Flynn)
9. Map of All Warehouses (Current/Planned) Within the City (Flynn)

11. ADJOURNMENT

Next Regular Meeting – September 10, 2024

AFFIDAVIT • DECLARACIÓN JURADA

IT IS HEREBY CERTIFIED under the laws of the State of California that the above agenda was posted on the City's website (www.banningca.gov) as well as the Bulletin Board at Banning City Hall, located at 99 E Ramsey Street, Banning, CA 92220, at least 72 hours in advance of the meeting.

Caroline Patton, Administrative City Clerk
Secretario adjunto de la ciudad

PUBLIC NOTICE • NOTICIA PÚBLICA

Meeting Agendas and Notices

Interested in receiving email and/or text notifications of upcoming City Council meetings? Sign up for meeting notifications through the City's website. Pursuant to amended Government Code §54957.5(b), staff reports and other public records related to open session agenda items are available on the City's website (www.banningca.gov/).

Public Comment

Agenda Items

Any member of the public may address this meeting of the City Council on any item appearing on the agenda. A five-minute limitation shall apply to each member of the public and no member of the public shall be permitted to share their time with any other person.

Non-Agenda Items

Any member of the public may address this meeting of the City Council on any item which does not appear on the regular meeting agenda but is of interest to the general public and is an item upon which the City Council may act. A three-minute limitation shall apply to each member of the public and no member shall be permitted to share their time with any other person. No action shall be taken, nor discussion held by the City Council, on any item which does not appear on the agenda, unless the action is otherwise authorized in accordance with the provisions of subdivision (b) of §54954.2 of the Government Code.

Special Assistance/Accessibility Requests

In compliance with the Americans with Disabilities Act, any member of the public may request that the agenda and agenda packet be mailed to them. If you need special assistance to participate in this meeting (such as translation services), please contact the City Clerk's Office. Advanced notification of at least 48 hours prior to the meeting will allow the city to make arrangements to ensure your accessibility.

¿Necesita servicios de traducción para participar? Contacto Oficina del Secretario de la Ciudad.

CONTACT • CONTACTO

City Clerk's Office | 951-922-3102 | CityClerks@banningca.gov
99 East Ramsey Street, Banning, California 92220

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Caroline Patton, Administrative City Clerk** **Marisol Lopez, Economic Development Manager**
MEETING DATE:	**August 27, 2024**
SUBJECT:	**Quarterly Small Business Recognition - Family Car Wash**

RECOMMENDATION:

Staff respectfully recommends City Council recognize Family Car Wash, an exceptional small business within the City.

BACKGROUND:

Every quarter, the City recognizes one of its outstanding small businesses. The businesses get recognized at a City Council meeting and highlighted on the City's website and social media.

JUSTIFICATION:

California's small businesses account for over 99% of total businesses in the state and employ more than 7 million people. Small businesses are crucial to the City's local economy.

FISCAL IMPACT:

None

ALTERNATIVES:

N/A

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. Banning Small Business Recognition - August 2024.pdf

City of Banning

Small Business Recognition

PRESENTED TO

Family Car Wash

*This City of Banning recognizes **Family Car Wash** for being `an exceptional small business. The City Council thanks you for showing pride and commitment to enriching the Banning community.*

Presented on this 27th day of August, 2024

Alberto Sanchez, Mayor

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Caroline Patton, Administrative City Clerk** **Doug Schulze, City Manager**
MEETING DATE:	**August 27, 2024**
SUBJECT:	**Approval of the Meeting Minutes for the July 9, 2024 City Council Meetings**

RECOMMENDATION:

Approve the minutes of the July 9, 2024 City Council Meetings.

BACKGROUND:

After every meeting, the City Clerk's Office prepares meeting minutes. The City Council reviews and approves these minutes either as presented or with modifications.

JUSTIFICATION:

These minutes have been prepared as Action Minutes in accordance with City Council Resolution 1995-21 and Government Code Sections 36814, 40801, and 54953(c)(2).

FISCAL IMPACT:

None

ALTERNATIVES:

1. Approve as recommended.
2. Approve with modifications.

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. 2024 07 09_Minutes_Special Meeting - Closed Session.pdf
2. 2024 07 09_Minutes_Special Meeting - Workshop.pdf
3. 2024 07 09_Minutes_Regular Meeting.pdf

The following information comprises the minutes for a special meeting of the City Council, a joint meeting of the Banning City Council and Banning Utility Authority and a joint meeting of the Banning City Council and the Banning City Council sitting in its capacity as the Successor Agency Board.

MINUTES **7/9/2024**
CITY COUNCIL **SPECIAL MEETING**

COUNCIL MEMBERS PRESENT: Council Member Sheri Flynn
Council Member David Happe
Mayor Alberto Sanchez
Council Member Colleen Wallace

COUNCIL MEMBERS ABSENT: Mayor Pro Tem Rick Minjares

OTHERS PRESENT: Doug Schulze, City Manager
Serita Young, City Attorney
Caroline Patton, Administrative City Clerk
Lincoln Bogard, Administrative Services Director
Nicole Jews, Human Resources Manager
Mark Meyerhoff, City Counsel (Liebert, Cassidy, and Whitmore)

1. CALL TO ORDER

Mayor Sanchez called the special meeting to order at 3:00 p.m.

1.1 Roll Call

COUNCIL MEMBER	PRESENT:	ABSENT
Flynn, Sheri	✕	
Happe, David	✕	
Minjares, Rick		✕
Sanchez, Alberto	✕	
Wallace, Colleen	✕	

2. PUBLIC COMMENT – *Agenda Items*

None

3. CLOSED SESSION

Serita Young, City Attorney, read the closed session citation.

3.1 CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency Designated Representatives: Doug Schulze, City Manager; Lincoln Bogard, Administrative Services Director; Art Vela, Director of Public Works; Nicole Jews, Human Resources Manager
Employee Organization: International Brotherhood of Electrical Workers (IBEW)

General Unit; International Brotherhood of Electrical Workers (IBEW) Utility Unit; Teamsters; Banning Police Officers' Association (BPOA)

3.2 CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION
Government Code Section 54956.9(d)(1)
Name of case: Miller v. City of Banning, CVRI2402316

4. ADJOURNMENT

The Special City Council meeting adjourned at 3:31 p.m.

Minutes Prepared by:

Caroline Patton, Administrative City Clerk

*These minutes have been prepared as **Action Minutes** in accordance with City Council Resolution 1995-21 and Government Code Sections 36814, 40801, and 54953(c)(2).*

This entire meeting and all associated documents may be viewed here:
https://banningca.granicus.com/ViewPublisher.php?view_id=1:

The following information comprises the minutes for a special meeting of the City Council, a joint meeting of the Banning City Council and Banning Utility Authority and a joint meeting of the Banning City Council and the Banning City Council sitting in its capacity as the Successor Agency Board.

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COUNCIL MEMBERS PRESENT: Council Member Sheri Flynn
Council Member David Happe
Mayor Alberto Sanchez
Council Member Colleen Wallace

COUNCIL MEMBERS ABSENT: Mayor Pro Tem Rick Minjares

OTHERS PRESENT: Doug Schulze, City Manager
Serita Young, City Attorney
Laurie Sampson, Assistant City Manager
Caroline Patton, Administrative City Clerk
John Garside, Multimedia Specialist
Art Vela, Director of Public Works

1. CALL TO ORDER

Mayor Sanchez called the special meeting to order at 4:05 p.m.

1.1 Roll Call

COUNCIL MEMBER	PRESENT:	ABSENT
Flynn, Sheri	✕	
Happe, David	✕	
Minjares, Rick		✕
Sanchez, Alberto	✕	
Wallace, Colleen	✕	

2. PUBLIC COMMENT – *Agenda Items*

None

3. WORKSHOP

3.1. Update and Discussion on the City Wastewater Treatment Plant Upgrade Project

Art Vela, Director of Public Works, presented the staff report.

4. ADJOURNMENT

The Special City Council meeting adjourned at 4:43 p.m.

Minutes Prepared by:

Caroline Patton, Administrative City Clerk

*These minutes have been prepared as **Action Minutes** in accordance with City Council Resolution 1995-21 and Government Code Sections 36814, 40801, and 54953(c)(2).*

This entire meeting and all associated documents may be viewed here:
https://banningca.granicus.com/ViewPublisher.php?view_id=1

ATTACHMENTS:

Exhibit A – Agenda Item 3.1: Staff Presentation

Wastewater Treatment Plant Upgrade Project

Art Vela, Director of Public Works

July 9, 2024

Outline

- Background, Purpose and Need
- Scope
- Cost
- Funding
- Project Next Steps

BANNING CALIFORNIA

Background, Purpose and Need

- Wastewater Treatment Plant (WWTP)
  - Dates back to 1925 with major improvements made in the 1950's and early 2000's.
  - Many major components reaching their end of life.
  - Design capacity of 3.6 Million Gallons per Day (MGD); current average flow of 2.1 MGD.
  - Treats to secondary, undisinfected standards (minimal uses; no coliform requirement)
- The Wastewater Treatment Plant Upgrade Project ("Project") would result in Title 22 Recycled Water (disinfected tertiary water).

BANNING CALIFORNIA

Background, Purpose and Need

- The Project would:
  - Comply with upcoming discharge standards related to Nitrate as described in the WWTP discharge permit (Board Order R7-2016-0015).
    - Current Nitrate concentration is 29 mg-N/L
    - EPA Max. Contaminant Level standard is 10 mg-N/L
  - Construct a Master Planned facility identified in the City's Integrated Master Plan for Water, Wastewater and Recycled Water
  - Provide for a source of recycled water leading to a diverse water portfolio to meet the City's current and future water demands
    - Local groundwater safe yield
    - Imported Water
    - Recycled Water

BANNING CALIFORNIA

Scope of Work

- 3.6 MGD Membrane Bioreactor (MBR) Facility
- Reverse Osmosis (RO) facility to meet the Beaumont Basin Maximum Benefit Objectives:
  - Total Dissolved Solids (TDS): 330 mg/L
  - Nitrate: 5 mg-N/L
- Brine drying beds and evaporators
- Replacement of existing mechanical components

BANNING CALIFORNIA

Project Costs

- 2022 Water/Wastewater Rate Study
  - Project budget of $45,825,000 (Design/Construction)
    - Based on 2020 Nitrogen Removal Feasibility Study (approx. $35M)
  - $25,000,000 in debt financing
- Preliminary Engineering estimate indicates project costs around $76.3M.
- Current solicitation has included a design-to-budget approach for a $60M budget.

Funding Sources

Cash Balances

- Fund 660 (Water Operations): $25,400,000
  - Allocated to Project: $4,500,000
- Fund 661 (Water Improvement Fund): $3,235,000
  - Allocated to Project: $1,000,000
- Fund 680 (Wastewater Operations): $5,795,000
  - Allocated to Project: $3,000,000
- Fund 681 (Wastewater Improvement Fund): $10,875,000
  - Allocated to Project: $6,500,000
- Fund 682 (Tertiary Fund): $8,001,000
  - Allocated to Project: $8,000,000
- Fund 683 (BUA Wastewater Bond): $2,500,000
  - Allocated to Project: $2,500,000

TOTAL ALLOCATED TO PROJECT:

$25,500,000

FUNDING SHORTFALL:

$34,500,000

Finance Options

- Revenue Bonds
  - Straight forward
  - Competitive interest rates
- i-Bank Infrastructure State Revolving Fund (ISRF)
  - 3-6 months to close
  - Will qualify for .45% point discount (DAC, MHI, Unemployment)
- Water Infrastructure Finance and Innovation Act (WIFIA)
  - 15-16 months to close
  - Payments can be deferred up to 5 years
  - Application Fee: $100,000
- State Revolving Fund
  - Great interest rates
  - Funds up to 35% of construction estimates
  - 12-14 months
  - Several application packages
  - Program is underfunded

Financing needed for construction phase FY 2026/2027

Grants

- Bureau of Reclamation WaterSMART: Title XVI WIIN Act Water Reclamation and Reuse Projects (2 Rounds)
  - Funds up to 25% ($30M Max.) of total project costs.
  - City submitted for Round 1, but was unsuccessful
  - City is preparing to submit for Round 2. Applications due 9/30/24.
    - Awards announced in February, 2025.
    - City could receive $15M for a $60M project.

Next Steps

- <u>Do Nothing (Shelve Project)</u>
  - Not recommended
  - Project needs: regulatory compliance, replace aging assets, diversify water supply portfolio, continued increase in costs
- <u>Continue with Project (Progressive Design Build)</u>
  - Solicit proposal for Phase 1 (Design)
    - Estimated cost $4.5M - $6.0M (In approved budget)
    - Design-to-Budget ($60M Budget)
  - Phase 2 (Construction)
    - Option 1: Scope project to originally budgeted amount ($40M)
      - Descoped items (e.g. RO, MBR size) could be funded by future rate adjustments
    - Option 2: Scope to $55-$60M if Title XVI Round 2 funds awarded

BANNING CALIFORNIA

Discussion and Questions

City of BANNING
INCORPORATED 1913
ENDLESS OPPORTUNITY

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MINUTES **7/9/2024**
CITY COUNCIL **REGULAR MEETING**

COUNCIL MEMBERS PRESENT: Council Member Sheri Flynn
Council Member David Happe
Mayor Pro Tem Minjares
Mayor Alberto Sanchez
Council Member Colleen Wallace

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Doug Schulze, City Manager
Laurie Sampson, Assistant City Manager
Serita Young, City Attorney
Caroline Patton, Administrative City Clerk
John Garside, Multimedia Specialist
Lincoln Bogard, Administrative Services Director
Art Vela, Director of Public Works
Emery Papp, Senior Planner

1. CALL TO ORDER

Mayor Sanchez called the regular meeting to order at 5:01 p.m.

1.1. Invocation – Reverend Dr. James Baylark of First Community Baptist Church led the invocation.

1.2. Pledge of Allegiance

1.3. Roll Call

COUNCIL MEMBER	PRESENT	ABSENT
Flynn, Sheri	✕	
Happe, David	✕	
Minjares, Rick	✕	
Sanchez, Alberto	✕	
Wallace, Colleen	✕	

2. AGENDA APPROVAL

2.1. Approve Agenda

Motion to approve the agenda, reordering agenda item 6.2 and 7.1 to before the consent agenda.

Motion by Mayor Sanchez
Seconded by Council Member Wallace

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

3. PRESENTATIONS

3.1 Proclamation - Parks and Recreation Month

4. REPORT ON CLOSED SESSION

Serita Young, City Attorney reported that there was discussion and direction provided to staff, with no final nor reportable action.

5. PUBLIC COMMENTS, CORRESPONDENCE, APPOINTMENTS, CITY COUNCIL COMMITTEE REPORTS, CITY MANAGER REPORT, AND CITY ATTORNEY REPORT

5.1. PUBLIC COMMENTS

The following individuals addressed City Council during Public Comment:

- Frank Burgess
- Lynnea Hagen
- Ellen Carr
- John Hagen
- Inge Schuler
- Virginia DeBry
- Cindy Barrington
- Diego Rose
- Kathleen Dale
- Virginia Cervantes
- Bill Hobbs
- Frank Connolly

5.2. CORRESPONDENCE

There were a number of items of correspondence related to Agenda Item 7.1 which were provided to the City Council. One item of correspondence was received related to general interest, which was also provided to the City Council.

5.3. APPOINTMENTS

5.3 Designation of Voting Delegate and Alternate for the 2024 League of California Cities (Cal Cities) Annual Conference

Motion to appoint Council Member Wallace as the Voting Delegate and Council Member Flynn as the Alternate for the 2024 League of California Cities (Cal Cities) Annual Conference.

Motion by Mayor Sanchez
Seconded by Mayor Pro Tem Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

5.4. CITY COUNCIL COMMITTEE REPORTS
Council Member Wallace reported on a Western Riverside County Regional Conservation Authority (RCA) meeting as well a CalCities Riverside Division meeting.

Mayor Pro Tem Minjares had no report.

Council Member Flynn reported on a Riverside County Transportation Commission (RCTC) meeting and a CalCities Riverside Division meeting. She also spoke on the Animal Shelter Ad Hoc Committee.

Council Member Happe had no report.

Mayor Sanchez had no report.

5.5. CITY MANAGER REPORT
City Manager Schulze reported on a recent Supreme Court ruling related to illegal camping ordinances. He then updated the City Council on the current status of animal shelter services in the City. He stated he would abstain from agenda item 6.9.

5.6. CITY ATTORNEY REPORT
City Attorney Young noted that she would be abstaining from agenda item 6.18.

5.7. CITY TREASURER REPORT
City Treasurer Geronimo was not in attendance.

6.2 Consideration of Resolution 2024-113, a Resolution of the City Council of the City of Banning, California, Setting Aside and Vacating its Previous Approval of Tentative Parcel Map No. 38164, Approval of Design Review 21-7008 and Denial of the Appeal of the Planning Commission's Approval of Design Review 21- 7008, and Adoption of an Addendum, All in Connection with the Banning Point Project, Doing so in Compliance with the Peremptory Writ of Mandate that Requires the City

Council to Set Aside and Vacate those Decisions, and Rescinding City Council Resolution 2022-14

Serita Young, City Attorney, presented the staff report.

Public Comment

- Kathleen Dale
- Inge Schuler
- Ismael Morales
- Paige Gosney

Motion to adopt Resolution 2024-113.

Motion by Mayor Sanchez
Seconded by Council Member Wallace

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

Mayor Sanchez announced a recess at 6:21 p.m. The meeting was reconvened at 6:39 p.m.

7.1. Consideration of Resolution 2024-114, (1) Approving Tentative Parcel Map No. 38164, Allowing the Subdivision of Approximately 47 Gross Acres of Vacant Land Into Three Parcels; (2) Affirming the Planning Commission's Approval of Design Review No. 21-7008 and Denying an Appeal of that Decision and Permitting the Construction of a Proposed 619,959 Square Foot Industrial Warehouse Building, including 10,000 Square Feet of Office Space and a Combined 34,000 Square Feet of Retail/Commercial Buildings, on Real Property Located within the Boundaries of the Sun Lakes Village North Specific Plan Area (APN: 419- 140-057); and (3) Adopting an Addendum under the California Environmental Quality Act (CEQA) and Making Findings in Support Thereof, Including Findings of Consistency with the Certified Environmental Impact Report Prepared for Amendment No. 5 to the Sun Lakes Village North Specific Plan (SCH # 2020029074)

Mayor Sanchez explained the procedural order of the meeting, the use of speaker cards, the time limit for public comments and the rules of decorum.

Mayor Sanchez invited the Council Members to disclose any "extra-meeting contacts" with applicant and/or appellant:

- **Council Member Wallace** reported she had met with the applicant but gained no additional information than presented in the staff report.
- **Mayor Pro Tem Minjares** reported having attended no meetings.

- **Council Member Flynn** reported having participated in two Pass Action Group meetings as an observer.
- **Council Member Happe** reported he had met with the applicant but gained no additional information than presented in the staff report.
- **Mayor Sanchez** reported having attended no meetings.

Emery Papp, Senior Planner, presented the staff report to the City Council.

Applicant Presentation
Josh Zemon and Auggie Gomez of Creation Equity presented on behalf of the project applicant. Paige Gosley, Legal Counsel for the applicant, spoke on behalf of Creation Equity. Applicants answered the City Council's clarifying questions.

Appellant Presentation
Randy Robbins presented on behalf of the appellant, Pass Action Group. Appellants answered the City Council's clarifying questions.

Appellant Rebuttal
Kevin Bundy, Legal Counsel for the appellants, presented on behalf of the Pass Action Group.

Applicant Rebuttal
Paige Gosley, Legal Counsel for the applicants, presented on behalf of Creation Equity. Josh Zemon also addressed the City Council in support of the project.

Mayor Sanchez announced a recess at 8:41 p.m. The meeting was reconvened at 9:05 p.m.

Public Testimony
- Juan Serrato spoke in support.
- Jonathan Dailey spoke in support.
- Alex Zamora spoke in support.
- Virginia DeBry spoke in opposition.
- John Swem spoke in opposition.
- Bruce L. Brown spoke in opposition.
- Michele Walter spoke in opposition.
- James Corrigan spoke in opposition.
- Al Sanchez spoke in support.
- John Hagen spoke in opposition.
- Virgina E. Cervantes spoke in opposition.
- Nick Gumbleton spoke in support.
- Andrew Mayorga spoke in support.
- Ralph Velador spoke in support.
- Jose Radillo spoke in support.
- Ismael Morales spoke in opposition.
- Ron Roy spoke in opposition.
- Jose Garcia spoke in support.
- Mario Gamboa spoke in support.
- Steven Parker spoke in opposition.
- Efrain Lopez spoke in support.

- Jayson Baiz spoke in support.
- Richard McHard spoke in opposition.
- Bill Hobbs spoke in opposition.
- Betty Badalamente spoke in opposition.
- Kathleen Dale spoke in opposition.

Motion to direct staff to prepare a resolution approving the tentative parcel map.

Motion by Council Member Flynn
Seconded by Mayor Pro Tem Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

Motion to direct staff to prepare a resolution denying Design Review 21-7008 based on the facts articulated by the City Council supporting findings for denial and bring the resolution back to City Council for their consideration at a future meeting.

Motion by Mayor Pro Tem Minjares
Seconded by Council Member Flynn

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto		✕			
Wallace, Colleen		✕			

Motion approved by a vote of 3-2.

Motion to continue the meeting until 11:00 p.m.

Motion by Mayor Sanchez
Seconded by Council Member Wallace

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

Mayor Sanchez announced a recess at 10:48 p.m. The meeting was reconvened at 10:59 p.m.

6. CONSENT AGENDA

6.1 Approval of the Meeting Minutes for the June 25, 2024 City Council Meetings

6.2 ~~Consideration of Resolution 2024- 113, a Resolution of the City Council of the City of Banning, California, Setting Aside and Vacating its Previous Approval of Tentative Parcel Map No. 38164, Approval of Design Review 21-7008 and Denial of the Appeal of the Planning Commission's Approval of Design Review 21- 7008, and Adoption of an Addendum, All in Connection with the Banning Point Project, Doing so in Compliance with the Peremptory Writ of Mandate that Requires the City Council to Set Aside and Vacate those Decisions, and Rescinding City Council Resolution 2022-14~~ *Considered above.*

6.3 Consideration of Resolution 2024 -115, Awarding a Citywide Professional Services Agreement for As Needed Public Relations and Community Outreach Consulting Services in the amount of $295,000 for Three (3) Year Agreement with DeGrave Communications Inc.

6.4 Consideration of Resolution 2024 -116, Approving the Award of Contract for Roadway and Storm Drain Asset Collection and Analysis with Roadway Asset Services of Austin, Texas for Fiscal Year 2024/2025 in the Amount of $302,082

6.5 Consideration of Resolution 2024-117, Approving an Exclusive Negotiating Agreement with Investel Development LLC for City-Owned Real Property Located at 150 E. Ramsey Street, Banning (APNs 541-181-032, 541-181-033, 541-181-034, and 541-181-035)

6.6 Consider Resolution 2024- 118, Rescinding its Adoption of Resolution 2024-66, and Approving an Office Lease with Riverside County on Behalf of the Emergency Management Department for Office Space within the Armory Located at 2041 W. Nicolet St. to be used by the Radio Amateur Emergency Service (RACES)

6.7 Consideration of Resolution 2024- 119, Awarding a Professional Services Agreement for the Design of Traffic Signal Hardware Upgrade at 17 Intersections to STC Traffic, Inc. in the amount of $74,760 and Approving a 10% Contingency for a Total Project Budget of "Not-to-Exceed" $82,236

6.8 Consideration of Resolution 2024-120, Approving and Authorizing Submittal of California Emergency Management Agency Form to California Office of Emergency Services Form 130 Designating Personnel to Act As the Agent for the City When Seeking Financial Assistance After a Disaster

6.9 Consideration of Resolution 2024-121, Approving a Deposit/Reimbursement Agreement with NP Banning Industrial, LLC

6.10 Consideration of Resolution 2024-122, Adopting Administrative Policy, Risk Management (RM) #6 - A Workplace Violence Prevention Plan

6.11 Consideration of Resolution 2024-123, Approving the Line Extension Reimbursement Agreement Between the City of Banning and Robertson's Ready Mix, LTD

6.12 Consideration of Resolution 2024-124, Awarding a Contract with Pinnacle Petroleum Inc. for Unleaded and Diesel Bulk Fuel Services in the Amount of $500,000

6.13 Consideration of Resolution 2024-125, Approving A Successor Memorandum of Understandings with the Teamsters Local 1932, Representing the Association of Mid-Management and Professional Employees, Effective July 1, 2022, through June

30, 2024, and Authorizing the City Manager to Finalize and Execute a Successor Agreement

6.14 Consideration of Resolution 2024-06 UA, Adopting the City of Banning's Sanitary Sewer Management Plan

6.15 Second Reading and Adoption of Ordinance 1605, Amending Table 17.08.020 of Section 17.08.020 of Article I of Chapter 17.08 of Division II of Title 17 of the City of Banning Municipal Code to Clarify that Affordable Housing Uses are Permitted by Right and are not Subject to Discretionary Action in Specified Zoning Districts as Required by State Law; and Making a Determination of Exemption from the California Environmental Quality Act

6.16 Accept as Complete Various Improvements Related to the Atwell Specific Plan Development and Authorize the 90% Bond Exoneration

6.17 Butterfield Specific Plan Project ("Atwell") Annual Development Agreement Review for 2024

6.18 City Attorney Annual Consumer Price Index (CPI) Adjustment

6.19 Consideration of Resolution 2024-126, Declaring the Intent of the City to be Reimbursed for Certain Capital Expenditures from the Proceeds of Indebtedness

6.20 Consideration of Resolution 2024-127, Approving the purchase of a 2024 Chevrolet Silverado and All Needed Up Fitting Using PACT Funds in an Amount Not to Exceed $97,250.00

Public Comment
None

Motion to adopt consent agenda items 6.6 to 6.8, 6.10 to 6.17, and 6.19.

Motion by Council Member Wallace
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

Motion to continue the meeting for another hour, to 12:00 a.m.

Motion by Mayor Sanchez
Seconded by Council Member Wallace

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

6.1 Approval of the Meeting Minutes for the June 25, 2024 City Council Meetings

Public Comment
None

Motion to attach the list of recommendations from the Animal Shelter Ad Hoc Committee to the meeting minutes for the Special City Council Meeting - Workshop that occurred on June 25, 2024.

Motion by Council Member Happe
Seconded by Mayor Pro Tem Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

6.3 Consideration of Resolution 2024-115, Awarding a Citywide Professional Services Agreement for As Needed Public Relations and Community Outreach Consulting Services in the amount of $295,000 for Three (3) Year Agreement with DeGrave Communications Inc.

Art Vela, Director of Public Works, responded to questions.

Public Comment
None

Doug Schulze, City Manager, added additional context to the staff report.

Motion to adopt Resolution 2024-115.

Motion by Council Member Happe
Seconded by Council Member Wallace

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri		✕			
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 4-1.

6.4 Consideration of Resolution 2024-116, Approving the Award of Contract for Roadway and Storm Drain Asset Collection and Analysis with Roadway Asset Services of Austin, Texas for Fiscal Year 2024/2025 in the Amount of $302,082

Art Vela, Director of Public Works, responded to questions.

Public Comment
None

Motion to adopt Resolution 2024-116.

Motion by Council Member Wallace
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

6.5 Consideration of Resolution 2024-117, Approving an Exclusive Negotiating Agreement with Investel Development LLC for City-Owned Real Property Located at 150 E. Ramsey Street, Banning (APNs 541-181-032, 541-181-033, 541-181-034, and 541-181-035)

Doug Schulze, City Manager, responded to questions.

Public Comment
None

Motion to adopt Resolution 2024-117.

Motion by Council Member Wallace
Seconded by Mayor Pro Tem Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri		✕			
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 4-1.

6.9 Consideration of Resolution 2024-121, Approving a Deposit/Reimbursement Agreement with NP Banning Industrial, LLC

City Manager Schulze stated he would recuse himself due to personal property within 500 feet of the project.

Emery Papp, Senior Planner, responded to questions.

Public Comment
- Frank Connolly

Motion to adopt Resolution 2024-121.

Motion by Council Member Happe
Seconded by Mayor Pro Tem Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

6.18 City Attorney Annual Consumer Price Index (CPI) Adjustment

City Attorney Young stated she would recuse herself due to a financial interest in her employer.

Lincoln Bogard, Administrative Services Director, responded to questions.

Public Comment
- Frank Connolly

Motion to approving the annual rate increase in excess of 3% for the legal services agreement with Richards, Watson, and Gershon.

Motion by Council Member Wallace
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri		✕			
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 4-1.

6.20 Consideration of Resolution 2024-127, Approving the purchase of a 2024 Chevrolet Silverado and All Needed Up Fitting Using PACT Funds in an Amount Not to Exceed $97,250.00

Lincoln Bogard, Administrative Services Director, and Brandon Smith, Police Lieutenant, responded to questions.

Public Comment
None

Motion to adopt Resolution 2024-127.

Motion by Mayor Sanchez
Seconded by Council Member Wallace

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

7. PUBLIC HEARING(S)

7.1 ~~Consideration of Resolution 2024-114, (1) Approving Tentative Parcel Map No. 38164, Allowing the Subdivision of Approximately 47 Gross Acres of Vacant Land Into Three Parcels; (2) Affirming the Planning Commission's Approval of Design Review No. 21-7008 and Denying an Appeal of that Decision and Permitting the Construction of a Proposed 619,959 Square Foot Industrial Warehouse Building, including 10,000 Square Feet of Office Space and a Combined 34,000 Square Feet of Retail/Commercial Buildings, on Real Property Located within the Boundaries of the Sun Lakes Village North Specific Plan Area (APN: 419- 140-057); and (3) Adopting an Addendum under the California Environmental Quality Act (CEQA) and Making Findings in Support Thereof, Including Findings of Consistency with the Certified Environmental Impact Report Prepared for Amendment No. 5 to the Sun Lakes Village North Specific Plan (SCH # 2020029074)~~ *Considered above.*

8. REPORTS OF OFFICERS

None

9. DISCUSSION ITEM(S)

None

10. ITEMS FOR FUTURE AGENDAS

10.1. New Items

1. Increasing City Council, City Treasurer, City Clerk Compensation (Flynn)

10.2. Pending Items:

1. Grow Banning (Sanchez)
2. Neighborhood Groups/Identities (Minjares)
3. Update on Community Garden (Flynn)
4. Zencity Contract (Flynn)
5. Zoom Options for Public Meetings (Flynn)
6. Developer Presentation on Sunset Crossroads Project (Flynn)
7. City Manager Evaluation (Flynn)
8. ~~Closed Session: Information Given to the Council on Lawsuit against the City (Flynn)~~
9. All Active Lawsuits against the City (Flynn)
10. Plot Map for Warehouses (Current/Planned) in the City (Flynn)

11. ADJOURNMENT

Motion to adjourn.

Motion by Mayor Pro Tem Minjares
Seconded by Council Member Wallace

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

The meeting was adjourned at 11:47 p.m.

Minutes Prepared by:

Caroline Patton, Administrative City Clerk

*These minutes have been prepared as **Action Minutes** in accordance with City Council Resolution 1995-21 and Government Code Sections 36814, 40801, and 54953(c)(2).*

This entire meeting and all associated documents may be viewed here:
https://banningca.granicus.com/ViewPublisher.php?view_id=1

ATTACHMENTS:

Exhibit A – Public Comment Received
Exhibit B – Agenda Item 7.1 – Staff Presentation

Exhibit C – Agenda Item 7.1 – Applicant Presentation
Exhibit D – Agenda Item 7.1 – Appellant Presentation
Exhibit E – Agenda Item 7.1 – Public Comment Received

Exhibit A

From:	Kathy Martin
Sent:	Tuesday, July 9, 2024 4:37 PM
To:	City Manager; Alberto Sanchez; Rick Minjares; David Happe; Colleen Wallace; Caroline Patton
Subject:	Request for Action About a Council Member's Behavior
Attachments:	Tonight's City Council Meeting June 25, 2024.eml

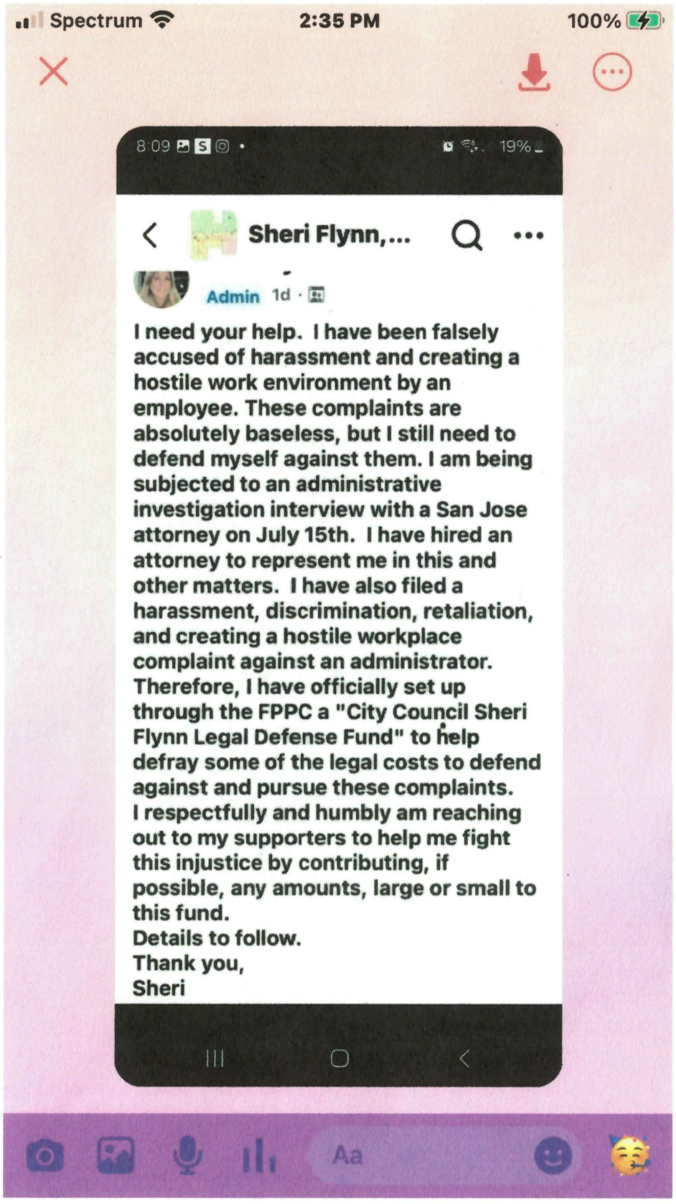
Dear City of Banning Representatives,

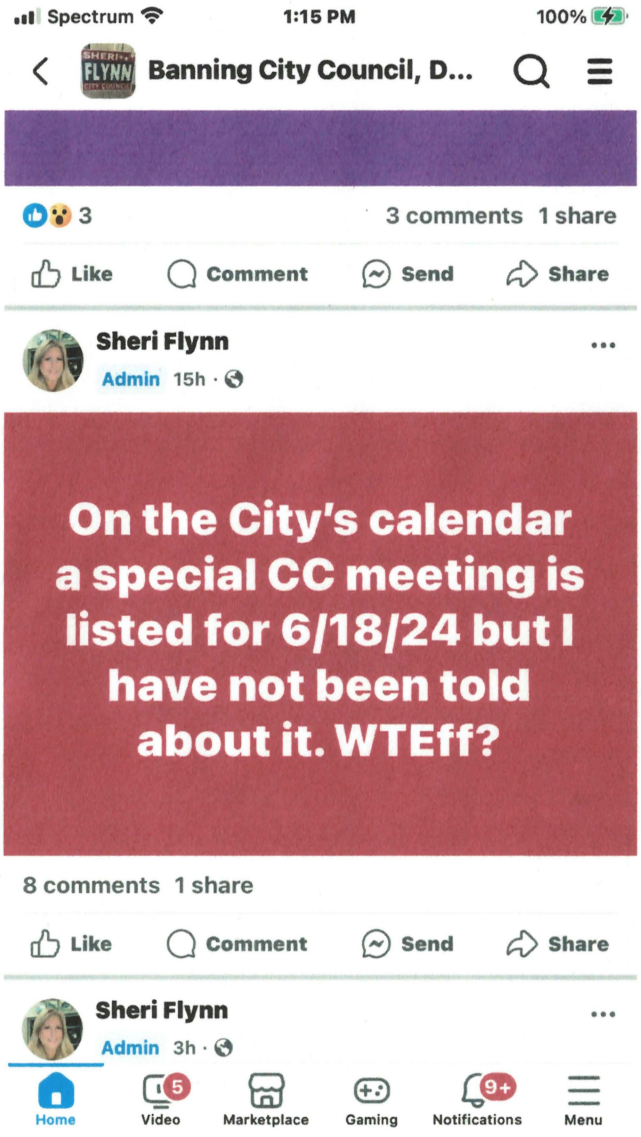
I've forwarded the last email I sent to all of you (June 25, 2024) concerning behavior of Council Member Sheri Flynn at council meetings, on social media, and most recently in person. I never received a reply email, nor did I see any improvement in the behavior I cited that damages our city's reputation, community confidence, and now, my personal safety.

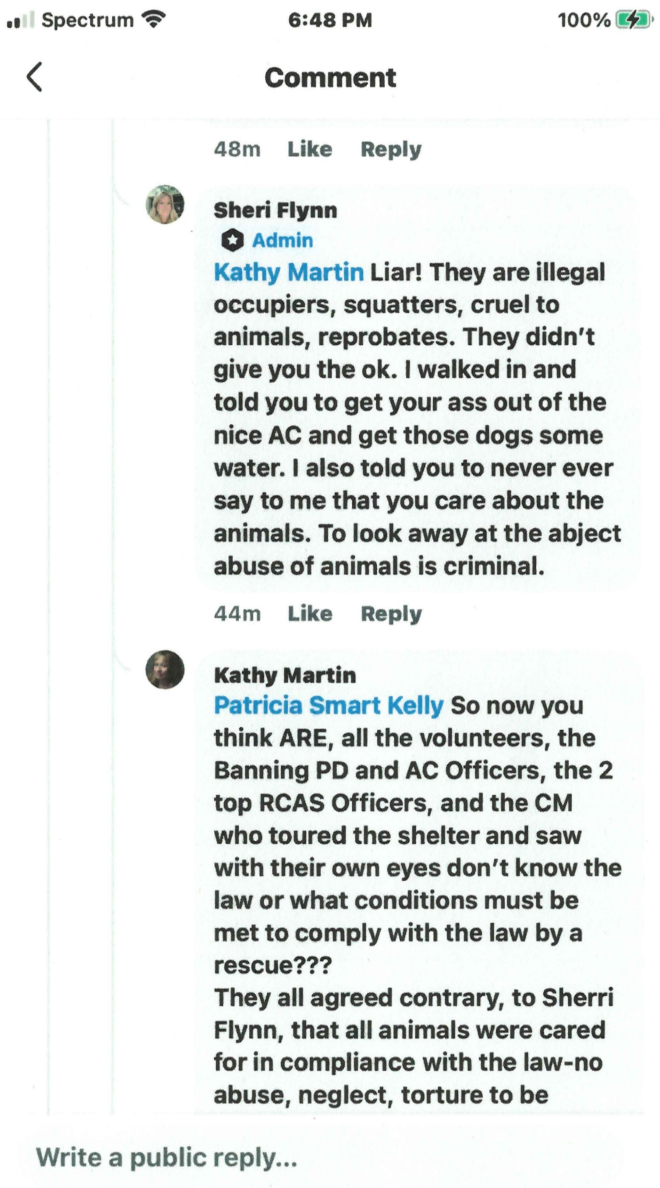
I've witnessed CM Flynn heckle community members who have an opinion contrary to her own during public comments. "Wipe that smile off your face" (directed to Chef Jeff Platt), "You're a liar" (directed at me when I stated I'd emailed and left a phone message on her city phone-she later found out she had IT problems.) She has overtalked every one of you, including the District Attorney, and not faced consequences.

On Facebook and elsewhere, she calls you (as a group or individually) "rubber stampers, liars, harassers, crooks accepting illegal donations via pay for play agreements, unintelligent, felons, uneducated, lazy"...and mumbled cuss words when she thought no one was listening.

CM Flynn and her surrogates post embarrassing, unprofessional memes, and comments on Facebook's "Positively Banned in Banning" and "Banning City Council District 3, Sheri Flynn". I have screen shotted more than 100 of them because after each rant, she takes them back down. Here are just a few:


Spectrum
2:35 PM
100%
8:09
19%
Sheri Flynn,...
Admin 1d ·
I need your help. I have been falsely accused of harassment and creating a hostile work environment by an employee. These complaints are absolutely baseless, but I still need to defend myself against them. I am being subjected to an administrative investigation interview with a San Jose attorney on July 15th. I have hired an attorney to represent me in this and other matters. I have also filed a harassment, discrimination, retaliation, and creating a hostile workplace complaint against an administrator. Therefore, I have officially set up through the FPPC a "City Council Sheri Flynn Legal Defense Fund" to help defray some of the legal costs to defend against and pursue these complaints. I respectfully and humbly am reaching out to my supporters to help me fight this injustice by contributing, if possible, any amounts, large or small to this fund.
Details to follow.
Thank you,
Sheri
Aa


Spectrum
1:15 PM
100%
Banning City Council, D...
3
3 comments 1 share
Like
Comment
Send
Share
Sheri Flynn
Admin 15h ·
On the City's calendar a special CC meeting is listed for 6/18/24 but I have not been told about it. WTEff?
8 comments 1 share
Like
Comment
Send
Share
Sheri Flynn
Admin 3h ·
Home
Video
Marketplace
Gaming
Notifications
Menu



Although Ms. Flynn has been unkind to me before, she was threatening and intimidating with her words and behavior on July 5, 2024 towards me and others. In her 2nd unannounced "Free The Animals-They Are Being Abused, Tortured, and Neglected" attempt, I witnessed her disrespect toward the Banning Police, ARE Staff, the CM, and 3 volunteers (myself included). Her hollering, demanding, swearing, gesturing behavior was unsettling.

The police had asked us to stay in the office building while he investigated Ms. Flynn's request to arrest Amber for squatting and torturing the animals. While Amber and the CM calmly discussed matters in a back office, Ms. Flynn pushed through the front door, exited into the kennel area and grabbed the hose. She ordered me to "Get your a** out there and give the animals water-they are dying." I told her the police told us we couldn't do our work until she left. She hollered and pointed her finger in my face, "Kathy Martin, you b****, don't ever tell me you care about animals because you are an abuser too!"

After she left, RCAS and CM Doug Schulze toured the campus and found no areas that were out of compliance with the laws. (We were hosing the kennels and refilling water dishes with cold water every few hours lately.) From that day forward, Ms. Flynn and her surrogates are posting videos Sheri took on July 5 to support her unfounded claims for all to see.

Please rein in the hostile behavior Council Member Flynn has been allowed to get away with for too long. Only then will I feel safe and protected enough to attend city council meetings.

Sincerely,

Kathleen M. Martin

Get Outlook for iOS

From: Kathy Martin
Sent: Tuesday, June 25, 2024 4:37 PM
To: citymanager@banningca.gov; asanchez@banningca.gov; rminjares@banningca.gov; cwallace@banningca.gov; Dhappe@banningca.gov
Subject: Tonight's City Council Meeting June 25, 2024

Dear City Manager and City Council,

I read you will be discussing the city's plans for the Banning Animal Shelter this evening. I want to let you know that I appreciate the courteous, concerned, and kind way you have listened to my experiences and ideas about the future of the ARE Rescue since I took up the cause in December of this year. Because of this, I will support and respect whatever decision you come up with as I believe you have considered this challenge, as well as many other challenges that Banning faces. I see that in your decisions to welcome and expand businesses and improve the way others see our city. I have seen all who've been sent this email attend and support community events (Town Hall Meetings, the Veteran's Expo, Chamber openings, Habitat for Humanity openings, holiday celebrations, etc.). You are actively promoting what can make our city grow in a positive direction.

What I cannot do is attend a meeting where one apple upsets the whole apple cart. She uses profane and degrading language. She accuses others of being "rubber stampers" if they don't fully back her ideas without question. She labels groups of you as "crooks", "liars", "buddies", folks who "have something to hide", and "pay-for-players" when votes don't go her way. She chatters audibly and to herself when others (council and community members alike) speak on a position she's not already on board with. She has tantrums and claimed "harassment" for a decision made during a closed meeting.

I will be watching the meeting from home tonight. I hope for peace, civility, and acceptance so the community can move forward in as an intelligent and affordable way as is possible.

Respectfully,

Kathleen Martin
5700 W. Wilson St. #137
Banning, CA 92220

auntiekath1@msn.com

Exhibit A

City of Banning Fire Services

Office of the Fire Marshal

Project Corrections

Date: 6/28/24
City Case Number:
Project Name: 1372 Vista Serena Banning, Ca 92220
Address: 1372 Vista Serena Banning, Ca 92220 → 1248 Vista Serena
Reviewed By: Mikki Sherry, Supervising Fire Marshal
Fire Department Permit Number:
City of Banning Office of the Fire Marshal

It is the responsibility of the recipient of these Fire Department conditions to forward them to all interested parties. The permit number (**as it is noted above**) is required on all correspondence.

Additional information is available at our website: www.rvcfire.org

Questions should be directed to the Riverside County Fire Department, Office of the Fire Marshal at 99 E. Ramsey St. Banning, CA 92220 (951) 922-3169.

With respect to the conditions of approval for the referenced project, the Fire Department requires the following fire protection measures be provided in accordance with Riverside County Ordinances and/or recognized fire protection standards:

1. Provide documentation that gate was permitted through the City of Banning or submit gate plans to acquire permits for the Fire Department access gate. 143" X 6'
2. ~~Provide AES 1 and AES 4 per NFPA for testing of underground private fire hydrants from a C-16 contractor.~~
3. Re-stripe fire lanes red and wording shall be white specifying, "NO PARKING FIRE LANES – CVC 22500.1"
4. Cover open electrical at doorbell adjacent to unit 1365.
5. Fire extinguishers throughout property shall be relocated to an accessible location or trim shrubs to allow access to the fire extinguisher.
6. ~~Addressing shall permanently marked at the following locations: 1278, 1276, 1274~~, 1272.
7. Reduce flammable liquids (Class I liquids) to less than 5 gallons or provide a flammable liquids cabinet in maintenance garage.
8. Provide housekeeping in maintenance shed.
9. Remove leaves from pool pump area.
10. Remove multisplit in laundry room or provide an additional outlet in laundry room area.
11. Fire extinguishers shall be placed every 75 feet of travel distance throughout property.

Should you have any questions, or if some items are unclear, please phone our office at 951-922-3169 and speak with Supervising Fire Marshal, Mikki Sherry to assist you with these conditions.

Mikki Sherry, Supervising Fire Marshal

CAL FIRE/Riverside County Fire Department
City of Banning Office of the Fire Marshal
Office - (951) 922-3169
msherry@banningca.gov

Exhibit B

CITY COUNCIL AGENDA

ITEM 7.1 PUBLIC HEARING
JULY 9, 2024
DR 21-7008 & TPM 38164

BANNING POINT PROJECT – CONSIDERATION OF RESOLUTION 2024-114 APPROVING A TENTATIVE PARCEL MAP TO DIVIDE 47 ACRES OF VACANT LAND INTO 3 PARCELS; AND AFFIRMING THE PLANNING COMMISSION'S APPROVAL OF DESIGN REVIEW (AND DENYING AN APPEAL OF THAT DECISION) FOR A PROPOSED INDUSTRIAL WAREHOUSE BUILDING OF 619,959 SQUARE FEET, INCLUDING 10,000 SQUARE FEET OF OFFICE SPACE, AND SIX RETAIL/COMMERCIAL BUILDINGS TOTALING 34,000 SQUARE FEET WITHIN THE SUN LAKES VILLAGE NORTH SPECIFIC PLAN AREA (APN 419-140-057)

Background/Project Timeline

- In December 2020, the City Council approved Amendment No. 5 to the SLVNSP which modified land uses in the Plan area, including those in the Banning Point Project area.

  The prior SLVNSP Amendment No. 4 allowed for:

  24.81 Acres (Planning Area B) for Auto Dealership uses adjacent to I-10/UP ROW

  10.79 Acres (Planning Area D) for Retail/Commercial Uses

  6.58 Acres (Planning Area E) for Retail/Commercial/Auto Dealership uses

  4.92 Acres for Streets and Circulation

  The SLVNSP Amendment No. 5 currently allows for:

  30.22 Acres for a Business & Warehouse District

  10.06 Acres for an Office & Professional District

  6.83 Acres for a Retail & Service District

- In connection with Amendment No. 5, the City Council certified a Program Environmental Impact Report (EIR) prepared under the California Environmental Quality Act (CEQA).
- No one challenged the Program EIR or Amendment No. 5, and those actions are now final.

Background/Project Timeline (cont'd)

- The Banning Point Project Design Review (DR) and Tentative Parcel Map (TPM) applications were heard by the Planning Commission on October 19, 2021 and on December 1, 2021.
- The Planning Commission approved the DR and recommended approval of the TPM to the City Council.
- The Planning Commission's action was appealed by the Pass Area Action Group (PAG) and set for hearing on January 31, 2022, which was rescheduled to February 17, 2022 at the request of PAG and the Applicant.
- The City Council adopted an Addendum to the Program EIR under CEQA (as the Project proposes a smaller development than that analyzed in the Program EIR), denied the appeal of DR 21-7008, and approved TPM 38164 on February 17, 2022 when it adopted Resolution 2011-14 by a vote of 4-1, Councilmember Hamilin voting "No."

Background/Project Timeline (cont'd)

- On April 18, 2022, PAG filed a lawsuit in Riverside County Superior Court, challenging the City's approval of the Project.
- The lawsuit challenged the City Council hearing in two main respects:
  - The lawsuit alleged that three Councilmembers were biased and thus the hearing was not fair.
  - The lawsuit alleged that the City violated CEQA by adopting an Addendum to the Program EIR.

Background/Project Timeline (con't.)

- Following briefing and a bench trial, on March 13, 2024, the trial court ruled that the former Councilmember Hamlin was biased and thus the hearing was not fair. The Court ordered the City Council to set aside and vacate the approvals, and to hold a new hearing without the participation of (former) Councilmember Hamlin if the Project was going to be reconsidered.
- The Court also ruled that PAG "… has not carried its burden of proof on any remaining issue" and the Court "would not grant the writ but for the fair hearing issue."
  - The Court ruled that the City fully complied with CEQA in its determination that the Project is consistent with the Program EIR certified for Amendment No. 5 to the Sun Lakes Village North Specific Plan and the Addendum prepared for the Project is appropriate.
  - The Court also ruled that the Project is consistent with the General Plan, and that the City's required findings in support of the Project were supported by substantial evidence.

Purpose of Hearing

- The purpose of the hearing is to reconsider the Project, and PAG's appeal, without the participation of former Councilmember Hamlin.
- At the conclusion of the public hearing, the City Council will deliberate on the proposed TPM, the appeal of the Planning Commission's approval of the DR for the Project, and the Addendum prepared under CEQA.

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Project Overview

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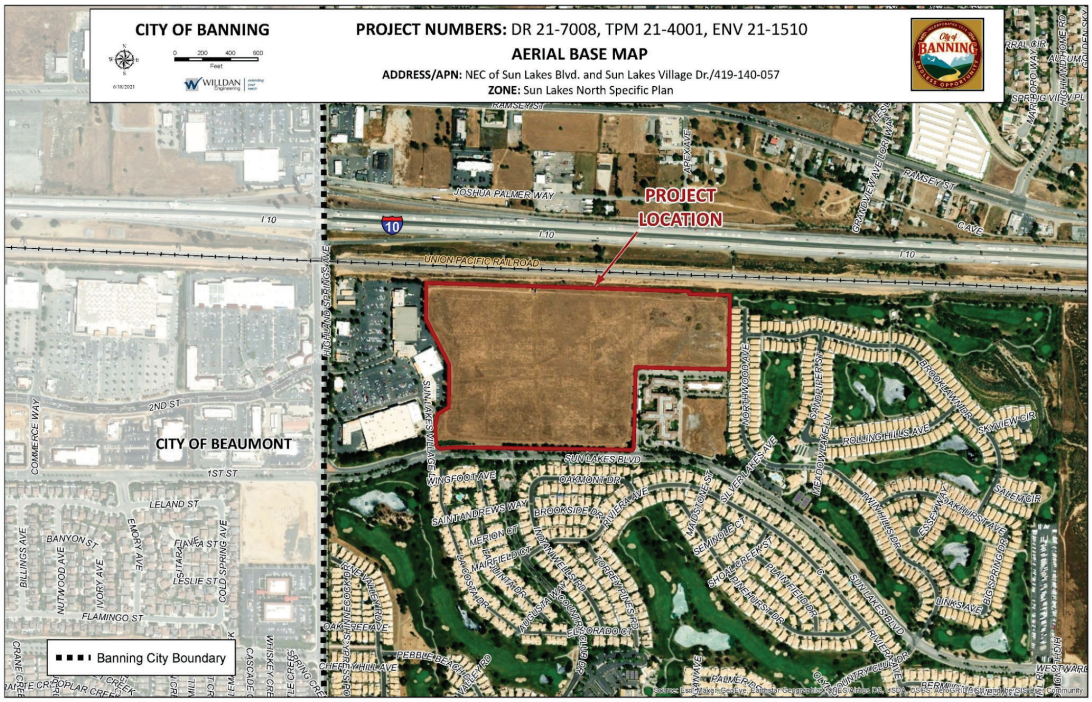
Vicinity Map

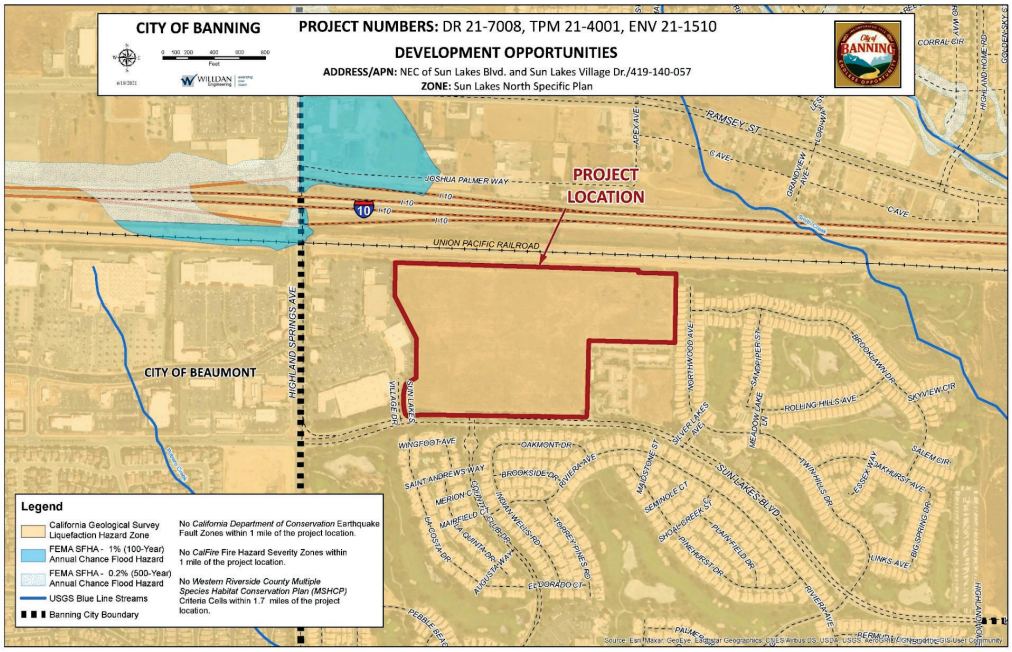
Aerial Map



Zoning Map

Figure 4 – Land Use Plan

Development Opportunities



Land Use Summary Table

	Existing Use	Zoning Classification	General Plan Designation
Subject Site	Vacant Land	Sun Lakes North SP*	Sun Lakes North SP*
North	Right-of-Way	R/W	R/W
South	Residential	Specific Plan Zone	Medium Density Residential (MDR)
East	Residential	Low Density Residential (LDR)	LDR
West	Sun Lakes Village Shopping Center	Specific Plan Zone	General Commercial

**The Sun Lakes North Specific Plan Amendment No. 5 Land Use Map shows the Site as Business & Warehouse and Office & Professional.*

Land Use Summary Table

Project Overview

	SLVNSP Designation		Banning Point Project		Consistent?
Characteristic	BW	RS	Warehouse	Retail	
Land Use	Business + Warehouse	Retail + Service	Warehouse	Retail + Restaurant Pads	Yes
Allowed Uses	Warehouses	Retail + Restaurants	Warehouse	Retail + Restaurants	Yes
Acres	30.22	6.83	30.22	6.83	Yes
FAR (maximum)	0.55	0.60	0.47	0.11	Yes
Allowed Area (SF)	**877,298**	**37,189**	**619,959**	**34,000**	**Yes**

Site Photos

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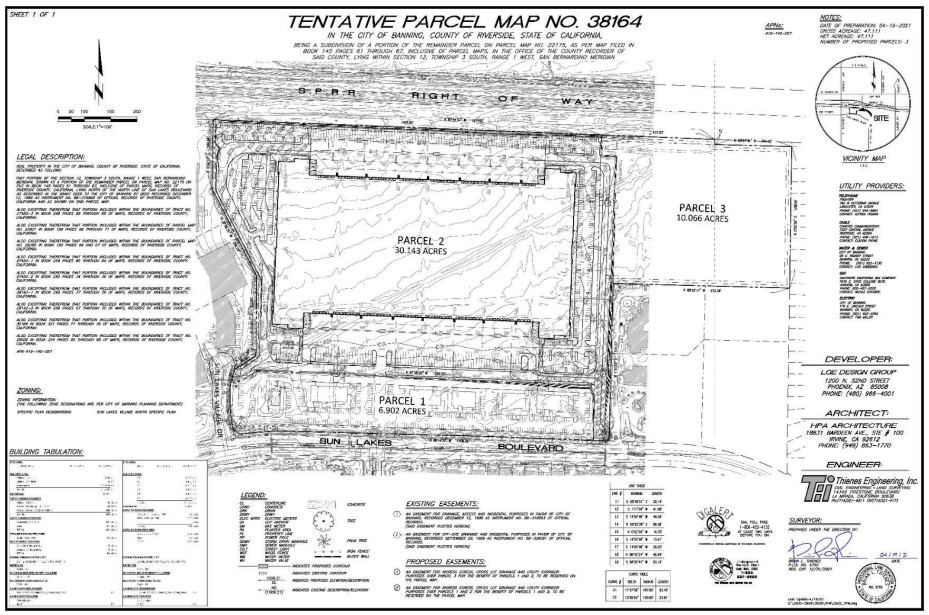
Site Photos

BANNING CALIFORNIA

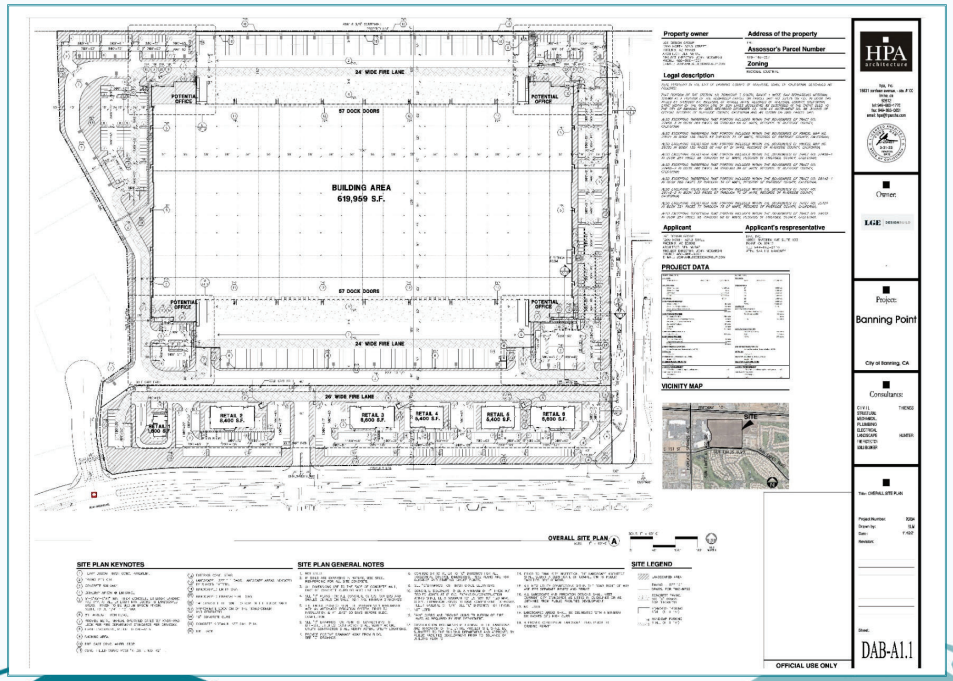
Project Description

- Industrial Warehouse Building (619,959 s.f.)
- Retail Commercial (34,000 s.f.)
- Public Improvements, landscaping, and on-site detention
- TPM 38164 - Subdivision of 47-acres into 3 lots

Tentative Parcel Map



Site Plan



Proposed Project Circulation

Site Plan – Ingress/Egress

Proposed Vehicle Access Plan

Sun Lakes Village North Specific Plan Amendment #5

PRELIMINARY CIRCULATION PLAN

Preliminary Landscape Plan

Landscape Example Photos

Sun Lakes North Specific Plan

Architectural Drawings

Architectural Drawings (cont'd)

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Color Elevations & Materials

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Color Elevations & Materials

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BANNING POINT BUSINESS PARK

Banning, California
2021 . 01 . 25

RENDERING CONCEPT 5 - NORTH ENTRY VIEW

This artist rendering is for conceptual design only and should not be referred to as a construction document.

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City of BANNING ENDLESS OPPORTUNITY

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RENDERING CONCEPT 5 - NORTH ENTRY VIEW

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City of BANNING ENDLESS OPPORTUNITY

Public Notice

- June 11, 2024 – City Council Public Hearing (10-days prior/1,000-foot radius – canceled)
- July 9, 2024 - City Council Public Hearing (10-days prior/1,000-foot radius)

Public Notice

(1,000-ft radius map):

City of Banning
Community Development Department

NOTICE OF PUBLIC HEARING FOR CONSIDERATION OF TENTATIVE PARCEL MAP NO. 38164 AND AN APPEAL BY THE PASS ACTION GROUP (PAG) OF THE PLANNING COMMISSION'S APPROVAL OF DESIGN REVIEW NO. 21-7008, BOTH FOR THE BANNING POINT PROJECT A PROPOSED MIXED-USE INDUSTRIAL AND RETAIL DEVELOPMENT ON APPROXIMATELY 37-ACRES OF A 47-ACRE PARCEL WITHIN THE SUN LAKES VILLAGE NORTH SPECIFIC PLAN, AS AMENDED. THE PROJECT INCLUDES A SHELL INDUSTRIAL BUILDING MEASURING 619,959 SQUARE FEET, WHICH INCLUDES 10,000 SQUARE FEET OF OFFICE SPACE. IN ADDITION, THE PROJECT PROPOSES SIX (6) RETAIL AND RESTAURANT BUILDINGS, TOTALING 34,000 SQUARE FEET. (APN: 419-140-057)

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning City Council, to be held Tuesday, July 9, 2024, at 5:00 p.m. (or as soon thereafter) in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California. On May 6, 2024, a Riverside County Superior Court issued a Writ of Mandate in Pass Action Group v. City of Banning, *et al.*, (1) ordering the City within 90 days to set aside and vacate all prior approvals of the Banning Point Project in which former City of Banning Councilmember Hamlin participated, including City Council Resolution 2022-14, Tentative Parcel Map No. 38164, Design Review 21-7008, and the Addendum and related CEQA findings for the Banning Point Project, and (2) instructing the City that any future hearing reconsidering approval of the Banning Point Project must be conducted without the participation of former Councilmember Hamlin. In accordance with the Writ, the City Council will consider (without the participation of former Councilmember Hamlin) (1) an application for approval of Tentative Parcel Map No. 38164, allowing the subdivision of approximately forty-seven (47) gross acres of vacant land into three (3) parcels, and (2) an appeal by the Pass Action Group (PAG) of the Planning Commission's approval of Design Review No. 21-7008, on December 1, 2021 (by adoption of Planning Commission Resolution No. 2021-16 by a 3-2-0 vote), together permitting the construction of a proposed mixed-use industrial and retail development on approximately 37-acres of a 47-acre parcel within the Sun Lakes Village North Specific Plan, as amended (collectively, the "Project"). The Project includes a shell industrial building measuring approximately 619,959 square feet, which includes approximately 10,000 square feet of office space. In addition, the Project proposes six (6) retail and restaurant buildings totaling approximately 34,000 square feet.

The Project has been reviewed in connection with the requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines. Community Development Department staff have reviewed the Final Program Environmental Impact Report (FEIR) for the "Sun Lakes Village North Specific Plan Amendment No. 5" project, certified by the City Council on December 8, 2020 (by adoption of Resolution 2020-141), and the Statement of Overriding Considerations, including the Mitigation, Monitoring, and Reporting Program (MMRP), adopted by the City Council on the same day, to determine if the Project is within the scope of what was analyzed in that FEIR, which is now beyond challenge. Based on this review, an addendum/consistency checklist, entitled "Banning Point Addendum / Consistency Checklist to the Sun Lakes Village North Specific Plan Amendment No. 5 Environmental Impact Report" (updated version dated February 10, 2022) ("Addendum") has been prepared pursuant to Public Resources Code Section 21166 and CEQA Guidelines Sections 15162, 15164, and 15168(c). The Addendum evaluated the Project's potential environmental effects in light of those effects previously disclosed in the FEIR to determine whether any of the conditions described in CEQA Guidelines Section 15162 calling for subsequent CEQA review have occurred. Community Development Department staff have determined that no further environmental review is required, including pursuant to Public Resources Code Section 21166, or CEQA Guidelines Sections 15162 or 15163, because (i) the Project will not have new or substantially more severe impacts than what was disclosed in the FEIR; (ii) all applicable mitigation measures

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in the FEIR remain applicable to the Project and are imposed on the Project as a condition of approval; and (iii) the Project will not require any new mitigation measures, all as documented in the Addendum.

To observe the live meeting through your personal computer or smart phone enter the following link: https://banninglive.viebit.com/ or view on the Banning Government Channel on Cable Television

Information regarding Tentative Parcel Map No. 38164, Design Review No. 21-7008, and the CEQA Determination (Addendum) can be obtained by contacting the City's Community Development Department, Planning Division at (951) 922-3125, or by going to the City of Banning website at https://banningca.gov/Archive.aspx?AMID=60&Type=&ADID=

All parties interested in speaking either in support of or in opposition to this item are invited to attend the public hearing or by sending their written comments by email to the Administrative City Clerk at cityclerks@banningca.gov or by mail to the City Clerk at City of Banning at PO Box 998, Banning, CA 92220, or personally deliver to: 99 E. Ramsey Street, Banning, CA 92220.

If you challenge any decision regarding the above Project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Administrative City Clerk of the City of Banning at, or prior to, the public hearing (Cal. Gov. Code, § 65009(b)(3)).

BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA

/s/ Emery J. Papp, Senior Planner

Dated: June 11, 2024
Publish: June 28, 2024

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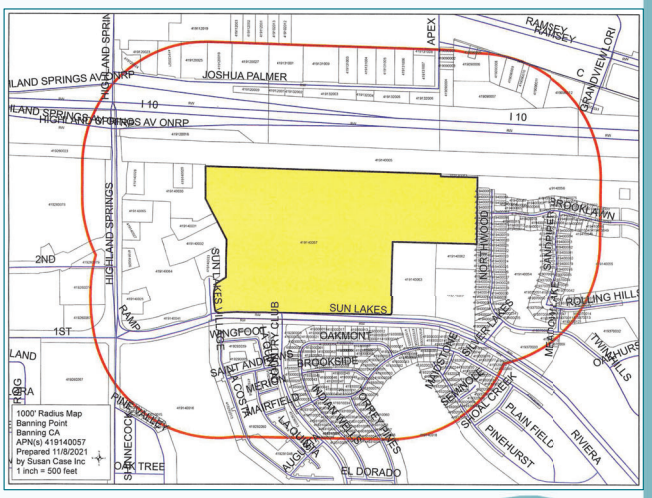


Public Notice

(1,000-ft radius map):

AFFIDAVIT OF MAILING OF NOTICE OF PUBLIC HEARING

Project: DR 21-7008 & TPM 38164

The undersigned hereby certifies as follows:

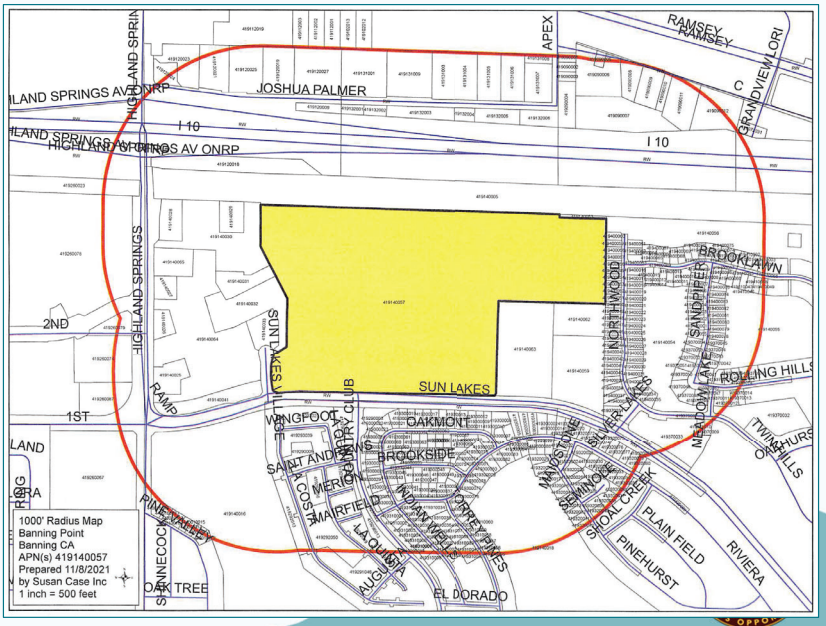
I am now, and at all times hereinafter mentioned was, the Development Project Coordinator of the City of Banning, California.

On the 25th day of June, 2024, pursuant to Government Code Sections 65091(a)(1) and (a)(4) and Banning Municipal Code Sections 17.68.020(B)(2) and (B)(3), I caused to be mailed by first-class mail, postage prepaid, a true and correct copy of the notice of public hearing attached hereto as Exhibit "B" to the owner of the real property that is the subject to the public hearing and to each property owner within 1000 feet of the subject real property, at the respective names and addresses listed in Exhibit "A," as shown on the latest equalized assessment roll or the records of the Riverside County Office of the Treasurer-Tax Collector.

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

Executed on the 25th day of June, 2024, at City of Banning, County of Riverside, State of California.

Sandra B. Calderon
Development Project Coordinator
City of Banning



Environmental Process

PREVIOUSLY CERTIFIED PROGRAM EIR FOR AMENDMENT No. 5:

- A Program EIR was prepared to consider the potential environmental impacts of Amendment No. 5 to the Sun Lakes Village North Specific Plan, including changes to land uses.
- The Draft Program EIR was made available for public review and comment from September 11, 2020 through October 26, 2020.
- A Final Program EIR, including responses to comments, was prepared.
- On December 8, 2020, the City Council Certified the Final Program EIR for SLVNSP Amendment No. 5, including adopting Findings of Fact and a Statement of Overriding Considerations.
- No one challenged the Program EIR or Amendment No. 5 and both are now final and beyond challenge.

Environmental Process

ADDENDUM TO FINAL PROGRAM EIR FOR AMENDMENT No. 5:

- An Addendum under CEQA is used when there are no significant impacts from project changes.
- For the Banning Point Project, an Addendum to the Final EIR for SLVNSP Amendment No. 5 was prepared because the Project proposes a smaller development than that analyzed in the Program EIR, and the Project does not include development of any of the office uses analyzed in the EIR.
- The Addendum supports a conclusion that additional environmental review is not required for the Project beyond what was analyzed and disclosed in the now-final Program EIR and in the Addendum. All environmental impacts of Amendment No. 5 to the SLVNSP (including those impacts related to the development of industrial and warehouse uses, and retail uses, such as those proposed by the Project) were analyzed, disclosed, and mitigated as set forth in the Program EIR that was certified and is final.
- The trial court agreed and upheld the City's use of an Addendum for the Project.
- The City Council will be asked to adopt the Addendum should it decide to approve the TPM and DR.

RECOMMENDATION

City staff recommends that the City Council adopt City Council Resolution No. 2024-114:

- Adopting An Addendum Under CEQA and Making Findings in Support Thereof, Including Consistency with the Certified EIR Prepared for Amendment No. 5 to the Sun Lakes Village North Specific Plan (SCH #2020029074)
- Approving Tentative Parcel Map No. 38164, allowing the subdivision of approximately 47 gross acres of vacant land into three parcels;
- Affirming the Planning Commission's approval of Design Review No. 21-7008 and denying an appeal of that decision, and permitting the construction of a proposed 619,959 square-foot industrial warehouse building, including 10,000 square feet of office space and a combined 34,000 square feet of retail/commercial buildings, on real property located within the boundaries of the Sun Lakes Village North Specific Plan Area.

BANNING CALIFORNIA

Conclusion

THANK YOU & QUESTIONS

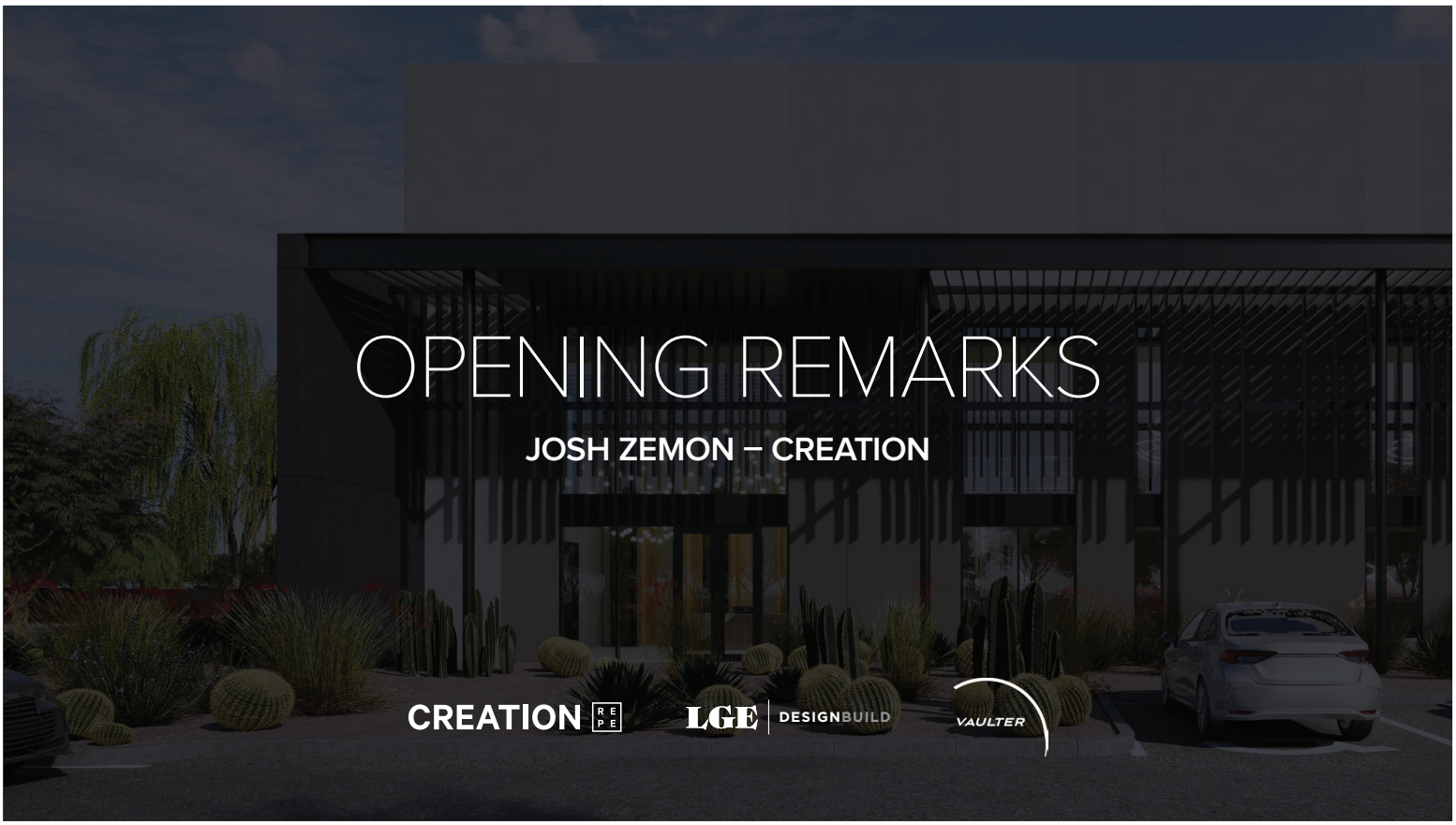
Emery J. Papp

Senior Planner

epapp@banningca.gov

Exhibit C

CREATION RE PE | LGE DESIGNBUILD | VAULTER



CEQA HEARING + RULING

CEQA HEARING: 3/13/24 – CEQA RULING: 3/15/24

THE COURT RULING:

- ***Rejected*** PAG's claims that Councilmembers Wallace and Sanchez were biased
- ***Rejected*** PAG's claims regarding alleged violations of CEQA and the City's Municipal Code and the State Planning and Zoning Law
  - ***Agreed*** the **Addendum approved** for the **Project** and the **City's findings** of the **Project's consistency** with the **City's General Plan** were **valid** and **supported** by ***substantial evidence***
- ***Does NOT*** require the City and Real Party to "go back to square one" and begin anew as to the Project approvals nor updating the CEQA Addendum.
- ***Expressly Upheld as Valid*** the CEQA Addendum and City Council findings
  - ***Court Rejected*** all of PAG's claims to the contrary

PROJECT OVERVIEW

	SLVNSP DESIGNATION		BANNING POINT PROJECT		CONSISTENT?
CHARACTERISTIC	BW	RS	Warehouse	Retail	
LAND USE	Business + Warehouse	Retail + Service	Warehouse	Retail + Restaurant Pads	Yes
ALLOWED USES	Warehouses	Retail + Restaurants	Warehouse	Retail + Restaurants	Yes
ACRES	30.22	6.83	30.22	6.83	Yes
FAR (MAXIMUM)	0.55	0.60	0.47	0.11	Yes
ALLOWED AREA (SF)	**724,010**	**37,189**	**619,959**	**34,000**	**Yes**

PROJECT HISTORY

- **TECHNICAL REPORT DATES**
  - Air Quality, Greenhouse Gas, & Health Risk Assessment Memorandum (07/21, updated 02/22)
  - Traffic Assessment (11/21, updated 02/22)
  - Vehicle Miles Traveled (VMT) Analysis (10/21)
  - Noise and Vibration Impact Analysis (11/21, updated 02/22)
- **EIR FOR SUN LAKES VILLAGE NORTH SPECIFIC PLAN AMENDMENT (SPA)**
  - Certified on December 8, 2020 by Banning City Council
- **DESIGN REVIEW + TENTATIVE PARCEL MAP**
  - Heard on December 1, 2021 by Banning Planning Commission
- **PLANNING COMMISSION & CITY COUNCIL APPROVAL DATES**
  - Planning Commission Approved: December 1, 2021
  - City Council Approval: February 17, 2022
- **CEQA HEARING DATE + RULING DATES**
  - CEQA Hearing: March 13, 2024
  - CEQA Ruling: March 15, 2024

KEY POINTS

APPROPRIATE LOCATION	APPROPRIATE USE (COMPARED TO RETAIL, OFFICE, RESIDENTIAL)	ECONOMIC BENEFITS
• Access to I-10 Freeway • Adjacent to Railroad	• Traffic – lowest trip generator • Air Quality – lowest air impact • Market Demand – labor pool and proximity to port	• 722 local jobs in Banning • Impact fees to Banning: $4,119,780 • Annual tax revenue to Banning: $325,000

ITEM	CURRENT PROJECT	SPA EIR	ALTERNATIVE #1	ALTERNATIVE #2	ALTERNATIVE #3	
LAND USE	Industrial	Industrial	Residential	Office	Retail	
SIZE	620K SF	878K SF	453 units	922K SF	461K SF	
TOTAL DAILY TRIPS	1,212	2,958	2,060	8,010	17,058	
AIR (PM 10)	12.10	25.60	49.94	55.02	117.06	
AIR (PM 2.5)	3.62	7.25	39.02	15.01	31.86	
NOISE INCREASE (DBA)	< 3	< 3	< 3	3	6	*3 dBA is the significant threshold for noise increases

2022 CONDITIONS OF APPROVAL

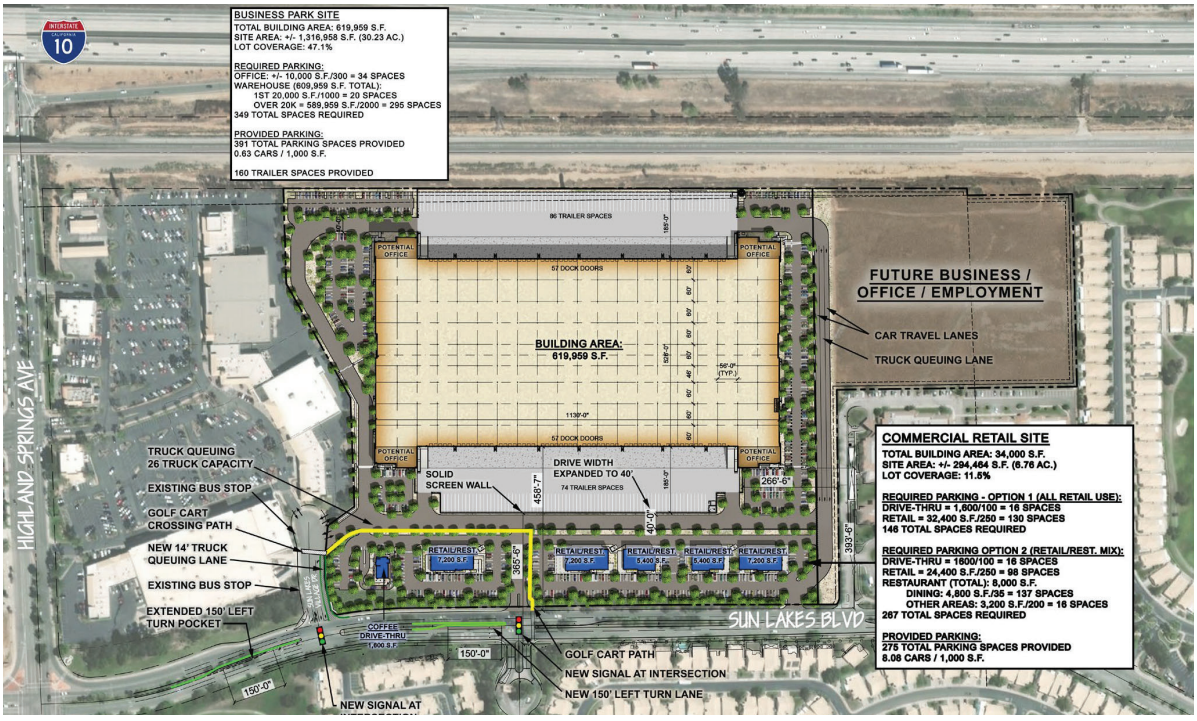
PLANNING COMMISSION APPROVED: 12/1/21
CITY COUNCIL APPROVED: 2/17/22

MOTION TO APPROVE THE RESOLUTION 2022-14 AS AMENDED WITH THREE ADDED CONDITIONS OF APPROVAL:

- Divide Condition 11 into two parts. Existing Condition 11 is retitled 11b, and an additional section be added to be titled 11a, which will read "Prior to the issuance of the Temporary Certificate of Occupancy for the warehouse building the developer shall install all landscaping specified for the retail service district pursuant to city approved landscape plans."
- Update Condition 103, to read, "The developer shall pay for and install traffic signal preemption devices on up to 5 traffic signal intersections from and including Ramsey/Highland Springs to Sun Lakes Boulevard/Highland Springs, not to exceed the cost of $100,000. The applicant shall coordinate these efforts with both the City of Banning and Beaumont."
- Additional requirement that the applicant contribute an amount equal to the Development Impact Fee (DIF) payment for the development, $175,000, to go toward a fire apparatus for a future fire station in the area.

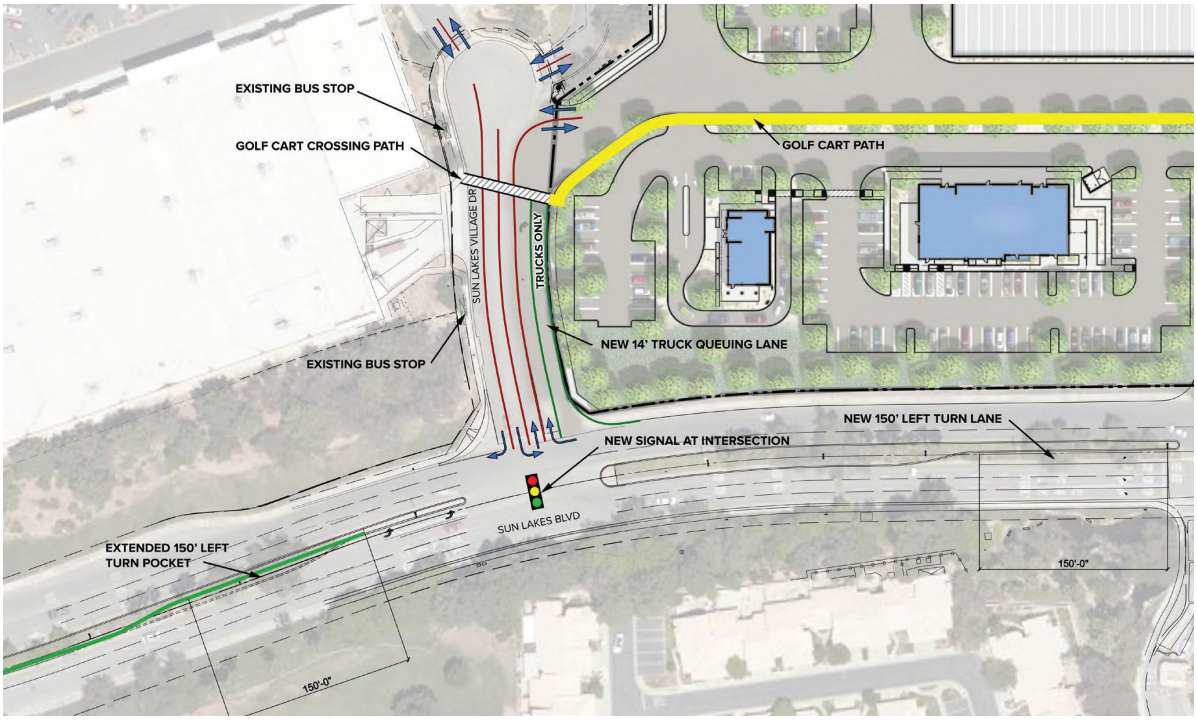
2022 DESIGN CHANGES

To the right:
Proposed design changes



2022 DESIGN CHANGES

To the right:
Sun Lakes Village Drive Detail



CONCLUSION & QUESTIONS

JOSH ZEMON – CREATION

CREATION RE PE | LGE DESIGNBUILD | VAULTER

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Josh Zemon
Principal - Chief Investment Officer
joshz@creationequity.com
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CREATION RE PE LGE DESIGNBUILD VAULTER

Exhibit D

PASS ACTION GROUP PRESENTATION
07/09/24

RECEIVED
JUL 08 2024
City of Banning
Clerk's Office

Good evening Mr. Mayor, council members, and Staff. We all know the reason that we are here tonight. We truly believe that a bias was shown by the former council member representing Banning's District 3, which caused a continuing mindset of some, thinking that we, the Sun Lakes Community (Sun Lakes) and The Lakes Assisted Living and Hospice facility (The Lakes) were raising complaints to stymie growth within District 3, and within the city of Banning as a whole. THAT MINDSET IS INACCURATE!

We are hopeful that tonight as we have this opportunity to express ourselves, we really do understand the responsibilities that you, our local governing council, have, and that we are here in the spirit of cooperation. We expect that any decision you may reach tonight will be done so after careful consideration in a fair and unbiased manner.

Let me take a moment that to express, that our point of contention here tonight is, that our concerns were not able to be fully discussed when the Design Review and tentative map for this project were initially reviewed and approved by the Planning Commission and City Council, and that our contention all along is that this project is not conducive, in it's location and the inherent detriment to the residential communities, immediately adjacent to the proposed warehouse.

We appeal to you, our City Council, to consider these specific issues which includes the following:

The lack of a complete perimeter sound wall, buffering our adjacent Senior communities from all the onsite truck circulation and noise from onsite Warehouse Operations.

No required mandate for quieter, battery powered forklift warehousing equipment.

No required mandate for Auxiliary Power Units at truck dock bays. This mandate would prevent trucks with refrigeration from having to keep their trucks running while on site.

Parking Lot Light Pollution. "The Lakes" would be highly susceptible to this.

Increased Air Pollution, adding to an already impacted Inland Empire Air Basin, having the worst air quality in America, with increased contaminants, creating more

pollution of the very air we breathe, in and around the immediately adjacent communities; and with the potential of this project turning into a 24 hour warehouse operation, the impacts to the "The Lakes" and "Sun Lakes", a place that we call home, all of whom are considered sensitive receptors, and could be devastating, without further project mitigations. Many of the residents of "The Lakes" will never move again and will live their final days there.

Let me elaborate on a little history and the cause of our original Appeal, which has really been, just to be able to have input in this process. This results in a community which works together, creating an amiable and healthy relationship.

At the Planning Commission's Dec. 2021 public hearing of the Design Review where our initial attempt to voice our concerns emotions ran extremely high both from citizens and commission members. During this high moment of emotion, a motion was made, and a vote resulted with three ayes to two nays to approve the project.

The Planning Commission clearly did not consider the Health, Welfare and Quality of Life issues, of "The Lakes" or "Sun Lakes" communities, which would all be directly impacted daily.

Please allow me to take another moment tonight, to address and point out the history of Industrial Real Estate development. At this time, warehouse operations are far less desirable, compared to just a few years back. Many warehouse and distribution facilities built on speculation are now sitting empty and unable to be leased, such as the Skechers facility in Banning, recently constructed, occupied and now vacant!

The Beaumont/Banning Pass area Industrial warehouse vacancy rate is now (5) times higher than it was in the first quarter of 2021, according to Coldwell Banker / Richard Ellis (CBRE), when it was 0.9%. It is now at a 4.8% vacancy rate. Currently the Beaumont/Banning Pass area has 458,000 vacant square feet and 1,759,000 available square feet of Industrial warehouse space.

There appears to be an imbalance between the supply and demand. As we have seen so many times in the past, the "current" HOT development projects in demand yesterday, end up being built to a point of excess capacity, well beyond the markets' ability to absorb those that have been built. The current market for these massive warehouse/logistics facilities is highly saturated,

The case in point is the 1.8 million sq. ft. warehouse complex recently constructed, at Cherry Valley Blvd. off Interstate 10. It now remains unoccupied for over a year. This begs the question of the economic benefit to the citizens of Banning should

Banning Point remain vacant? Especially, a speculatively constructed warehouse with no identified tenant. What is the likelihood the Banning Point project, once started, will be completed and if completed, will remain vacant? Would a vacant warehouse building become a nuisance as other vacant buildings in the city, drawing crime, un-housed individuals, vandalism, and property value depreciations?

What is the downside impacts to the city in the event the project is not completed, or completed and remains unoccupied? Will this affect Banning's ability to grow and attract future businesses that legitimately provide a tax base for a healthy community to flourish and grow?

My reference to the project "not completed", also refers to the potential of the retail commercial buildings not being built, because of the Tentative Map and the separation of the projects 47 acres into 3 parcels, which gives the developer the ability to sell off the separated parcel, where the (6) commercial retail buildings are proposed and might not ever be built! No jobs and No tax revenue!

Nothing in the Conditions of Approval requires these perfectly acceptable, buildings to be constructed, which results in nothing between the "Sun Lakes" and the loading docks of the warehouse, except for some landscaping; and we contend that is not a legitimate buffer, from all the trucking onsite noise, light spill etc.

Another case in point! The World Logistics Center, located along the 60 Freeway, at the eastern end of Moreno Valley, where the Skechers warehouse anchors that Center, and where the facility has a fully automated 3 story high conveyor system, throughout the interior of the warehouse building, which moves all the products, reducing the need for manpower. With this technology and ever expanding (AI), Artificial Intelligence processing and automation, these warehouse jobs are showing a much lower employee to facility square foot ratio than anyone could have anticipated. So, in all actuality, will there be an acceptable tradeoff of the impacts, versus limited "Good Paying Jobs"?

There has also been a lot of misleading and erroneous information about the "Good Paying Jobs" and tax revenue benefits to the city, but nothing about the adverse position the city will face, should the project not be fully completed, or remain vacant! This will result in No jobs and No tax revenue!

Also, consider the reality of warehousing worker employment, and the high demands on employees and job turnover rates, due to burnout of employees, for these types of jobs. This Industry is very, very taxing on its employees.

An LA Times article reported October 25th, 2023, that Amazon Inc. US warehouse workers were surveyed and found that 69% of the nation's workers stayed home without pay to recover from pain or exhaustion, and that 34% had done so, (3) or more times.

The article continues, and states that employees also suffered work related mental health issues, where more than half of those surveyed reported feeling "burned out." The portion of workers reporting burnout increases with job tenure. Overall, 41% of workers reported being injured while working at an Amazon warehouse, and that rises to 51% for those who have worked at the company for more than three years.

The harder it is for a worker to maintain the pace of work, the more likely it is they are injured on the job. This could relate to Banning residents on unemployment or disability.

Let me go into the tax revenue issues that are especially important to any city. As we all know the main populace in the area around The Project is "Sun Lakes." There are 3327 homes and condominiums within Sun Lakes. I would like you all to recognize that a wholesale loss of value in these homes will directly affect the City of Banning and Riverside County. With the 3327 homes in Sun Lakes that equates to over ONE BILLION DOLLARS… YES BILLIONS WITH "B". The city's portion of property tax revenue will be directly affected with lower values of homes less desirability created by the Project will lead to empty homes.

Hopefully, I have pointed out some of our specific issues of contention, as you reconsider this project and your responsibilities to the Community. This project as proposed will have a tremendous negative effect on Banning residents. We respectfully ask that the Council grant our appeal and deny the project or direct the Planning Commission under the interim or new Community Development Director to consider alternatives or improvements to the project before taking any further steps toward approval.

Thank you for your time and consideration.

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City Clerk's Office

CBRE

Mega-deals surge despite softening among some size tranches

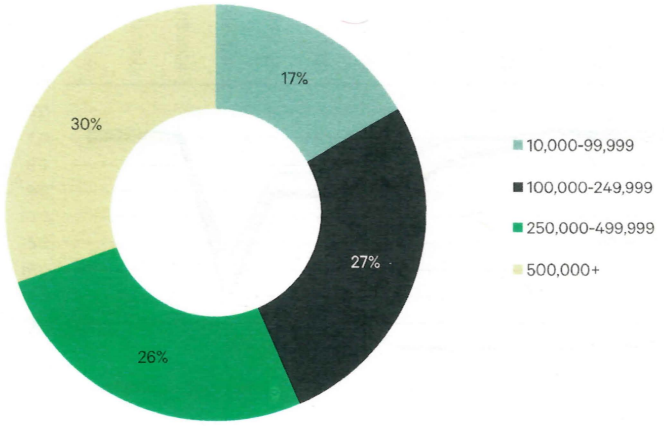
▲ 5.9%	▼ -964K SF	▲ 20.4M SF	▼ $1.36
Vacancy Rate	SF Net Absorption	SF Under Construction	PSF/MO/NNN Lease Rate

Note: Arrows indicate change from previous quarter.

Executive Summary

- Five deals 1 million sq. ft. and above were signed in Q1 2024. In 2023, only seven deals 1 million sq. ft. and above were signed for the entire year. The increase in mega-leasing was facilitated by the increased availability through new development and recent move-outs, with four of the five leases being new deals.
- Net absorption turned negative for the second time in the last 12 months as spaces stayed on market for longer due to softening demand. Negative net absorption was isolated to the Inland Empire (IE) East, while the IE West realized 2 million sq. ft. in positive net absorption.
- Lease rates fell quarter-over-quarter to $1.36 NNN per sq. ft. per month in Q1 2024 from $1.49 per sq. ft. per month in Q4 2023. Year-over-year, rates decreased $0.15 from $1.51 NNN per sq. ft. per month in Q1 2023.
- Sublease space increased quarter-over-quarter to 18.5 million sq. ft., with over 80% of sublease space located in 250,000 sq. ft. and above buildings.
- Space under construction remained largely static quarter-over-quarter as development starts kept pace with new deliveries. 17% of space under construction was pre-leased.

FIGURE 1: IE Core Available Space Distribution by Sq. Ft.



Source: CBRE Research, Q1 2024.

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Market Overview

The Inland Empire industrial market experienced both a continuation of negative trends from 2023 and a divergence from the slowing activity and lackluster sales transactions that occurred the past year. Vacancy increased 70 basis points (bps) quarter-over-quarter to 5.9% while sublease space increased to over 18.5 million sq. ft. Similarly, net absorption turned negative for the second time in a year as the recent surge in new leasing activity could not overcome occupiers vacating spaces. However, activity increased in Q1 2024, with 10.2 million sq. ft. being newly leased and another 418,000 sq. ft. transacting in user sales across the IE. Rates slipped as landlords were poised to secure the next deal on the market. The 8% decrease in rents quarter-over-quarter to $1.36 NNN per sq. ft. per month in Q1 2024 began the realignment of the IE as an affordable market when compared to others in Southern California. The development outlook remained largely static as new deliveries and new starts corresponded to little change in the square footage under construction. The dearth of new development coupled with rates declining set the expectation of improving fundamentals moving into the rest of 2024.

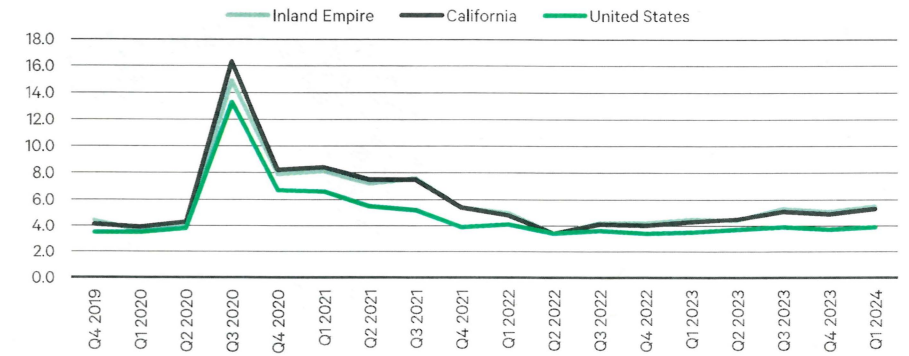
UNEMPLOYMENT

Unemployment in the Inland Empire increased to 5.5% in February 2024, up 110 bps from that of February 2023. The California unemployment rate increased to 5.3% in February, an increase of 10 bps month-over-month while the United States unemployment rate increased at 3.9% in February, an increase of 20 bps month-over-month. Transportation, utilities, and manufacturing jobs decreased by 5,100 from January 2024 to February 2024, while construction jobs increased by 200 bps in the same period.

LEASE RATE ANALYSIS

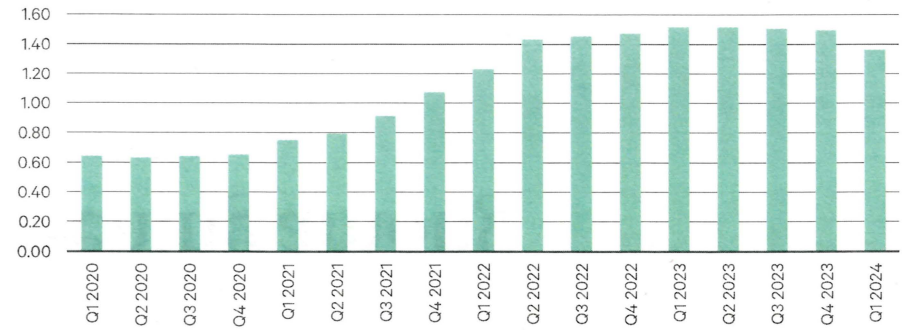
Taking lease rates in the IE Core fell by $0.15 quarter-over-quarter to $1.36 NNN per sq. ft. per month in Q1 2024. Lease rates in the IE West fell by $0.07 quarter-over-quarter to $1.44 NNN per sq. ft. per month, and lease rates in the IE East fell by $0.27 quarter-over-quarter to $1.20 NNN per sq. ft. per month. With increased competition among landlords to secure the next deal and the average age of leased spaces in the IE East falling from 2008 in Q4 2023 to 2003 in Q1 2024, taking rates returned to levels more in line with historical expectations. Free rent, early occupancy, and moving allowances increased in Q1 2024 to entice occupiers to commit to new spaces.

FIGURE 2: Unemployment Rate (%)



Source: U.S. Bureau of Labor Statistics, Q1 2024

FIGURE 3: Average Taking Lease Rate ($PSF/MO/NNN)



Source: CBRE Research, Q1 2024

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VACANCY & AVAILABILITY

The trend of rising vacancy since Q3 2022 continued in Q1 2024 as vacancy increased to 5.9%. Vacancy increased due to 3.8 million sq. ft. of new construction delivering vacant and available spaces' time on market growing, leading to spaces being vacated by occupiers without a new tenant replacing them. Availability increased by 140 bps to 9.5% quarter-over-quarter. Within the 9.5% availability rate, 2.8% was sublease space with over 18.5 million sq. ft. of sublease space available in Q1 2024. The IE led all U.S. markets in available sublease space as the COVID-19 industrial surge left occupiers with more space than was necessary as the economy moved towards normalization.

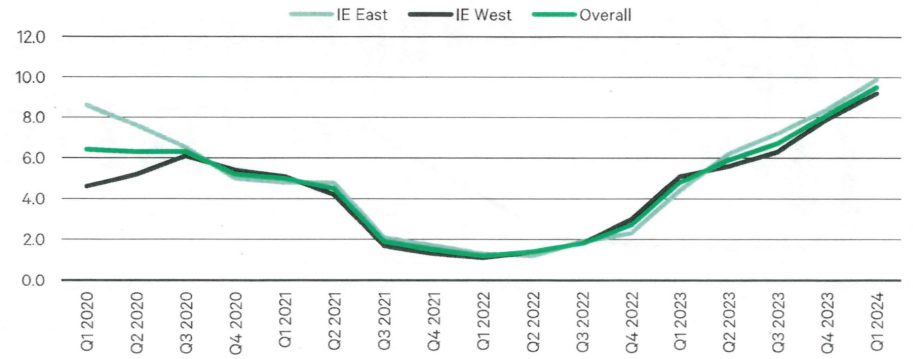
NET ABSORPTION & ACTIVITY

Net absorption turned negative for only the third time in 15 years with 3 million sq. ft. going vacant in the IE East and 2 million sq. ft. being newly absorbed in the IE West. The IE North realized 150,000 sq. ft. of negative net absorption. The positive net absorption in the IE West was driven by 1 million sq. ft. deals in Ontario and Fontana along with 960,000 of positive net absorption in Jurupa Valley and Chino from large and mid-sized new deals. In the IE East, new vacancies in Redlands, Rialto, and San Bernardino led to over 3 million sq. ft. of negative absorption in the submarket. Retail and distribution occupiers led the negative absorption, while e-commerce and 3PL's drove positive absorption in Q1 2024.

DEVELOPMENT

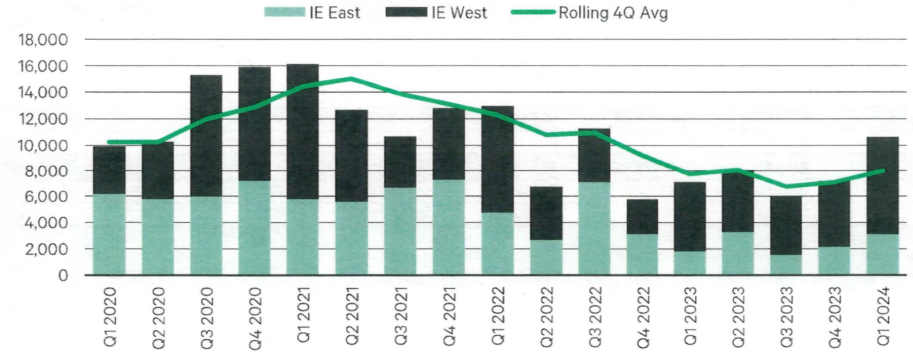
There was 20.4 million sq. ft. under construction at the end of Q1 2024, up 200,000 sq. ft. from Q4 2023. The IE saw 4.6 million sq. ft. delivering and 4.8 million sq. ft. of new projects breaking ground in the first quarter. The IE West ended Q1 2024 with 13 million sq. ft. under construction and the IE East ended the quarter with 7.4 million sq. ft. under construction. The average size of the projects in the IE West was 230,000 sq. ft. whereas the average size in the IE East was 164,000 sq. ft., signaling that developers were still able to find land in the IE West for large projects. Pre-leasing rates fell to 17% in Q1 2024 from 22% in Q4 2023 due to the pre-leased delivery of 8900 Merrill in Ontario at 1.2 million sq. ft. The dwindling development pipeline will likely not satiate future demand, especially in the 500,000 and above size range. If demand increases as expected in the second half of 2024, the lack of new development will drive down vacancy and supply.

FIGURE 4: Availability Rate (%)



Source: CBRE Research, Q1 2024.

FIGURE 5: Gross Activity (MSF)



Source: CBRE Research, Q1 2024.

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MARKET OUTLOOK

Continued economic growth paired with the Fed signaling more accommodative policy all suggests the U.S. economy is heading toward a 'soft landing'. GDP growth should be less than half 2023's pace when growth topped 3%. Reasons for the slowdown include a more prudent consumer and much weaker hiring. This latter issue is most acute within interest rate sensitive sectors, such as tech start-ups and goods manufacturing. Notable exceptions include investment in EV and microchip production capacity.

More caution from businesses means a good chunk of recent hiring came from publicly funded sectors (e.g., education, healthcare, state & local governments). A key exception is leisure and hospitality, driven by continued demand for discretionary services. With many private firms on the sidelines, the job openings rate declined to 5.5% from its peak of 7.8% in 2022. This has also meant the pace of wage growth has cooled, but not enough to see inflation fall quickly to 2%. With unemployment remaining below 4% and high-capacity utilization, CPI is unlikely to return to target until 2025.

The Fed will likely make three, 25 basis point cuts this year. This outlook is putting downward pressure on longer-term rate expectations, providing some optimism for real estate capital markets, but the recovery will only begin after the first cut is actually delivered. Better than expected growth over the last 18 months has been helpful in holding real estate vacancy down, notably in the industrial, retail and multifamily sectors.

The Inland Empire remains one of the premier industrial markets in the United States. The proximity to the San Pedro Bay port complex, abundant labor, and consumer centers underline the strong IE fundamentals. As the larger economy heads towards normalization, the IE will continue to be the best option for large occupiers looking for space in Southern California.

FIGURE 6: Market Statistics

Submarket	Bldg. Sq. Ft.	Overall Vacancy (%)	Availability (%)	Q1 2024 Net Absorption (SF)	Q1 2024 Gross Activity (SF)	Under Construction (SF)	Construction Deliveries YTD (SF)	Avg. Taking Lease Rates ($PSF/MO/NNN)
Inland Empire East	301,832,710	6.9	9.9	(3,040,948)	3,109,297	7,443,004	1,656,474	$1.20
Inland Empire West	347,012,893	5.1	9.2	2,077,195	7,538,642	13,006,105	2,938,902	$1.44
Inland Empire Core	**648,845,603**	**5.9**	**9.5**	**(963,753)**	**10,647,939**	**20,449,109**	**4,595,376**	**$1.36**
Inland Empire North	23,553,978	7.0	7.1	(150,000)	0	0	0	$0.93
Inland Empire Total	**672,399,581**	**6.0**	**9.4**	**(1,113,753)**	**10,647,939**	**20,449,109**	**4,595,376**	**$1.36**

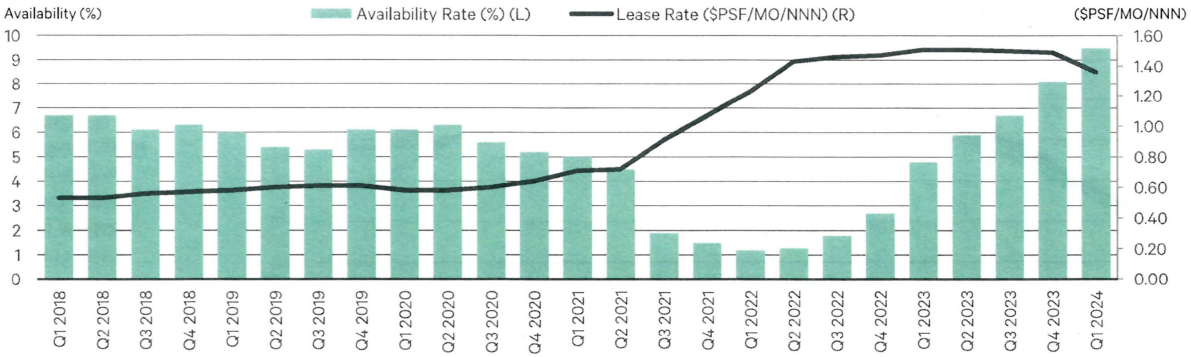
Source: CBRE Research, Q1 2024

FIGURE 7: Key Transactions

Occupier	Industry Sector	Location	Total Sq. Ft.
Confidential*	Manufacturing	Inland Empire East	1,686,590
Confidential	E-commerce	Inland Empire West	1,025,132
Lowe's Home Improvement	Retail	Inland Empire East	1,018,178
Confidential	E-commerce	Inland Empire West	1,003,918
US Logistics	Logistics	Inland Empire West	1,003,567

*Indicates Renewal. Source: CBRE Research, Q1 2024

FIGURE 8: Availability and Taking Lease Rate



Source: CBRE Research, Q1 2024

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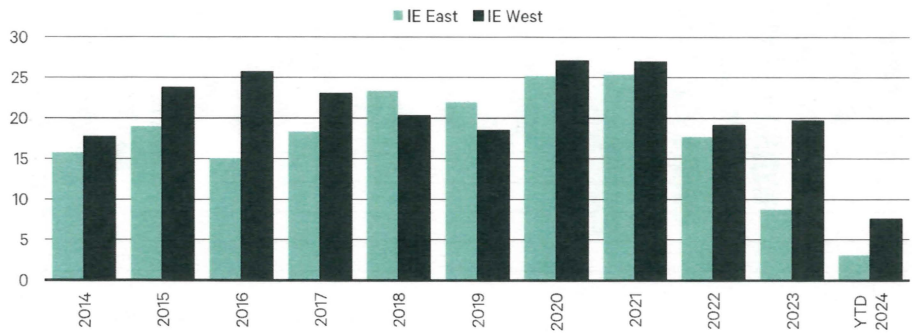
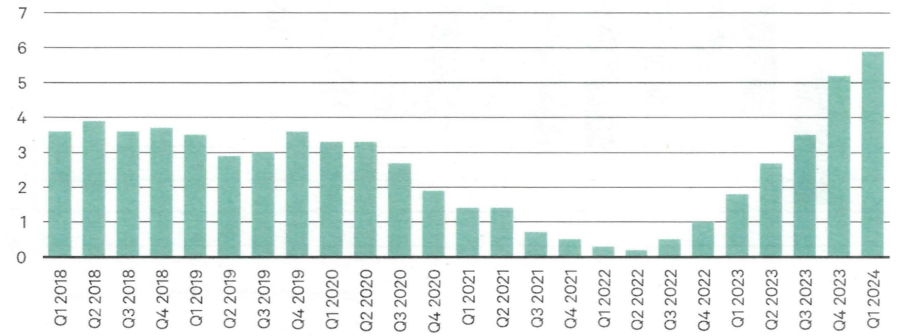
FIGURE 1: Historical Gross Activity (MSF)



Source: CBRE Research, Q1 2024

FIGURE 2: Overall Vacancy (%)

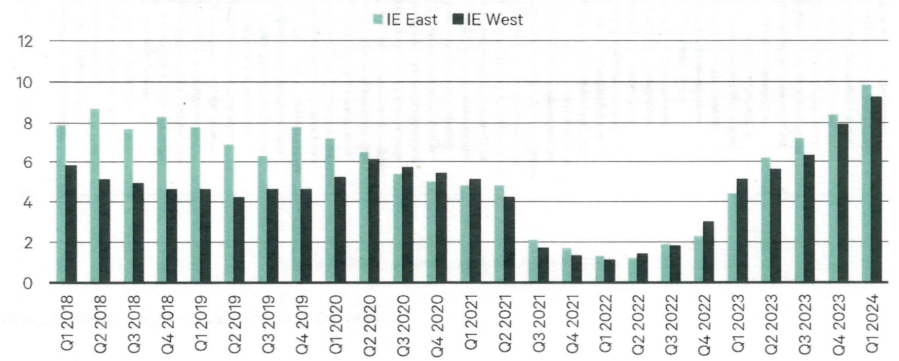


Source: CBRE Research, Q1 2024

FIGURE 3: Historical Availability & Sublease Availability

Source: CBRE Research, Q1 2024

FIGURE 4: Historical Availability Rate (%)



Source: CBRE Research, Q1 2024

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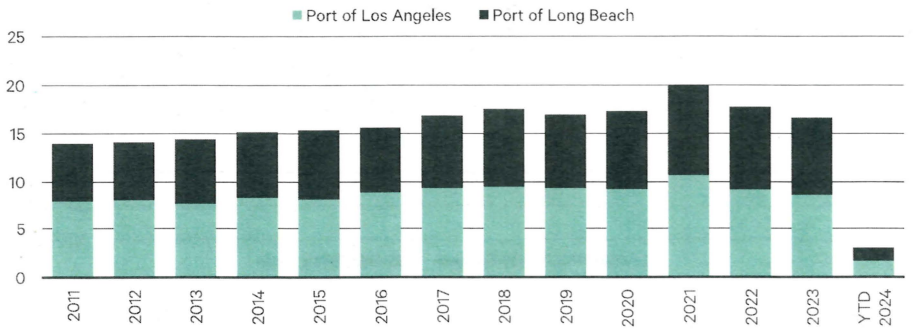
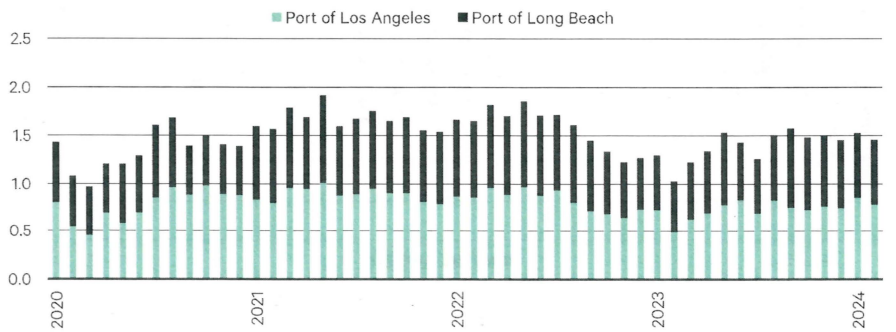
FIGURE 5: Annual TEU's (# of Containers)



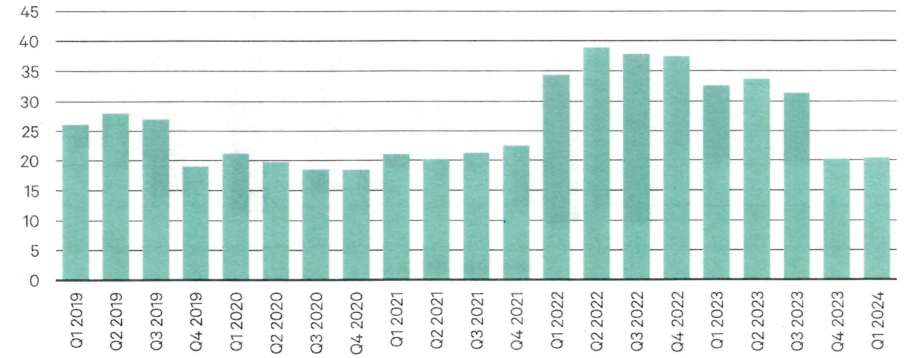
Sources: POLB.com, PortofLosAngeles.org, February 2024

FIGURE 6: Monthly Total TEU Activity (# of Containers)



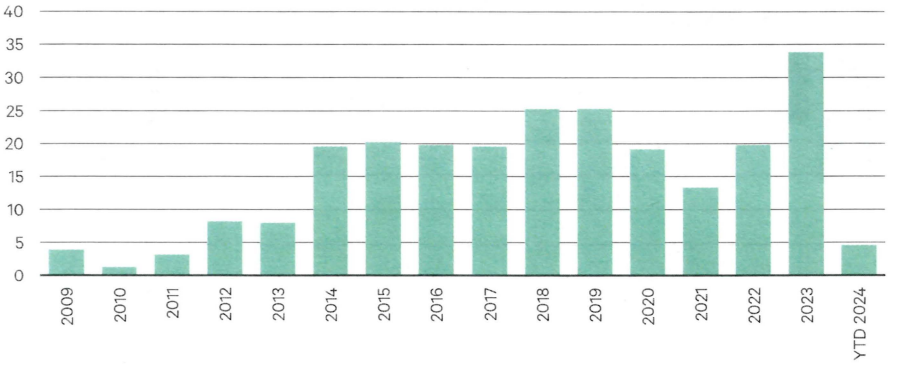
Source: CBRE Research, Q1 2024.

FIGURE 7: Under Construction (MSF)



Source: CBRE Research, Q1 2024.

FIGURE 8: Historical Completed Construction (MSF)



Source: CBRE Research, Q1 2024.

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FIGURE 9: Industrial Market Statistics by City

CITY	BLDG. COUNT	BLDG SQ. FT.	U/C BLDG COUNT	U/C BLDG SQ. FT.	VACANT SQ. FT.	VACANCY RATE	AVAIL SQ. FT.	AVAIL RATE	NO. SALES	SQFT SOLD	NO. LEASES	SQ. FT. LEASED	1ST QTR GROSS ACTIVITY	2024 GROSS ACTIVITY	1ST QTR NET ABSORP.	2024 NET ABSORP.	AVG TAKING LEASE RATE (NNN)
Banning/Beaumont	63	9,556,230	0	0	458,704	4.8	1,759,346	18.4	0	0	1	57,253	57,253	57,253	57,253	57,253	$0.00
Colton	120	8,890,982	1	417,809	374,673	4.2	984,470	11.1	2	37,940	0	0	37,940	37,940	0	0	$0.00
Corona/Norco	713	33,560,089	2	203,823	2,552,912	7.6	3,580,607	10.7	2	75,618	4	165,257	240,875	240,875	76,274	76,274	$1.43
Moreno Valley	103	33,493,816	7	233,443	1,111,088	3.3	1,691,544	5.1	0	0	2	148,212	148,212	148,212	28,212	28,212	$0.00
Perris	164	41,716,788	11	2,597,143	3,859,173	9.3	5,477,673	13.1	1	43,298	3	1,147,726	1,191,024	1,191,024	(314,587)	(314,587)	$1.23
Redlands/Loma Linda	186	30,436,069	1	363,039	3,339,249	11.0	4,269,307	14.0	1	21,228	3	224,582	245,810	245,810	(1,058,289)	(1,058,289)	$1.13
Rialto/Bloomington	239	40,790,737	8	1,649,660	2,764,719	6.8	4,016,826	9.8	0	0	1	25,680	25,680	25,680	(1,153,639)	(1,153,639)	$0.95
Riverside	780	58,067,349	10	834,241	2,611,674	4.5	3,819,441	6.6	2	24,800	7	537,324	562,124	562,124	87,894	87,894	$1.12
San Bernardino	408	45,320,650	5	1,143,846	3,705,343	8.2	4,138,256	9.1	1	46,775	3	553,604	600,379	600,379	(764,066)	(764,066)	$1.16
Inland Empire East	**2,776**	**301,832,710**	**45**	**7,443,004**	**20,777,535**	**6.9**	**29,737,470**	**9.9**	**9**	**249,659**	**24**	**2,859,638**	**3,109,297**	**3,109,297**	**(3,040,948)**	**(3,040,948)**	**$1.20**
Chino/Chino Hills	648	56,004,184	6	504,017	1,470,080	2.6	3,713,143	6.6	1	13,598	16	1,127,015	1,140,613	1,140,613	315,284	315,284	$1.44
Fontana	592	75,985,924	16	5,882,448	3,609,975	4.8	6,661,238	8.8	2	29,179	3	1,032,307	1,061,486	1,061,486	987,029	987,029	$1.38
Jurupa Valley/Eastvale	297	48,335,761	7	542,531	3,608,375	7.5	5,413,228	11.2	0	0	7	1,844,762	1,844,762	1,844,762	651,071	651,071	$1.50
Ontario/Montclair/Upland	1,240	122,298,625	24	5,729,361	7,058,620	5.8	11,598,621	9.5	2	26,921	36	3,158,265	3,185,186	3,185,186	97,415	97,415	$1.37
Rancho Cucamonga	606	44,388,399	4	347,748	1,956,420	4.4	4,634,736	10.4	1	98,685	5	207,910	306,595	306,595	26,396	26,396	$1.41
Inland Empire West	**3,383**	**347,012,893**	**57**	**13,006,105**	**17,703,470**	**5.1**	**32,020,966**	**9.2**	**6**	**168,383**	**67**	**7,370,259**	**7,538,642**	**7,538,642**	**2,077,195**	**2,077,195**	**$1.44**
INLAND EMPIRE CORE	**6,159**	**648,845,603**	**102**	**20,449,109**	**38,481,005**	**5.9**	**61,758,436**	**9.5**	**15**	**418,042**	**91**	**10,229,897**	**10,647,939**	**10,647,939**	**(963,753)**	**(963,753)**	**$1.36**
Adelanto	101	4,349,348	0	0	445,500	10.2	464,750	10.7	0	0	0	0	0	0	0	0	$0.00
Apple Valley	24	3,266,548	0	0	0	0.0	0	0.0	0	0	0	0	0	0	0	0	$0.00
Barstow	15	571,828	0	0	0	0.0	0	0.0	0	0	0	0	0	0	0	0	$0.00
Hesperia	69	5,349,139	0	0	683,133	12.8	683,133	12.8	0	0	0	0	0	0	(150,000)	(150,000)	$0.00
Victorville	78	10,017,115	0	0	528,892	5.3	528,892	5.3	0	0	0	0	0	0	0	0	$0.93
Inland Empire North	**287**	**23,553,978**	**0**	**0**	**1,657,525**	**7.0**	**1,676,775**	**7.1**	**0**	**0**	**0**	**0**	**0**	**0**	**(150,000)**	**(150,000)**	**$0.93**
INLAND EMPIRE + IEN	**6,446**	**672,399,581**	**102**	**20,449,109**	**40,138,530**	**6.0**	**63,435,211**	**9.4**	**15**	**418,042**	**91**	**10,229,897**	**10,647,939**	**10,647,939**	**(1,113,753)**	**(1,113,753)**	**$1.36**

Source: CBRE Research, Q1 2024

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FIGURE 10: Industrial Market Statistics by Building Size Range*

BUILDING SIZE RANGE (SQ. FT.)	BLDG. COUNT	BLDG SQFT	U/C BLDG. COUNT	U/C BLDG SQFT	VACANT SQFT	VACANCY RATE	AVAIL SQFT	AVAIL RATE	NO. SALES	SQFT SOLD	NO. LEASES	SQFT LEASED	1ST QTR TOTAL ACTIVITY	2024 GROSS ACTIVITY	NEW TO MARKET	AVG TAKING RENT
10,000-19,999	948	13,096,450	2	28,724	202,118	1.5	424,173	3.2	3	36,500	3	40,651	77,151	77,151	148,945	$1.10
20,000-29,999	411	9,799,162	5	124,012	240,855	2.5	532,391	5.4	3	73,225	0	0	73,225	73,225	155,657	$0.00
30,000-39,999	232	7,899,290	2	75,534	187,252	2.4	395,962	5.0	0	0	2	57,960	57,960	57,960	180,323	$1.10
40,000-49,999	175	7,768,214	5	222,191	551,231	7.1	769,877	9.9	3	139,934	5	123,685	263,619	263,619	110,400	$1.26
50,000-59,999	132	7,088,788	2	106,360	522,964	7.4	599,404	8.5	0	0	2	69,762	69,762	69,762	57,427	$0.00
60,000-69,999	78	5,005,026	3	187,945	257,697	5.1	384,281	7.7	0	0	2	124,911	124,911	124,911	126,584	$1.50
70,000-79,999	80	5,950,089	1	71,415	582,270	9.8	772,364	13.0	0	0	0	0	0	0	0	$0.00
80,000-89,999	51	4,258,794	3	244,766	214,803	5.0	505,027	11.9	0	0	1	39,114	39,114	39,114	157,647	$0.00
90,000-99,999	43	4,074,581	3	296,618	354,032	8.7	354,032	8.7	0	0	0	0	0	0	0	$0.00
100,000-249,999	320	48,802,802	6	926,491	5,713,146	11.7	7,411,117	15.2	0	0	5	480,113	480,113	480,113	633,451	$1.12
250,000-499,999	149	53,800,373	11	3,760,705	5,522,006	10.3	9,173,191	17.1	0	0	3	905,264	905,264	905,264	2,555,026	$1.20
500,000 and greater	157	134,289,141	2	1,398,243	6,429,161	4.8	8,415,651	6.3	0	0	1	1,018,178	1,018,178	1,018,178	1,229,900	$0.00
INLAND EMPIRE EAST	**2,776**	**301,832,710**	**45**	**7,443,004**	**20,777,535**	**6.9**	**29,737,470**	**9.9**	**9**	**249,659**	**24**	**2,859,638**	**3,109,297**	**3,109,297**	**5,355,360**	**$1.20**
10,000-19,999	1,072	14,672,932	2	32,552	291,125	2.0	481,817	3.3	5	69,698	12	159,748	229,446	229,446	146,616	$1.35
20,000-29,999	490	11,925,975	3	69,998	670,769	5.6	1,011,077	8.5	0	0	5	109,838	109,838	109,838	300,802	$1.58
30,000-39,999	280	9,654,600	6	213,908	300,281	3.1	715,127	7.4	0	0	6	212,583	212,583	212,583	335,569	$1.60
40,000-49,999	190	8,386,657	5	230,281	358,390	4.3	685,747	8.2	0	0	4	158,171	158,171	158,171	311,011	$1.39
50,000-59,999	160	8,619,160	5	294,007	143,105	1.7	382,077	4.4	0	0	5	117,820	117,820	117,820	89,036	$1.35
60,000-69,999	107	6,798,922	2	126,659	327,453	4.8	552,503	8.1	0	0	4	163,770	163,770	163,770	52,632	$1.30
70,000-79,999	67	5,018,802	0	0	270,064	5.4	408,504	8.1	0	0	0	0	0	0	138,440	$0.00
80,000-89,999	65	5,489,582	3	254,182	407,688	7.4	491,238	8.9	0	0	2	27,699	27,699	27,699	59,336	$1.40
90,000-99,999	68	6,458,890	3	290,794	700,268	10.8	819,297	12.7	1	98,685	1	12,741	111,426	111,426	99,425	$0.00
100,000-249,999	512	78,784,058	12	2,057,527	6,340,098	8.0	9,141,261	11.6	0	0	22	2,386,309	2,386,309	2,386,309	2,567,473	$1.40
250,000-499,999	245	87,425,571	9	2,551,010	4,098,219	4.7	6,924,087	7.9	0	0	3	988,963	988,963	988,963	1,823,381	$1.25
500,000 and greater	127	103,777,744	7	6,885,187	3,796,010	3.7	10,408,231	10.0	0	0	3	3,032,617	3,032,617	3,032,617	4,139,713	$1.32
INLAND EMPIRE WEST	**3,383**	**347,012,893**	**57**	**13,006,105**	**17,703,470**	**5.1**	**32,020,966**	**9.2**	**6**	**168,383**	**67**	**7,370,259**	**7,538,642**	**7,538,642**	**10,063,434**	**$1.44**
INLAND EMPIRE CORE	**6,159**	**648,845,603**	**102**	**20,449,109**	**38,481,005**	**5.9**	**61,758,436**	**9.5**	**15**	**418,042**	**91**	**10,229,897**	**10,647,939**	**10,647,939**	**15,418,794**	**$1.36**

*Does not include Inland Empire North. Source: CBRE Research, Q1 2024.

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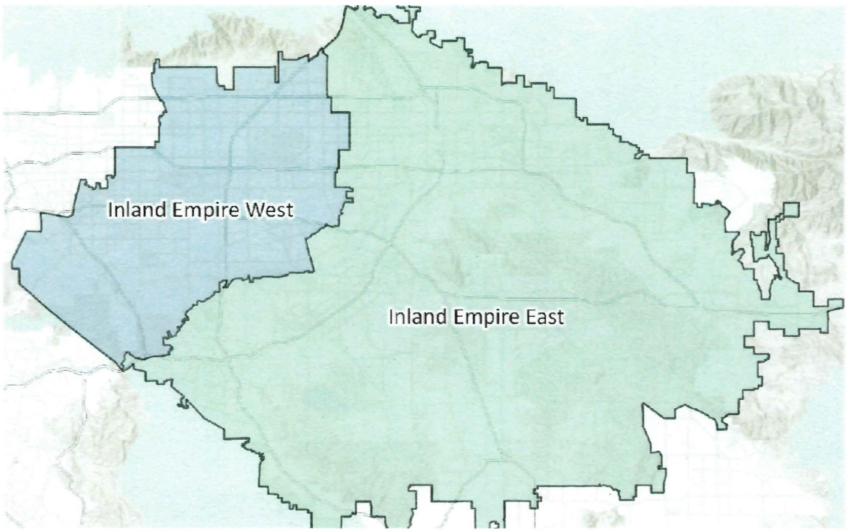
Market Area Overview



Definitions

Available Sq. Ft.: Space in a building, ready for occupancy within six months; can be occupied or vacant. **Availability Rate:** Total Available Sq. Ft. divided by the total Building Area. **Building Area:** The total floor area sq. ft. of the building, typically taken at the "drip line" of the building. **Gross Activity:** All user sales, pre-leased, and new lease transactions completed within a specified time period. Excludes investment sale transactions and lease renewals. **Gross Lease Rate:** Rent typically includes real property taxes, building insurance, and major maintenance. **Net Absorption:** The change in Occupied Sq. Ft. from one period to the next. **New to Market:** Available space added to the market during the specified quarter. **Occupied Sq. Ft.:** Building Area not considered vacant. **Vacancy Rate:** Total Vacant Sq. Ft. divided by the total Building Area. **Vacant Sq. Ft.:** Space that can be occupied within 30 days. **Average Taking Rent:** The first-year base rent (NNN), not including property taxes, insurance and maintenance. **Inland Empire Core:** Includes the Inland Empire West and Inland Empire East submarkets which make up the original Inland Empire market and Out of Submarket cities of Upland and Montclair. **Inland Empire Total:** Includes Inland Empire West, Inland Empire East and Inland Empire North (Hesperia, Barstow, Victorville, Apple Valley, and Adelanto).

Survey Criteria

Includes all industrial buildings 10,000 sq. ft. and greater in size in the Inland Empire. Buildings which have begun construction as evidenced by site excavation or foundation work.

Contacts

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KEVIN P. BUNDY
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RECEIVED
JUL 09 2024
City of Banning
City Clerk's Office

July 9, 2024

Via Electronic Mail Only

Mayor Alberto Sanchez
Members of the City Council
City of Banning
99 E. Ramsey Street
Banning, CA 92220
E-Mail: CityCouncil@banningca.gov

Sandra Calderon
Development Project Coordinator
City of Banning
99 E. Ramsey Street
Banning, CA 92220
E-Mail: scalderon@banningca.gov

Re: Banning City Council July 9, 2024 Agenda Items 6.2 and 7.1: Appeal and proposed reapproval of Banning Point Project (Tentative Map No. 38164 and Design Review No. 21-7008)

Dear Mayor Sanchez, Council Members, and Ms. Calderon:

This firm represents Pass Action Group in connection with the proposed Banning Point warehouse project referenced above (the "Project"). These comments supplement the presentations and additional comments Pass Action Group representatives will be providing at the City Council hearing on the Project.

The Project before you is substantively the same as the project you unlawfully approved in February 2022 by way of Resolution No. 2022-14. The proposed findings in Draft Resolution No. 2024-114 and in the proposed Conditions of Approval attached to the resolution are largely identical, with certain important exceptions discussed below. The staff report does not identify any changes to the 2022 Addendum prepared in an attempt to comply with the California Environmental Quality Act ("CEQA"), nor are any changes identified to the technical reports, responses to comments, or other documents presented in February 2022. We assume there are no relevant changes and that the applicant is relying on the same supporting documents.[1]

[1] Accordingly, Pass Action Group's prior comment letters regarding this Project, submitted to the Planning Commission and City Council in late 2021 and early 2022, are incorporated by reference.

As discussed below, and as will be further elaborated at the hearing, the Project as proposed remains fundamentally incompatible with nearby existing uses, including The Lakes assisted living/memory care facility and the Sun Lakes residential community. Moreover, the City has not corrected the errors identified in Pass Action Group's litigation challenging approval of this project, which remains pending in the Court of Appeal.[2]

Pass Action Group respectfully asks that the City Council (1) grant the appeal and deny approval of Design Review No. 21-7008; (2) deny approval of Tentative Map No. 38164; and (3) return this proposal to the Planning Commission and staff for consideration of development alternatives appropriate for this location.

I. The City has failed to correct errors that remain at issue in Pass Action Group's appeal of the Superior Court's decision.

The staff report and Draft Resolution No. 2024-114 note that the Riverside Superior Court ruled against Pass Action Group on certain issues raised in the litigation against this Project. However, neither the staff report nor the draft resolution acknowledges that Pass Action Group has appealed the Superior Court's decision. The concerns underlying Pass Action Group's appeal are thus not only still at issue in the courts, but also have become even more acute as the City moves toward approval of the massive Sunset Crossroads development just one-half mile from the Project.

A. The City has failed to address the cumulative noise and air quality impacts of this Project in conjunction with those of Sunset Crossroads.

Reconsideration provides the City with another opportunity to consider the cumulative noise and air quality impacts of the Banning Point Project in connection with the impacts of the Sunset Crossroads project. Unfortunately, it appears that the City has again chosen not to address this issue, despite the fact that the City's approach remains unlawful.

It is now beyond dispute that the City has never squarely addressed the cumulative air quality and noise impacts of truck traffic from these two closely related projects. Indeed, the Superior Court specifically found that the Program Environmental Impact Report for Amendment No. 5 to the Sun Lakes Village North Specific Plan

[2] *Pass Action Group v. City of Banning, et al.* (Fourth Dist. Div. 2 No. E083868).

("PEIR") and the Addendum for the Banning Point Project "do not analyze the cumulative impact of the Project and Sunset Crossroads."[3]

Sunset Crossroads is both foreseeable and well-defined enough to permit cumulative impacts analysis. The Sunset Crossroads Specific Plan and Draft Environmental Impact Report are now complete.[4] The City and the applicant can no longer claim Sunset Crossroads is merely speculative.

Like the findings adopted in 2022, the findings proposed in Draft Resolution No. 2024-114 state that Banning Point Project trucks will use the planned Sun Lakes Boulevard extension to access I-10 at Sunset Avenue.[5] Appendix J-2 of the Sunset Crossroads Draft EIR anticipates that Sunset Crossroads trucks also will use Sun Lakes Boulevard to access I-10 at Highland Springs.[6] The appendix further states that the City does not plan to install any physical barriers to trucks using Sun Lakes Boulevard between Sunset Crossroads and Highland Springs.[7]

It is therefore clearly foreseeable that heavy-duty trucks from both projects will be rolling through the heart of the Sun Lakes residential community in both directions once the Sun Lakes Boulevard extension is complete. Yet the City still refuses to address the cumulative effect of Banning Point and Sunset Crossroads truck traffic on Sun Lakes Boulevard. In 2022, the applicant's consultant did not dispute that the PEIR and the Addendum for the Banning Point Project never analyzed impacts of trucks on Sun Lakes Boulevard east of the project at all; instead, the analysis incorrectly and

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[3] Ruling on Submitted Matter – Petition for Writ of Mandate/Complaint for Injunctive Relief, *Pass Action Group v. City of Banning, et al.* (Riverside Super. Ct. No. CVRI2201482, March 15, 2024) ("Trial Court Order") at 6.

[4] Both documents are available at https://banningca.gov/762/Sunset-Crossroads-Specific-Plan.

[5] Draft Res. No. 2024-114 at 10, 18, 21.

[6] Evatt, Aric and So, Charlene, Urban Crossroads, *Sunset Crossroads Traffic Analysis* (June 15, 2023) at 61 (Phase 1A), 67 (Phase 3), 69 (Phase 4), *available at* https://www.banningca.gov/DocumentCenter/View/13828/App-J-2-TA-Report_6-2023.

[7] *Id.* at 60.

misleadingly assumed 100% of the Project's truck traffic would access I-10 via Highland Springs Avenue.[8]

Staff's proposed finding that subsequent environmental review is not required pursuant to Public Resources Code section 21166 and CEQA Guidelines section 15162 thus remains unsupported by substantial evidence. The City's continuing failure to address this issue violates both CEQA and its fundamental responsibility to protect the health and safety of Banning's residents from the combined impacts of multiple warehouse projects.

B. The City's findings of approval remain unsupported.

Pass Action Group's litigation challenged the City's findings of approval for both the tentative map and design review. The findings repeatedly relied on an unsupported and demonstrably untrue factual assertion: that the proposed retail and commercial buildings would "screen and buffer" the proposed warehouse from the large residential community to the south. It is undisputed that nothing in the Sun Lakes North Specific Plan or the proposed Project requires the retail and commercial buildings to be constructed contemporaneously with the warehouse—or even requires their construction at all. The retail and commercial buildings thus cannot serve as a "screen and buffer," and the City's proposed findings to the contrary remain without evidentiary support. This issue remains live in Pass Action Group's pending appeal.

Pass Action Group also challenged the City's decision to allow heavy duty trucks to use Sun Lakes Boulevard notwithstanding that Sun Lakes Boulevard is not designated as a truck route in the Noise Element of the City's General Plan. This issue also remains live on appeal.

II. The City's proposed findings fail to comply with state law and the Banning Municipal Code.

Draft Resolution 2024-114 is mostly identical to the City's prior Resolution 2022-14, but not entirely. The new draft resolution omits findings regarding compliance

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[8] *See* Bill Lawson, P.E., Urban Crossroads, *Letter to Adam Rush Re: (Design Review 21-7008 & Tentative Parcel Map 38164): Responses to Comments Submitted on February 15, 2022, by Shute Mihaly & Weinberger on Behalf of the Pass Area Action Group* (Feb. 17, 2022) at 4.

with the General Plan's Noise Element and the City's noise ordinance that were included in the prior resolution.[9]

Both state law and the Municipal Code require that the City find the tentative map consistent with both the General Plan and the adopted specific plan. *See* Gov. Code §§ 65455, 66473.5; Banning Mun. Code § 17.96.070. The Municipal Code also requires that design review approval be supported by a determination "that the project adequately meets adopted City performance standards and design guidelines," as well as findings of consistency with the General Plan and zoning ordinance, and findings of compatibility with existing neighborhood uses and character. Banning Mun. Code § 17.56.050. Elimination of findings related to the Noise Element and noise ordinance deprive the draft resolution of the required support.[10]

This omission cannot be remedied by merely adding back the findings deleted from the prior resolution. As discussed above, the City has never analyzed truck traffic noise on Sun Lakes Boulevard east of the Project, either from this Project alone or in combination with Sunset Crossroads. Absent such analysis, the City cannot support findings of consistency with the Noise Element and noise ordinance.

Finally, there is additional evidence before the City Council that this Project will not comply with local noise standards. The conclusion in the "Addendum/Consistency Checklist" that the Project's operational noise impacts will be less than significant explicitly depends on construction of a "14-foot-high screen wall" on the south side of the proposed warehouse. Staff Report, Attachment 7 at 71-72. The design review plans for the Project attached to the staff report, however, depict this feature as an 8' wrought-iron fence, not a screen wall. Staff Report, Attachment 6 at 1

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[9] Accordingly, because the findings in Draft Resolution 2024-114 differ from the findings in Resolution 2022-14, the staff report's assertions that the tentative map and design review findings in Draft Resolution 2024-114 consist of the "findings that were upheld by the court" (Staff Report at 3, 4) are thus not entirely correct.

[10] For example, Resolution 2022-14 found the tentative map approval consistent with the Noise Element of the General Plan based on an assertion that "the applicant has been conditioned to implement Mitigation Measure NOI-1" from the PEIR. Res. No. 2022-14 at 12-13. The proposed Conditions of Approval attached as Exhibit A to draft resolution 2024-114 do not contain any noise-related conditions. In addition, as discussed below, a general condition of approval requiring compliance with mitigation measures in the PEIR also has been deleted. Thus the mitigating condition on which the City based its finding of consistency with the Noise Element appears to have been eliminated as well.

(and Site Plan Keynote 6), 6, 7-8 (showing "screen wall" along the north side of the warehouse, adjacent to I-10 and the railroad tracks, but only a "fence" along the southern side of the warehouse facing Sun Lakes Boulevard and the Sun Lakes residential community). An 8' wrought-iron fence is obviously less effective at reducing noise than a 14' concrete screen wall. The conclusions regarding operational noise impacts in the Addendum/Consistency Checklist are thus based on inclusion of a "screen wall" along the southern side of the warehouse that is not included in the design review plans.[11]

III. Proposed conditions of approval eliminate the requirement that the applicant implement mitigation adopted in the PEIR.

Condition 2 of the conditions of approval adopted in 2022 required all activities undertaken in conjunction with the Project to comply with all mitigation measures in the PEIR and the accompanying mitigation monitoring and reporting plan ("MMRP"). Res. No. 2022-14, Ex. A at 1. The staff report asserts that these mitigation measures and the MMRP remain applicable to the Project. Staff Report at 5.

However, the proposed conditions of approval now before the Council omit Condition 2 as adopted in 2022. Accordingly, there is no condition of approval requiring compliance with the PEIR's mitigation measures or the MMRP.

The deletion of Condition 2 undermines the applicant's and the City's commitment to implementing the MMRP. To be clear, the mitigation measures in the MMRP do not go far enough to address the impacts of this Project; for example, they do not affirmatively require permanent noise barriers between the project and residences, use of electrical hookups for APUs and TRUs, or use of only electric on-site equipment (including yard hostlers and forklifts). But absent the commitment to the MMRP in Condition 2, the City cannot rely on the MMRP to support required findings under CEQA or other laws and ordinances.

Indeed, deletion of the condition specifically undermines other proposed findings. For example, Draft Resolution 2024-114, Section 2.F, states that the EIR's mitigation measures remain valid and applicable to the project. (Draft Resolution at 4.) Absent a condition requiring compliance with these mitigation measures, however, the Council's support for this finding is lacking.

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[11] We also note that none of the plans include additional sound barriers along the east side of the warehouse adjacent to The Lakes.

Elimination of this condition also undermines compliance with CEQA. CEQA Guidelines section 15126.4(a)(2) provides that mitigation measures must be "fully enforceable through permit conditions, agreements, or other legally-binding instruments." Absent a permit condition requiring implementation of the MMRP, the mitigation measures in the PEIR do not squarely meet CEQA's enforceability requirements as applied to this Project.

Finally, given the possibility that the entitlements and/or the buildings themselves may be sold or leased to others by the developers, the conditions of approval should specify that all conditions are binding on the applicant's tenants, heirs, successors, and assigns.

IV. The "Public Comment Correspondence" Attached to the Staff Report Addresses Past Decisions, Not the Decisions Now Before the Council.

The staff report asserts that "[a]s of the date of this report, City staff had received several items of public communication for the public hearing to [be] held before the City Council on July 9, 2024, which have been provided to the City Council under separate cover, and are attached to this staff report." Staff Report at 10. However, the materials in Attachment 15 to the staff report (in a file called "Public Comment Correspondence") all appear to predate the Council's original February 2022 consideration and approval of the Project—approval the Council now must vacate and set aside in accordance with the Superior Court's judgment and writ of mandate. Nothing in Attachment 15 indicates that these materials constitute "public communication for the public hearing to [be] held" on July 9, as the staff report claims. To the contrary, the materials in Attachment 15 appear to be unrelated to the decisions and approvals currently before the Council.

V. Conclusion

The Banning Point Project as proposed is starkly incompatible with the surrounding neighborhood and will inflict severe impacts on nearby residents. The court-ordered reconsideration of this Project gives the City Council and opportunity to rethink its past decisions in the context of a fair and impartial hearing. For the reasons stated herein, and in the appellant's presentations at the Council meeting, we urge the Council to grant Pass Action Group's appeal and deny approval of the design review, deny approval of the tentative map, and return this matter to planning staff and the Planning Commission for consideration of development alternatives that would bring the Banning community together rather than drive it apart.

Thank you for your consideration.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Kevin P. Bundy

Cc: Caroline Patton, Administrative City Clerk (via e-mail)

1791507.3

Exhibit E

From: connie
Sent: Tuesday, July 9, 2024 4:36 PM
To: cityclerks
Subject: No on warehouse

No on warehouse . Period .
Sent from my iPad

From: Danni Otto <
Sent: Tuesday, July 9, 2024 4:21 PM
To: City Manager; cityclerks; Sheri Flynn; Rick Minjares; Colleen Wallace
Subject: Banning Point

Please reconsider - DO NOT approve the warehouse proposed on Sun Lakes Blvd. This is a high risk area for residents with multiple medical issues. Having trucks running day and night is not only a health risk to this 'residential' area, but also a traffic nightmare.

A warehouse does not belong here, and the environmental study which was done during the Covid lockdown does not give a true environmental report of what really traffic looks like in this area.

Please, vote NO to this project.

Respectfully,

Danni Otto,
Resident of Banning

RECEIVED
JUL 09 2024
City of Banning
City Clerk's Office

From: emily mason <
Sent: Tuesday, July 9, 2024 12:53 PM
To: Caroline Patton; Doug Schulze; Alberto Sanchez; Rick Minjares; David Happe; Colleen Wallace
Subject: Warehouse project in Banning

To Whom It May Concern:

I am writing this email, not as a resident of Banning, but as a very concerned daughter of a Banning resident. My parents live in the Sun Lakes community. Sadly, my father has many respiratory and heart issues. I am so concerned about how this huge warehouse project will affect his, and many other residents', health. I'm sure you aware of the pollution this would cause.

Another major concern of mine is the traffic this will cause. What about the many ambulances constantly coming and going from both Sun Lakes and The Lakes? Almost every time I am visiting, there is an ambulance. The traffic in the Highland Springs area is already awful. My mom struggles to even get on the freeway so I fear for ALL of the elderly folks this traffic will affect.

Please take Sun Lakes, The Lakes, and all nearby Banning residents into consideration. Perhaps you can put yourself in the shoes of a concerned daughter?

Thank you for your time,
Emily Giordano

RECEIVED
JUL 05 2024
City of Banning
City Clerk's Office

From: Phil Jackson <
Sent: Friday, July 5, 2024 10:56 AM
To: cityclerks; Alberto Sanchez; Rick Minjares; Sheri Flynn; David Happe; Colleen Wallace; Alberto Sanchez
Cc: _City Council
Subject: Objection to Banning Point Project
Attachments: Objection to Banning Point Project.docx

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Subject: Objection to Banning Point Project

FOR THE BANNING CITY CLERK:

This is to register my objection to approval of the Banning Point Project, to include both the construction of the 619,959 square feet industrial building shell and the partitioning of the associated parcel.

Good governance would demand the completion of totally new mandated environmental studies and documentation before the Banning City Council further considers the development. To allow decisions based on a significantly outdated FEIR that does not reflect current traffic patterns and overburdened roads , surrounding retail development, new and planned residential growth, and contemporary air quality standards would be a breach of trust with Banning citizens and an abandonment of truly representative governance.

Should the project be allowed to go forward, the partitioning of the parcel must not be allowed. It seems to me that allowing the partitioning as proposed will make it simple for the developer to sell the portion that is slated for retail and restaurant development and, thus, avoid that part of the development. Any approval of the project should include, in writing, some sort of phased warehouse occupancy and retail/restaurant occupancy in the shielding portion of the parcel. Sun Lakes residents recall, and are reminded every day of, the promises broken by the city when it was promised that trees would be planted to shield it from view when the water tank on the hill just south of Sun Lakes was approved.

The Banning City Councilmembers are begged to put the health and happiness of the city's residents ahead of any developer's profits and increased revenue to the city's coffers. Especially when changes to existing City development plans are required in order to facilitate the latter.

The Banning Point Project proposal must be finally disapproved or at least sent back to step one of its preparation.

Sincerely,

Clifton P. Jackson
6238 Turnberry Drive
Banning, CA

Objection to Banning Point Project 5 July 2024

FOR THE BANNING CITY CLERK:

This is to register my objection to approval of the Banning Point Project, to include both the construction of the 619,959 square feet industrial building shell and the partitioning of the associated parcel.

Good governance would demand the completion of totally new mandated environmental studies and documentation before the Banning City Council further considers the development. To allow decisions based on a significantly outdated FEIR that does not reflect current traffic patterns and overburdened roads , surrounding retail development, new and planned residential growth, and contemporary air quality standards would be a breach of trust with Banning citizens and an abandonment of truly representative governance.

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The Banning Point Project proposal must be finally disapproved or at least sent back to step one of its preparation.

Sincerely,

Clifton P. Jackson
6238 Turnberry Drive
Banning, CA

RECEIVED
JUL 08 2024
City of Banning
City Clerk's Office

From: Lee <)m>
Sent: Monday, July 8, 2024 10:59 AM
To: Caroline Patton; Doug Schulze; Alberto Sanchez; Rick Minjares; Sheri Flynn; David Happe; Colleen Wallace
Subject: Banning Point

Follow Up Flag: Flag for follow up
Flag Status: Completed

To all that this concerns:

As residents of Banning who just happen to reside in Sun Lakes, we ask you to please (re)consider the wisdom of building a warehouse within or adjacent to our communities.

We won't add the many reasons it's not an optimal location as we know you've heard them all. We just want to add our voices to that of our neighbors.

Thanks so much in advance for your thoughtful consideration!
Lee & Michael Stone

RECEIVED
JUL 08 2024
City of Banning
City Clerk's Office

From: Bobbie Davis < n>
Sent: Monday, July 8, 2024 12:10 PM
To: Caroline Patton; Colleen Wallace; Alberto Sanchez; Rick Minjares; Sheri Flynn
Subject: Banning Pointe

I am writing to express my disdain for the Banning Pointe project. I have noticed that even one semi on Highland Springs significantly slows down traffic let alone having semi trucks going in and out all day and evening!

We have significant pollution already with the freeway and train in our community. I hope you will not add more issues to the environment near a senior housing community!

PLEASE VOTE NO ON BANNING POINTE! COMMON SENSE WOULD TELL YOU PUTTING THAT NEAR OUR SHOPPING ON AN ALREADY CONGESTION STREET MAKES NO SENSE!

Barbara Davis
5700 W. Wilson St spc 66
Banning ca

RECEIVED
JUL 08 2024
City of Banning
City Clerk's Office

1624 Fairway Oaks
Banning,California
July 8,2024

anning city council members,

Thank you for your service to Banning citizens. We know the decisions you make take ought and aren't always easy to make.

However, we are asking you to please do something to stop the planned warehouse Lakes and other residences for the elderly population.

We have lived in Sun Lakes over 20 years and enjoyed the location. However traffic ly increased on Highland Springs and we feel the extra warehouse traffic would make it very or us to drive in the area.

As we drive around southern California we have seen MANY warehouses (some be empty)that tells us we do not need another warehouse,especially so close to elderly ers.

Thank you for listening to us.

Sincerely,

Russell D. Summers
Sandra L. Hopper

'24 JUL 8 10:54AM
City of Banning

Banning City Council
members

RECEIVED
JUL 08 2024
City of Banning
City Clerk's Office

Submitted by

Ismael Morales,
1040 Riviera Ave.
Sun Lakes Country Club, Banning
951 255-4416

Good Evening Council Members,

For 23 years I worked in retail sales, route sales and delivery, and insurance sales. So I am very familiar with commutes and our Southern California roads. I then completed my degree and taught and coached on the high school level for 25 years. I retired from teaching and moved to Banning to enjoy a healthy and active retirement.
Enough with my background...

Taxes...I know that a solid tax base is important to the healthy functioning of city government. Taxes, I know that in order to provide regular city services, taxes are key. Recreational and social services, thriving youth programs and senior citizen programs need the funding that comes from taxes.

Taxes are important. Heck, I go across the street from Sun Lakes and provide the city of Beaumont its taxes since we don't have that same easy retail access that Beaumont provides.

All of this said, the acquisition of a solid tax base should not be borne on the sacrifice of health and safety of its residents. I have already heard from previous meetings, the gist of which said, "yes, there will be adverse health effects if the Banning Point plan goes through, but state law allows us to disregard theses Environmental Impact Reports."

And I heard... "While there may be increased traffic on Highland Springs, we don't think it will be as bad once we do some work on the streets."

And it was said... "We don't plan on allowing trucks to travel beyond the main entrance to Sun Lakes. "
And ... "The increase in pollutants will not be that bad."

... REALLY?

In recent weeks, on a variety of different days and hours, well after major "improvements" were completed on the Highland Springs off ramp, I have been in a back up of cars that stretches to the beginning of the off ramp and sometimes, even to the freeway, itself. If you add just two or three 18 wheelers to that line of cars, you will be contributing to an extremely dangerous situation on the 10 Freeway. Cars will be stopped on the freeway, almost to Pennsylvania.

Even if the long range projected carpool lane is added, that won't do anything to the number of vehicles that still need to exit the freeway at that point.

Once the vehicles have negotiated that turn Southbound onto Highland Springs, people returning home, people going to our local shopping centers, people turning left from Ramsey to Highland Springs will all be faced with an additional backup even greater than what it already is.

If you recall, my initial statement included my desire for a healthy and active retirement. How healthy will it be if you add these additional vehicles and the pollution that they will add? How healthy will it be for myself and others as we return home on the 10 Fwy and are rear ended? How healthy will it be when the natural response that some people have to enter an intersection when it is already crowded is added to what is already a difficult emergency service response time? How healthy will it be as we wait behind a diesel truck and it spews it exhaust on all of us?

Oh, but they will add to our tax base.

As I said earlier... REALLY?

Please get your heads out of your ... well, you know and get them out of your wallets and into more constructive planning that will benefit our entire, great, little city.

RECEIVED
JUL 08 2024
City of Banning
City Clerk's Office

From: City Manager
Sent: Tuesday, July 9, 2024 9:19 AM
To: Caroline Patton
Subject: FW: NO on warehouse

Sincerely,

Laurie Sampson
Assistant City Manager
City of Banning
Direct Line: 951-922-4860
lsampson@banningca.gov
99 E. Ramsey Street
Banning, CA 92220
www.banningca.gov

The information contained in this email message is intended only for the use of the individual or entity to which it is addressed and may contain information that is legally privileged and/or confidential. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, if you have received this communication in error, please notify us immediately by telephone. Thank you.
My working hours are Monday to Thursday from 8:00 AM to 6:00 PM. I will respond to your email as soon as possible.

-----Original Message-----
From: Gail Wright < n>
Sent: Monday, July 8, 2024 4:47 PM
To: Doug Schulze <dschulze@banningca.gov>; City Manager <citymanager@banningca.gov>
Subject: NO on warehouse

Please put the welfare of all the people in Sun Lakes and The Lakes as top priority and vote AGAINST the warehouse project proposed!

Thank you for your thoughtful consideration.

Gail Wright

Sent from my iPhone

RECEIVED
JUL 08 2024
City of Banning
City Clerk's Office

From: K Whempner <
Sent: Tuesday, July 9, 2024 9:19 AM
To: cityclerks
Subject: Fw: Common Sense for Banning

Please include the email below with those against the Banning Point Project.
Thank you,
Karen Whempner

----- Forwarded Message -----
From: K Whempner < >
To: scalderon@banningca.us <scalderon@banningca.us>; dschulze@banningca.gov <dschulze@banningca.gov>; rminjares@banningca.gov <rminjares@banningca.gov>; cwallace@banningca.gov <cwallace@banningca.gov>; asanchez@banningca.gov <asanchez@banningca.gov>; sflynn@banningca.gov <sflynn@banningca.gov>; dhappe@banningca.gov <dhappe@banningca.gov>
Sent: Tuesday, July 9, 2024, 09:16:10 AM PDT
Subject: Common Sense for Banning

I am asking you to consider Common Sense and Kindness for Banning and Beaumont.

Common Sense shows that placing a warehouse off Highland Springs and Sun Lakes Blvd. would cause an abundance of traffic problems. We often have major traffic jams on Highland Springs at the freeway, 1st Street and 2nd Street, especially 2nd Street. We see what happens when accidents occurs at these areas. Adding large trucks in the mix of this traffic WILL cause these kind of major traffic jams to occur on a weekly basis, slowing down business activity and increasing the chances of accidents, and causing more traffic jams. With the regular occurrence of traffic jams, it's common sense that these traffic jams and accidents will increase when large trucks are placed in the middle of heavy traffic hours. Please consider this when voting of the Banning Point Project.

Noise and smell travels within the Banning area. Common Sense says that this noise will increase if the Banning Point Project is passed. Yes, I live in Sun Lakes. Yes, I hear traffic from the freeway very loudly, even when all my windows are closed. Sometimes that traffic sounds like it's coming down Sun Lakes Blvd. instead of it being on the freeway. Did you know that when road construction was happening on the freeway, we could hear the beeping from trucks backing up? That's how much sound travels! Now consider that roaring of trucks in a residential area, trucks and forklifts constantly backing up and pulling out, diesel gas odors, squeaky brakes, rumbling and roaring down the streets. SOUND AND ODORS TRAVELS!! This will be difficult for all residents in The Lakes, Sun Lakes, Four Seasons and the surrounding homes. Do you really expect us to lock ourselves in our homes, close our windows and live a happy, quiet life? Common Sense shows that this warehouse will effect this entire community in a big way.

The other effects you have heard, you know, you must consider. Warehouses belong on the outskirts of town. That's Common Sense and it's also considering what is best for our city and surrounding communities.

Please be Kind and use Common Sense. Vote NO on the Banning Point Project and any warehouse project that is next to a housing community. You can do better for Banning. Please start with NO on warehouses.

Sincerely,

Karen Whempner
578 Northwood Avenue
Banning, CA 922220

Sent from the all new AOL app for iOS

RECEIVED
JUL 08 2024
City of Banning
City Clerk's Office

From: Kim Jensen <
Sent: Tuesday, July 9, 2024 7:47 AM
To: Caroline Patton; Doug Schulze; Alberto Sanchez; Rick Minjares; David Happe; Colleen Wallace
Subject: Banning Warehouse(s)

Dear Banning City Council Members:

I am writing this plea as a seven year resident of Banning and Sun Lakes in the hope that you will consider voting against putting a warehouse right next to the Sun Lakes community and The Lakes assisted living facility.

The reasons I am against it are many, and I'm sure you have been made well aware of them: traffic, pollution, noise, and odors come immediately to mind. It would be a nightmare for us Sun Lakes residents and the elderly people who are living their last days at The Lakes assisted living facility.

Most of those of us who live here came to Banning to enjoy our golden years in peace. This would seriously disrupt our lives, and many of us are not in the financial nor physical shape to just pull up tent stakes and move elsewhere.

Please, please do not let this happen to us.

Thank you for your consideration. Thank you for serving our community, and thank you for taking the time to read this. Please vote with your heart.

Sincerely,

Kim Jensen
Sun Lakes Resident

RECEIVED
JUL 08 2024
City of Banning
City Clerk's Office

From: Kathleen Dale
Sent: Tuesday, July 9, 2024 8:48 AM
To: cityclerks; Caroline Patton; Alberto Sanchez; Rick Minjares; Sheri Flynn; David Happe; Colleen Wallace
Subject: July 9, 2024 City Council Public Hearing - Banning Point
Attachments: 070924CCHearing_Consistency.pdf

City Council members - please consider the following in your deliberations on this matter.

City Clerk - please ensure that a copy of this e-mail and attachment are included in the project record.

Respectfully and Hopefully,

Kathleen Dale

It is easy to get lost in the weeds with this project and the voluminous project record. However, if you take a deep cleansing breath, take a baby step back, and focus in on just a few key facts, the picture is crystal clear and your decision is simple.

The attached document includes an aerial photograph overlain with the site plan and truck paths of travel (as presented in the health risk assessment) and a summary of four fundamental General Plan and Specific Plan provisions that the project clearly does not comply with.

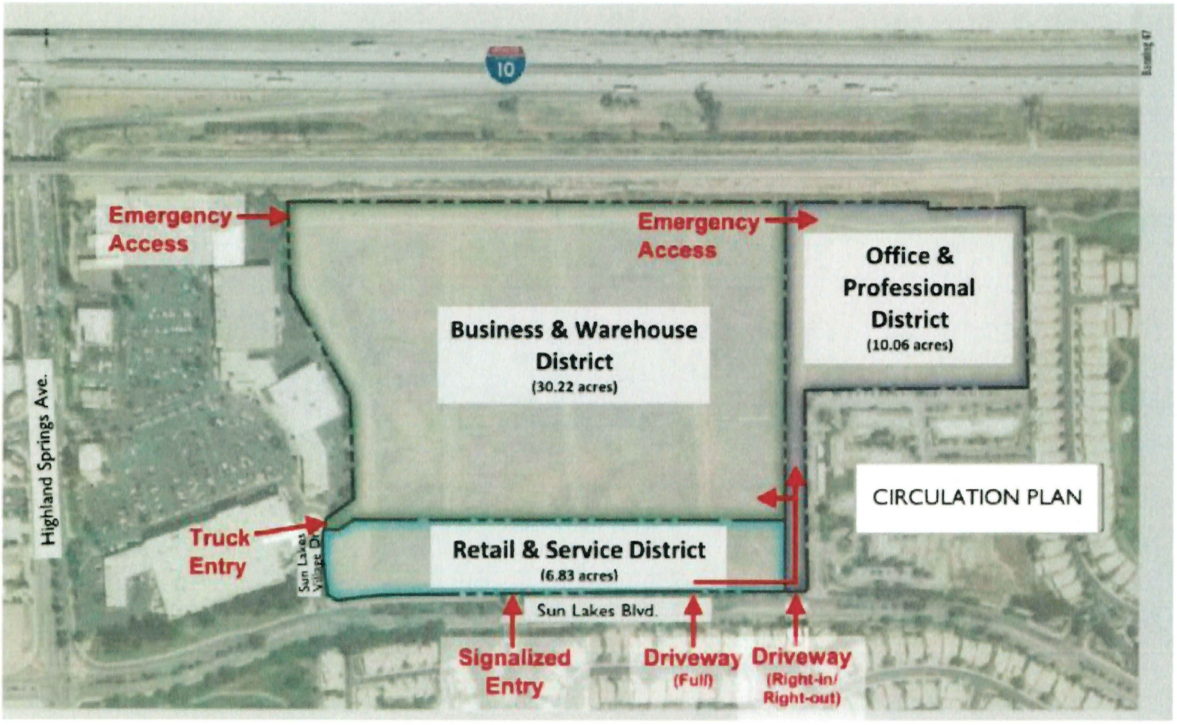
Approval actions on the parcel map and the design review require that you make numerous affirmative findings, including that the proposals are consistent with the General Plan and the Specific Plan. **As the project violates fundamental provisions of both the General Plan and the Specific Plan, YOU MAY NOT APPROVE THE PROJECT AS PRESENTED. FURTHER, AS YOU MAY NOT APPROVE THE PROJECT, CEQA DOES NOT APPLY AND THERE IS NO NEED TO WADE INTO THAT SWAMP.**

I trust a majority of the Council will come around as you finally did with the Charles Street project to understand that this project is an affront to the City's planning framework and substantially disrespects the established neighborhood. I ask that you take the responsible action of soundly denying the parcel map and design review applications before you.

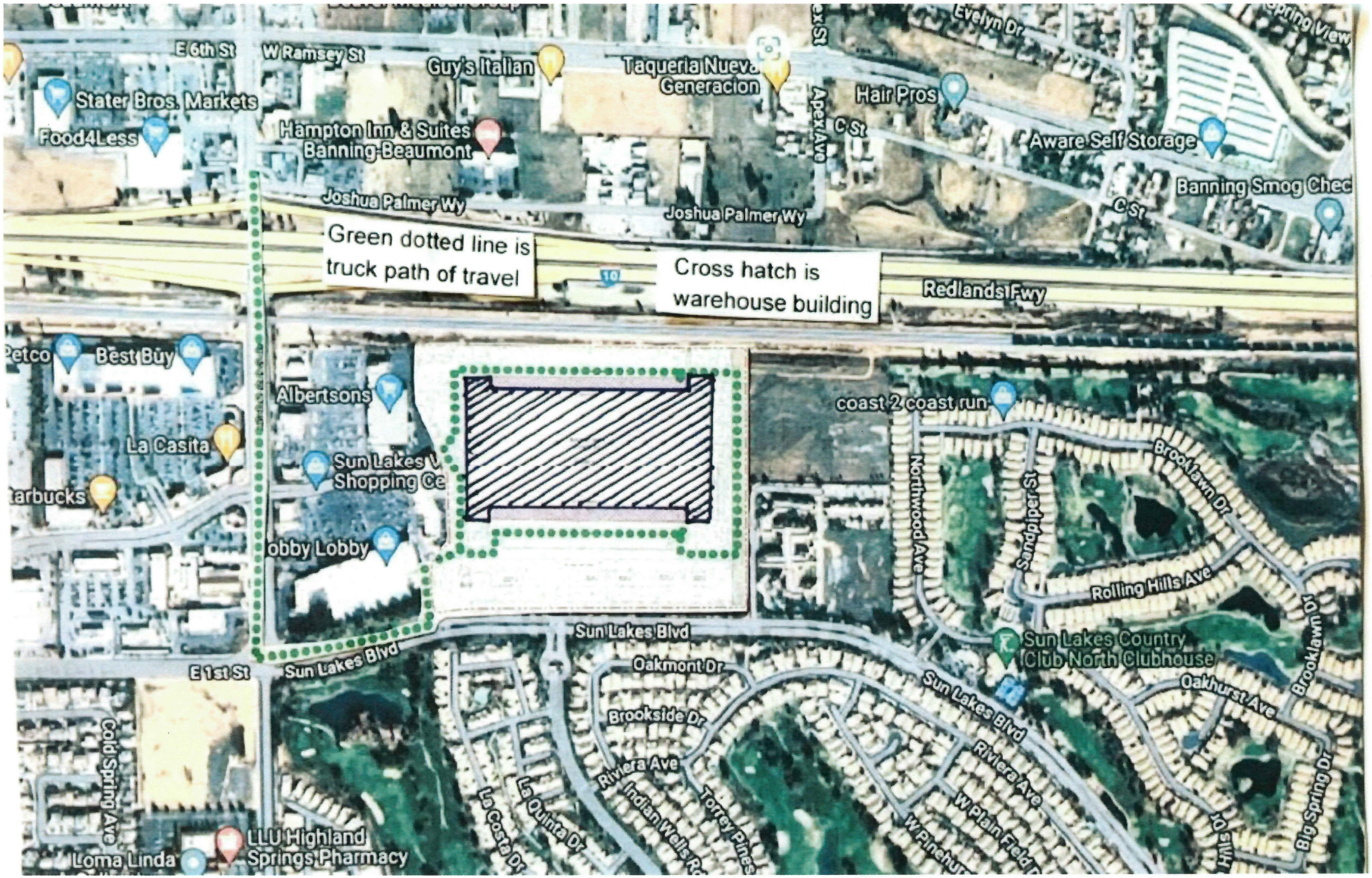
BANNING POINT - FUNDAMENTAL GENERAL PLAN AND SPECIFIC PLAN MISSES
(submitted by Kathleen Dale for City Council Public Hearing 7/9/24)

General Plan Says:	Banning Point Project:	Consistent?
The General Plan Vision Statement is characterized as the driving force behind land use decisions. The vision statement commits to respecting and enhancing the character of existing neighborhoods (General Plan Page I-1)	Places a single, massive warehouse up to 14 feet above adjacent homes and roads and places a driveway to be used for primary truck access at the common property line with an established assisted living facility.	NO
Specific Plan Says: The Office & Professional District panhandle extending to Sun Lakes Boulevard is for passenger vehicle only access to that district(SP Figures 4 and 5, SP Section 2.2.2)	**Banning Point Project:** The parcel map and site plan include the Office and Professional District access panhandle in the warehouse parcel and use this drive for truck access.	NO
Specific Plan Says: Truck traffic is to be restricted to the Business and Warehouse District (SP Figures 4 and 5, SP Sections 2.2.1)	**Banning Point Project:** The Office and Professional District access drive has been taken over for truck traffic.	NO
Specific Plan Says: The three land use districts are to be interconnected with pedestrian links integrated with landscaped stormwater management features (Specific Plan Sections 2.2.5 and 3.2.1).	**Banning Point Project:** The warehouse creates 30-acres of concrete surface with underground stormwater management features. Pedestrian connectivity is precluded due to building coverage, grade differentials and truck traffic.	NO

SPECIFIC PLAN LAND USE AND CIRCULATION PLAN (Specific Plan Figure 5)



BANNING POINT VICINITY AERIAL WITH PROJECT OVERLAY



RECEIVED
JUL 08 2024
City of Banning
City Clerk's Office

From: Hebe Tabachnik <
Sent: Monday, July 8, 2024 4:09 PM
To: Caroline Patton
Cc: Alberto Sanchez; Rick Minjares; Sheri Flynn; David Happe; Colleen Wallace; Doug Schulze; editor@recordgazette.net
Subject: Against the Banning Point Project

To all that this concerns,

We have been living in Sun Lakes Country Club for the past four years. We love living in Banning because it is a safe and healthy community.
We ask you to please (re)consider the wisdom of building the **Banning Point project**. This project will have irriversable effects on every aspect of living in the area, from horrific traffic jams, to unhealthy air and sound pollution, to endangering the people of the whole area when emergency vehicles will need to reach people in need.

There are many more reasons it's not a reasonable location for the project but we believe you have heard or read about them all. We just want to add our voices of opposition and serious concern to that of our neighbors.

Thank you in advance for your time and thoughtful consideration!
Best,

HEBE & JUAN TALLO

RECEIVED
JUL 08 2024
City of Banning
City Clerk's Office

From: Cindy Medley <
Sent: Monday, July 8, 2024 1:51 PM
To: Sandra Calderon; cityclerks; Caroline Patton; Alberto Sanchez; Rick Minjares; Colleen Wallace; David Happe; Sheri Flynn; Doug Schulze; _City Council
Subject: Reconsider Banning Point

Hello City Clerk, and City Council Members,

Please vote No to continue with the Banning Point Development. This project will not add any value to Banning. Look at all the vacant warehouses in San Bernardino County, they get built and then sit empty. New warehouses are also being built in Calimesa, Yucaipa and Beaumont that may never be occupied. If they are occupied think what a mess the air quality will be, think about the people with breathing problems such as COPD and asthma, this could be your Grandparents, Parents, Kids or even yourself. Another concern is for all the additional traffic, just what we need more congestion on all our surrounding surface streets. Accidents waiting to happen.
All these warehouses are not going to get the people to spend money in our community if they need to travel to other Cities to find the places they want to shop at, eat at or to receive medical services. People want to purchase homes in a community where they can do these things.
Please reconsider and vote NO on the Banning Point Development. Maybe this would be a good site for Medical offices, Banning has a horrible shortage of Medical Professionals. Something to consider!!

Please make this email part of the public record.

Thank You,
Cindy Medley

Sent from my iPhone

RECEIVED
JUL 08 2024
City of Banning
City Clerk's Office

From: Gary and Olga Marquette < .e@gmail.com>
Sent: Monday, July 8, 2024 3:27 PM
To: Colleen Wallace; Caroline Patton
Subject: Banning Point

Follow Up Flag: Flag for follow up
Flag Status: Flagged

To all that this concerns:
As residents of Banning who reside in Sun Lakes, we ask you to please reconsider the wisdom of building a warehouse within or adjacent to our senior communities.

We won't add the many reasons it's not an optimal location, as you know and have heard them all. We just want to add our voices to that of our neighbors.

Thank you so much for your thoughtful consideration.

Gary and Olga Marquette

RECEIVED
JUL 08 2024
City of Banning
City Clerk's Office

From: Anita Lawrence <>
Sent: Monday, July 8, 2024 2:53 PM
To: Caroline Patton; Doug Schulze; Alberto Sanchez; Rick Minjares; Sheri Flynn; David Happe; Colleen Wallace
Subject: Banning Point

To: Banning City Council Members & City Staff Members:

As a 25 year resident of Banning and Sun Lakes, we are asking you to please reconsider the wisdom of building a warehouse within a residential community.

As has been stated many times before, building a warehouse in a residential area is not an optimal location and will impact many lives within the Banning community.

We are hopeful that you will reconsider your position on building this warehouse and thank you for your consideration.

Sincerely,
William & Anita Lawrence

RECEIVED
JUL 08 2024
City of Banning
City Clerk's Office

From: Doug Schulze
Sent: Monday, July 8, 2024 4:42 PM
To: Caroline Patton
Subject: FW: Banning Point

Doug Schulze, ICMA-CM
City Manager
City Manager's Office
City of Banning
Direct Line: 951-922-3104
dschulze@banningca.gov
99 E. Ramsey Street
Banning, CA 92220
www.banningca.gov

From: Marie Johnson < m>
Sent: Monday, July 8, 2024 4:19 PM
To: Doug Schulze <dschulze@banningca.gov>
Subject: Banning Point

Dear Mr.Schulz, My husband and I are residents of Banning and we are asking that you will reconsider this Banning Point Warehouse. We believe it will be more of a headache to the city of Banning than a positive impact. Thank you, Mr.& Mrs. Johnson

Sent from Yahoo Mail for iPhone

RECEIVED
JUL 08 2024
City of Banning
City Clerk's Office

From: JOHN HENEISE
Sent: Monday, July 8, 2024 2:56 PM
To: Caroline Patton; Doug Schulze; Alberto Sanchez; Rick Minjares; Sheri Flynn; David Happe; Colleen Wallace
Subject: Banning Point

To Banning city officials

My wife and I moved to Banning as our final retirement home 8 years ago. The thought of warehouses being built across from our community never entered our minds as there are thousands of senior homes in our community and thousands more in Beaumont just across the street from us. Who would ever imagine that city officials would think that it was a good idea to build warehouses among a very vulnerable population.

Please reconsider your past decisions and take this opportunity to make choices that will make Banning and Beaumont both places that will continue to attract new residents and be considered desirable locations to live in. Please put resident needs above developer needs.

Thank you for your consideration and service.

John and Donna Heneise
Sent from my iPhone
909-720-8037

RECEIVED
JUL 08 2024
City of Banning
City Clerk's Office

From: DONNA FERREIRA <[redacted]m>
Sent: Monday, July 8, 2024 1:11 PM
To: cityclerks; Caroline Patton
Cc: ferreira0101
Subject: Banning Point Project

Hello,
My name is Donna Ferreira and I reside at 1539 Fairway Oaks Ave, Banning CA 92220.

I will be unavailable to attend the Council Meeting regarding the Banning Point Project on July 9, 2024. I would like to express my opposition of the approval for the proposed warehouse to located next to a senior citizen care facility and in the heart of a Senior Citizen Community,

I respectfully request that the city council vote AGAINST this project and go back to the drawing board to address a better use for this property that would better serve the community as a whole and that would cause less of an impact to the health and wellbeing of the already established community, many of whom do not have the ways and means to relocate if the warehouse does come into the proposed location causing an immediate impact on the health and wellbeing.

Granted, warehouses have a place and a purpose, this location is just the wrong place.

To recap, I would like it to be entered into the meeting notes that I am opposed to the approval of the warehouse to be located near the Lakes on Sun Lakes Blvd. I am opposed to the Banning Point Project.

Thank You,
Donna Ferreira
951-741-2377

RECEIVED
JUL 08 2024
City of Banning
City Clerk's Office

From: Barbara Elness <,
Sent: Monday, July 8, 2024 2:36 PM
To: Caroline Patton; Doug Schulze; Alberto Sanchez; Rick Minjares; Sheri Flynn; David Happe; Colleen Wallace
Subject: Banning Point

To all that this may concern:

As a resident of Banning, who lives in Sun Lakes, I ask you to please consider the wisdom of building a warehouse adjacent to my community. Although there are many reasons that this is not an optimal location for such a project, I will not list them all here, since I know you've heard them all.

Please consider all residents in this decision, especially those that will be most affected by this, the senior and most vulnerable population at the Lakes and Sun Lakes CC that are nearest to this project.

Thank you for your thoughtful consideration,

Barbara Elness
6187 Inverness Drive
Banning, CA 92220

RECEIVED
JUL 08 2024
City of Banning
City Clerk's Office

From: KATHLEEN DALE <[redacted]>
Sent: Monday, July 8, 2024 1:43 PM
To: Caroline Patton; cityclerks; Alberto Sanchez; Rick Minjares; Sheri Flynn; Colleen Wallace; David Happe
Subject: July 9, 2024 - Public Hearing for Banning Point
Attachments: 021722_CComments.pdf

Attached are my prior comments of February 17, 2022, which remain relevant (although references to content within the staff report may be off).

I did not find this document in my review of the agenda packet, but am told it it there, only missing a couple of pages.

Please ensure that this resubmitted copy is included in the project record.

Thank you,

Kathleen Dale

It is abundantly clear from what has transpired over the course of the hearings for this project that this Council and City administration are seriously disconnected from the community. Even if you can dismiss the emotional pleas you have heard from scores of community members, your decision must be based upon evidence and facts in the record before you. THE SIMPLE FACT IS THAT YOU MAY NOT APPROVE THE DEVELOPER'S PROJECT AS PRESENTED ON THE BAISIS OF THE RECORD BEFORE YOU.

The following is by no means an exhaustive listing of all that is wrong with the record before you, but it is enough to demonstrate that if you want to accommodate the developer's request, you must first amend the Specific Plan, amend the City's Commercial Vehicle Routes (Resolution 2005-91), and conduct an environmental analysis that adequately addresses and mitigates project impacts.

Supporting facts:

1. **The proposed project conflicts with substantive requirements of the Sun Lakes Village North Specific Plan.**
    a. Key excerpts from the Specific Plan are provided on page 5 for your convenience. The Specific Plan is only 41 pages and each of you should take the time to read and digest it before taking any action on development of this site.
    b. Circulation. There is not an exhibit that clearly depicts the proposed parcel boundaries in the current agenda package or any of the prior agenda packages. Based upon language within the staff report, the public can only assume that the proposed parcel configurations conform to the land use designation boundaries under the specific plan (see Figure 2, page 4 of the staff report). The circulation design for the warehouse has usurped the intended access for the Office and Professional District, which besides being in conflict with specific plan provisions requiring truck access to be limited to the Business and Warehouse District, effectively landlocks this parcel.
    c. Pedestrian Circulation. The expansive foot print of the warehouse building, associated slopes, and the use of the intend access to the Office and Professional District for truck circulation preclude any reasonable implementation of the fundamental concept within the Specific Plan for pedestrian interconnection between the three land use districts. The landscaping plan on page 24 of Attachment 5 of the staff report provides a good overview of the site plan that illustrates the complete lack of consideration for this key specific plan provision.
    d. Phasing. Specific Plan provisions at Section 4.7.1 clearly provide that the retail uses along the Sun Lakes Boulevard frontage are to go in first. The proposed reversed phasing with this project is in direct conflict with the Specific Plan.

e. Screening. The conclusory statements in the staff report regarding the effects of landscaping and the future retail buildings in screening the proposed massive warehouse must instead be supported by substantial evidence. This could take the form of illustrative diagrams depicting lines of sight from key perspectives and/or an on-site framework erection (as is used within coastal communities to understand building mass and visibility). Analysis must take into effect comparative finished grades, including that the truck drive adjacent to The Lakes development is 10 feet above that existing facility, and that finished grades for the warehouse pad are up to 10 feet above existing Sun Lakes Boulevard.

f. Screening. The plans for the warehouse building incredulously include a 14-foot concrete screen wall along the truck docks where they face the railroad and freeway, but a 6-foot open metal fence where the truck docks face Sun Lakes Boulevard (see plan sheet DAB A1.6, page 7 of staff report Attachment 5). Even if the future retail buildings would ultimately provide effective screening, how on earth will a six-foot open fence provide screening in the interim?

g. Screening. The plans before you include no landscape buffer adjacent to The Lakes development (recall that the warehouse truck drive at this common boundary is perched 10 feet above them). See the landscaping plan on page 24 of Attachment 5 of the staff report.

2. The CEQA analysis presented for your consideration does not take key project characteristics into consideration

a. Analyses for aesthetics, air quality and noise does not appear to take into consideration the relative grade of the source and receptors, namely that the trucks along the eastern access drive are 10 feet above the adjacent receptors.

b. Analyses for air quality and noise does not appear to take into consideration the design change that pushed the truck access for the warehouse out onto the access panhandle for the Office and Professional District and closer to sensitive receptors (see Exhibit C, page 11 of 2/10/22 air quality memo and Exhibit 8-A, page 36 of 2/7/22 noise study report).

c. Exhibit 6 on addendum page 69 and Exhibit 7 on addendum page 71 suggest that attenuation effects for a 6-foot wall along the edge of The Lakes development have been considered in the noise analysis – how can such a wall provide any such attenuation when the finished grade on the truck access road is above the top of the wall?

d. Analysis for air quality and noise appears to erroneously characterize the nature of outdoor use areas for residential receptors across Sun Lakes Boulevard (assumes no outdoor yard areas oriented toward the road; see page 10 of 2/10/22 air quality memorandum).
e. Analysis of biological impacts does not address the narrow endemic plant species of concern, which are correctly Marvin's Onion and Many-stemmed dudleya (verifiable with interactive mapping tool on Western Riverside County Regional Conservation Agency website).
f. Analysis of biological impacts does not address the riverine/riparian resources on the site.
a. The feasibility of the temporary noise barrier noted in Mitigation Measure NOI-1 on page 67 of the addendum must be demonstrated. Slopes and grade differentials at the interface with The Lakes facility suggest it is not likely a temporary noise barrier could be effectively erected. If this is the case, construction noise impacts would be unavoidable and significant and would trigger the requirement for a subsequent EIR.
b. The resolution presented for your approval claims that Condition of Approval 2 pulls forward all applicable mitigation measures from the prior specific plan EIR (see item F on page 4). No such condition is apparent in the conditions appended to the resolution posted with the staff report.

3. **The intended CEQA compliance vehicle for this project only became evident with release of the City Council agenda a few days ago**

Prior to issuance of public notices for this hearing sometime between February 1, 2022 and February 4, 2022, notices and staff reports had only disclosed that staff had done a consistency analysis and that a Notice of Determination had been prepared for Planning Commission and City Council consideration. No documentation associated with the purported staff consistency analysis was made available to the public, nor does it appear to have been provided to the Planning Commission, or the City Council until a few days ago. It was only with the release of the agenda packet a few days ago that the 686-page addendum finally surfaced. The fundamental omissions with the applicability of an addendum in this circumstance aside, that document is only dated February 10, 2022, including some of the supporting technical analysis! Even if the City is not required to provide public review for an addendum, how on earth did the Planning Commission consider this information, how on earth has the Council had time to independently review it, and how on earth did the City release a public notice relying on this document before it even existed?

4. **City zoning and General Plan designations**
   The General Plan and Zoning exhibit included as page 28 of Attachment 5 to the staff report depicts land use designations that are the reverse of those in the Specific Plan – namely a Business Park designation is depicted adjacent to Sun Lakes Boulevard and a General Commercial designation is depicted adjacent to the freeway. This fundamental discrepancy in the City's plans must be resolved.
5. **Commercial vehicle routes**
   The City has designated certain streets in the city for use by heavy trucks by means of Resolution 2005-91. A copy of the current map is attached for your convenience. Please note that Sun Lakes Boulevard is not a designated commercial vehicle route.

Sun Lakes Village North Specific Plan (Amendment 5) Excerpts

Section 2.2-1 – Semi-truck access is to be limited to the Business and Warehouse District.

Section 2.2.5 – on-site pedestrian circulation to connect the three districts and facilitate employee access to restaurants and retail uses. Repeated in Section 3.2.1, item 4; Section 3.2.5, item 5; Section 3.2.6, item 5; and Section 3.2.7, item 3.

Section 3.2.1, item 2 – provide a connected internal drive aisle linking the Retail & Service District to the Office & Professional District entry road to allow greater passenger vehicle access. Repeated in Section 3.2.6, Item 2 and Section 3.2.7, item 8.

Section 3.2.1, item 5 – stormwater management facilities are to be developed as landscaped features that integrate with onsite pedestrian circulation system.

Section 3.2.1, item 7 – drive aisles are to be design to minimize conflicts with pedestrian movements.

Section 3.2.2, item 4 – provide enhanced architectural detail for Business Park & Warehouse District building elevations visible from Sun Lakes Boulevard.

Section 3.2.3, item 7 - locate, grade, and design projects to direct stormwater runoff from building roofs and paved areas into swaled landscape areas that serve a dual purpose of retention/infiltration as well as a visual amenity.

Section 3.2.4, item 2 - locate, design, and/or screen truck courts, dock doors, and truck parking areas so they are not visible from Sun Lakes Boulevard. Ensure that these areas are concealed while in use, including the tops of truck trailers. Repeated in Section 3.2.5, item 4.

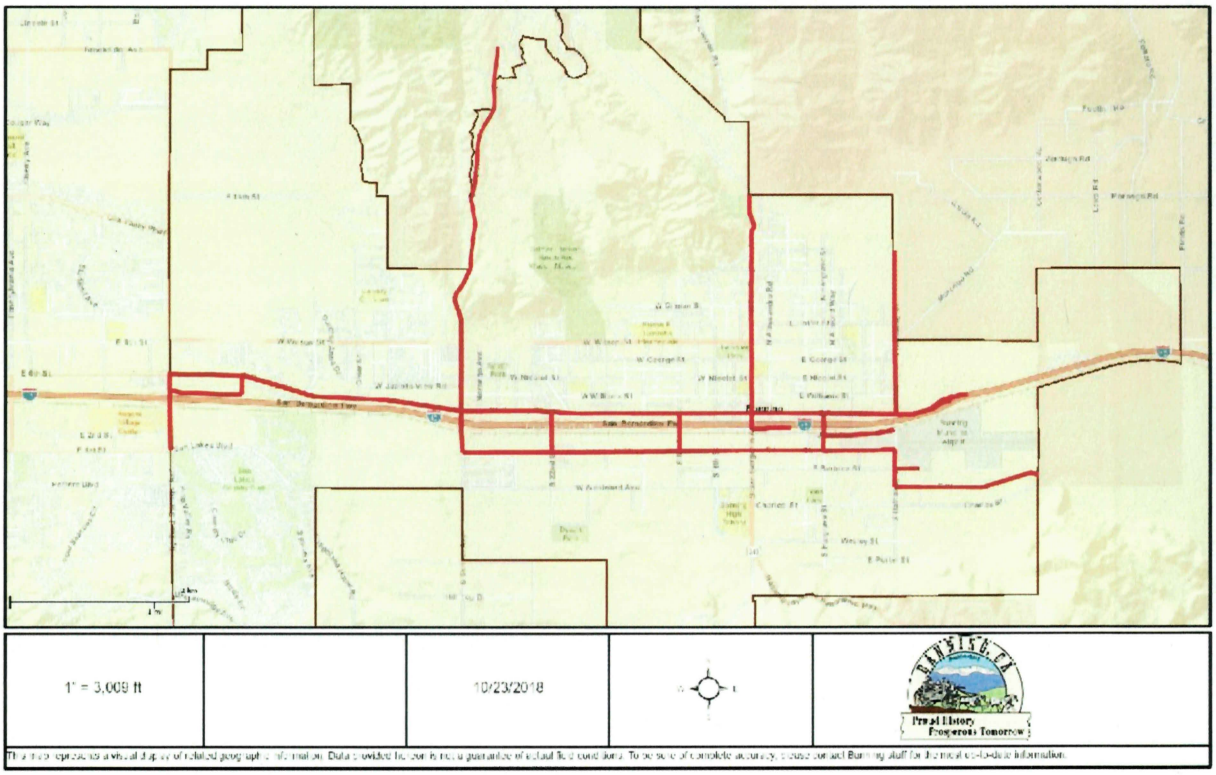
Section 3.2.4, item 3 - use evergreen screen trees along with shrubs and groundcover to create a 20-foot-wide landscape buffer along the northeastern Specific Plan boundary adjacent to the existing residential parcels. Select tree species and size to ensure a solid tree screen above the existing wall within one year. Repeated in Section 3.2.6, item 4.

Section 3.2.7, item 4 - provide clear and well-designed pedestrian access to buildings from the street, parking lot, and Specific Plan pedestrian circulation system through careful building siting, circulation design, decorative hardscape, and landscaping.

Section 4.6.2 - Specific Plan Amendments are required when proposed changes to text or exhibits significantly alter the intent or development concepts of the Specific Plan. Specific Plan Amendments shall be processed in the same manner as the original Specific Plan approval, which includes review by the Planning Commission and adoption by the City Council.

Section 4.7.1 - construction of development and improvements within the Retail & Service District shall be completed prior to occupancy of development within the Business & Warehouse District.

Resolution No. 2005-91 Commercial Vehicle Routes



1" = 3,009 ft		10/23/2018		Proud History Prosperous Tomorrow

RECEIVED
JUL 08 2024
City of Banning
City Clerk's Office

From: Beth Carlin < m>
Sent: Monday, July 8, 2024 2:04 PM
To: Caroline Patton; Doug Schulze; Alberto Sanchez; David Happe; Rick Minjares; Colleen Wallace; Sheri Flynn
Subject: Banning Point

We have lived now in Sun Lakes for eight years and love our community and surrounding areas. We are very concerned about the plans to build warehouses so very close to our neighborhoods which will negatively impact these communities and adjacent areas.

Please consider your future decisions to build these warehouses so close to our communities that will impact our health, traffic congestion and property values.

We thank you for your time and consideration in planning this development.

Robert and Beth Carlin

Sent from my iPhone

RECEIVED
JUL 08 2024
City of Banning
City Clerk's Office

From: GARY BEESON <
Sent: Monday, July 8, 2024 2:19 PM
To: Caroline Patton
Subject: Warehouse

As a long time (53 yrs) resident of Cherry Valley. I hope you will stop the warehouse behind Albertsons from being built. We don't need any added truck traffic in that area.

RECEIVED
JUL 08 2024
City of Banning
City Clerk's Office

From: Duane barringer < >
Sent: Monday, July 8, 2024 5:17 PM
To: Caroline Patton; Doug Schulze; Alberto Sanchez; David Happe; Rick Minjares; Colleen Wallace; Sheri Flynn
Subject: Banning Point

To the city council
As a resident of this city, I ask you to please reconsider the wisdom of building a warehouse adjacent to our Sun lakes communities.We know you've heard all the reasons why it's not a good location for a warehouse.

Thank you all in advance for your thoughtful consideration

Duane Barringer
760-808-2591
Sent from my ipad

RECEIVED
JUL 06 2024
City of Banning
City Clerk's Office

From: Susan Walsh <
Sent: Saturday, July 6, 2024 12:33 PM
To: Caroline Patton
Cc: City Manager; Alberto Sanchez; Rick Minjares; Sheri Flynn; David Happe; Colleen Wallace
Subject: Urge NO vote on Banning Pointe Project

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Dear Administrative City Clerk Patton,

I'm requesting that my letter to the City Manager and all City Council Representatives (copy below) be included as part of the official record of the Banning City Council Meeting July 9, 2024.

Thank you.

Dear City Manager Schulze,
Mayor Sanchez,
Mayor Pro Tem Minjares,
Council Member Flynn,
Council member Happe,
Council Member Wallace

I'm writing to urge a no vote on the development of the Banning Pointe warehouse on Sun Lakes Blvd in Banning, Calif.

I understand the need for warehouses in this economy but this is not the appropriate location in Banning. . .

- On the east side there's a facility for Alzheimer's patients (The Lakes);
- On the south side a senior community of thousands of residents (Sun Lakes Country Club);
- On the west side a small but vibrant shopping center (Albertson's Shopping Center/Sun Lakes Village Shopping Center).

This is a residential community with already horrendous and dangerous traffic issues. Semis coming and going 24 hours a day will only make it many times worse.

Over the past 22 years, state and federal air quality regulations have progressed with reducing large particulate matter and oxides of nitrogen (NOx) emissions. However, with the recent exponential increase in warehouses in the Inland Empire, decades of effort are becoming undermined as greenhouse gases (GHG) climb, and NOx, particulate matter (PM), and ozone continue to disproportionately impact certain communities. I submit to you, that a large segment of Banning's senior community is one of the areas that would be disproportionately affected, almost 20% of Banning's population.

- Decision makers in Banning have not taken into consideration the long-lasting effects this project will have on the health of community residents they serve
- Traffic congestion and bottle necks are another big concern. They already occur on Highland Springs from the freeway to Sun Lakes Blvd. How much worse will it be with a steady stream of semis 24 hours a day.
- Sun Lakes Blvd was not designed and created with the ability to handle constant semi traffic at all hours of the day and night.

My husband and I have been residents here in Banning for almost 5 years. We love it here. Banning has so much potential. Please don't ruin it with warehouses in inappropriate areas. There are appropriate locations for such warehouses away from residential areas, away from schools, shopping centers. . . Build them there.

Thank you.
Dennis and Susan Walsh
Banning, California

Sent from my iPhone

RECEIVED
JUL 0 2 2024
City of Banning
City Clerk's Office

From: Harriet Snyder <
Sent: Tuesday, July 2, 2024 12:06 PM
To: cityclerks
Subject: RE: Proposed Warehouse project opposite Gate 1 at Sun Lakes Country Club Community

Follow Up Flag: Follow up
Flag Status: Flagged

Dear City Council,

My name is Harriet Snyder and I am a resident of Sun Lakes Country Club. My home is close to the main gate 1 and I use it several times a day.

I have been very concerned about the proposed large warehouse project proposed to be directly opposite our gate 1main entrance. However, my concern turned to terror last week when I exited left through gate 1, turned right on Highland Springs, and then got into the left lane to get on the 10 freeway going west.

After passing through the light on 2nd street, I was almost to the next light when I noticed a big rig slightly behind me on my right, with his left turn blinker on. Apparently he was new to the area and/or not paying attention as he did not know that you need to get in the left turn lane way back before the 2nd street light to be able to turn left onto the freeway, with all the traffic and congestion at these intersections.

There was literally no way for me to allow him in as he was behind me. However, when the light turned green and no other cars let him in, he moved forward and started forcing his way into my lane. I had nowhere to go. Beeping my horn didn't help. Fortunately I was able to move forward and out of his way before he smashed into me or I smashed into someone else. I was terrified, and additionally had my 3 year old granddaughter in the back seat. It would have been two of us injured or killed. This was at 9:50 a.m.

Highland Springs Ave is a very congested area WITHOUT dozens of big rigs moving in and out of it's lanes. The 3500+ population of Sun Lakes is elderly – who knows how many accidents, injuries and deaths will occur with big rigs competing with elderly drivers with decreased reflex skills as they maneuver their way down or up Highland Springs Ave? Not to mention the residents of Four Seasons, and the multiple residents of non-senior homes south of First Ave.

It currently takes me 10-15 minutes to get from Gate 1 to the left turn lane that goes on the freeway going west if there is ONE big rig in the lane in front of me. This is waiting through 3 – 5 lights. How long will it take me with two big rigs? Three big rigs? And yes, I am aware that I could take 1st Ave to Beaumont Ave to get on the freeway there, but then you have the massive traffic back up that is always on Beaumont Ave. And why should I, or any of us, have to drive 2+ miles out of our way when the freeway entrance we need is just down the street?

Please consider the safety issues that will develop if this warehouse project goes through. Please consider the traffic jam issues that will be 50 times worse if this warehouse project goes through. Please consider the multiple negative impacts on all the residents that live in this area.

Highland Springs Ave was not built to support multiple big rig traffic. It is beyond congested enough with just regular cars. Go drive over there yourselves and see how it is most of every day.

Thank you for your consideration of my opinion in this matter.

Sincerely,

Harriet Snyder

5955 Warwick Hills Way, Banning CA 922

RECEIVED
JUN 28 2024
City of Banning
City Clerk's Office

From: Mahm <
Sent: Friday, June 28, 2024 4:31 PM
To: cityclerks
Subject: Re: Submitting Comments in Opposition to Banning Pointe Project for Public Hearing on June 11

Follow Up Flag: Follow up
Flag Status: Flagged

I am resubmitting this communication to be included in the public hearing scheduled for Tuesday, July 9th regarding the Banning Point Project.

Mary Ann Melleby

Sent from AOL on Android

On Wed, Jun 5, 2024 at 3:10 PM, Mahm < > wrote:

This written communication is being submitted to be included in the public hearing process scheduled for Tuesday, June 11, 2024, regarding the Banning Pointe Project.

We are adamantly opposed to this project because of the following reasons: **traffic issues, and air and noise pollution and inappropriate location for warehouse operations.**

Traffic Issues:

Adding additional trucks to our already congested traffic area on Highland Springs will increase traffic to unacceptable levels. With over 80 percent of the residents living near the project being over 55 years in age, there is almost a daily need for emergency services, in particular, paramedics and ambulance service. With increased traffic congestion, these emergency services will be greatly impeded to those residents in critical need at The Lakes, Sun Lakes Country Club and Four Seasons. Every second counts in a medical emergency. No amount of traffic light management or roadway improvements will be effective.

Air and Noise Pollution

Increased presence of trucks in the area will certainly have a negative effect on air and noise pollution, due to the daily presence of noisy trucks, spewing diesel gasoline fumes.

Here again, with over 80 percent of the residents living near the project being over 55 years of age, many with compromised health conditions, it is unacceptable for any warehouse to be in an area adjacent to an assisted living facility and across the street from a large retirement community.

Inappropriate Location:

One only has to drive the 60 freeway through the Moreno Valley region to see that the warehouses are not located adjacent to residential areas. For the most part, this is also true in the Ontario area. The Amazon facility in Beaumont and the new (and seemingly vacant) warehouses off Cherry Valley Avenue are located away from residential areas. There is another warehouse located in the eastern part of Banning that has recently become vacant. It is appropriately placed.

Warehouses are an important element of goods movement in today's economy, but location, besides the availability of raw land, is an important consideration. The Banning Pointe Project is grossly inappropriately placed and should not be approved for the proposed location.

We are vehemently opposed to the project, especially the warehouse component.

Sincerely,

Mary Ann Harvey-Melleby

Richard Collier

Sun Lakes Country Club Residents

6308 Ponte Verde Circle

Banning, CA 92220

(909) 974-8008

From: Patricia Norcutt
Sent: Friday, June 7, 2024 4:49 PM
To: Caroline Patton
Subject: Banning Point Project

RECEIVED
JUN 07 2024
City of Banning
City Clerk's Office

My parents were residents of Sun Lakes for 30 years until their deaths. They absolutely loved Banning! I am a 16 year resident of Four Seasons in Beaumont. This project affects not only Banning residents but also Beaumont residents along with anyone who frequents Highland Springs. The infrastructure can barely support the traffic now. Adding additional trucks would be a horrendous and disastrous decision. Please vote NO. No warehouses near Albertsons.
Patricia Norcutt

RECEIVED
JUN 10 2024
City of Banning
City Clerk's Office

From: Cindy Medley < >
Sent: Monday, June 10, 2024 6:47 PM
To: Sandra Calderon; cityclerks; Caroline Patton; Alberto Sanchez; Rick Minjares; Colleen Wallace; David Happe; Sheri Flynn; Doug Schulze; _City Council
Subject: Reconsider Banning Point

Hello City Clerk, and City Council Members,

Please vote No to continue with the Banning Point Development. This project will not add any value to Banning. Look at all the vacant warehouses in San Bernardino County, they get built and then sit empty. New warehouses are also being built in Calimesa, Yucaipa and Beaumont that may never be occupied. If they are occupied think what a mess the air quality will be, think about the people with breathing problems such as COPD and asthma, this could be your Grandparents, Parents, Kids or even yourself. Another concern is for all the additional traffic, just what we need more congestion on all our surrounding surface streets. Accidents waiting to happen.
All these warehouses are not going to get the people to spend money in our community if they need to travel to other Cities to find the places they want to shop at, eat at or to receive medical services. People want to purchase homes in a community where they can do these things.
Please reconsider and vote NO on the Banning Point Development. Maybe this would be a good site for Medical offices, Banning has a horrible shortage of Medical Professionals. Something to consider!!

Thank You,
Cindy Medley

Sent from my iPhone

From: Anita Chatigny <
Sent: Monday, June 10, 2024 1:14 PM
To: cityclerks
Subject: Letter

RECEIVED
JUN 10 2024
City of Banning
City Clerk's Office

To Whom It May Concern,

I am writing as a concerned citizen of Banning. I am a working professional who moved to Banning approximately 5 years ago. I moved with the promise of spending my retirement in a community built upon City leadership that would support my health and well-being.

I have watched with dread as the City has taken a blind eye to responsible city planning. Even with legal issues that bring the council to revisit the Banning Pointe project, I am still not convinced that Banning City Council will act in its citizens' best interests.

The question before you is simple: How many lives is the City of Banning willing to sacrifice for the promise of money?

I want to believe in this City Council and its ability to revisit the Banning Pointe initiative with a fresh viewpoint. As much as I hate to consider this, I am prepared to move from this community if the actions of the council do not demonstrate the care/concern for its senior citizens as I once envisioned. I wonder how many others there are that feel the same.

I want to keep my tax dollars here and to work in partnership with the City Council. Please demonstrate by your vote your commitment to partner with me.

Sincerely yours,
(Electronically signed)
Anita Lara Chatigny, Ph.D.

Sent from my iPad

RECEIVED
JUN 10 2024
City of Banning
City Clerk's Office

From: Kathleen Dale <
Sent: Monday, June 10, 2024 2:24 PM
To: cityclerks; Caroline Patton; Doug Schulze
Cc: Sheri Flynn; Rick Minjares; Colleen Wallace; Alberto Sanchez; David Happe
Subject: Re: 6/11/24 City Council Meeting - Agenda Items 6.10 and 7.1 (Substantive Content Missing)

Just in case - correcting my time warp reference in the original subject line.

Kathy

On Monday, June 10, 2024 at 02:20:17 PM PDT, Kathleen Dale <kdalenmn@aol.com> wrote:

Good afternoon - in reviewing the posted agenda packet yesterday, serious omissions in the back-up material became evident.

1. Neither report includes a location exhibit or any exhibits identifying the proposed project.

2. The only attachment to the report for Item 6.10 is the proposed three-page resolution to rescind the prior approval. The body of the report does not refer to inclusion of a copy of the resolution being rescinded, the resolution to be rescinded is not listed as an attachment, and the resolution to be rescinded is not otherwise present or linked.

3. The report for item 7.1 includes two attachments, the proposed approval resolution and Exhibit A to that resolution (the conditions of approval). The body of the report refers to additional attachments that are not listed at the end of the report, and that are not otherwise present or linked (project exhibits noted at the end of the APPEALS OF THE PLANNING COMMISSION'S DECISION AND HEARING DATES section, public comments noted in the ADDITIONAL PUBLIC COMMUNICATIONS section, the December 1, 2021 Planning Commission packet noted in the JUSTIFICATION section, and the Planning Commission approval resolution noted in the PLANNING COMMISSION ACTION section).

4. There is no supporting content for Item 7.1 related to the proposed CEQA action (e.g., the Addendum, supporting technical reports, or mitigation monitoring program).

These are serious omissions of substantive content necessary for the public to provide informed comment and for the decision-makers to make an informed decision.

I trust that these items will be pulled from the agenda for Tuesday's meeting.

Respectfully,

Kathleen Dale

RECEIVED
JUN 10 2024
City of Banning
City Clerk's Office

From: Stuart <
Sent: Monday, June 10, 2024 1:04 PM
To: Alberto Sanchez; rminhares@banningca.gov; Sheri Flynn; Colleen Wallace
Cc: City Manager; Laurie Sampson
Subject: Transit and Business Center of the Pass
Attachments: Transit and Business Center of the Pass copy.pages

1. Alberto Sanchez, Mayor,
2. Rick Minhares, Mayor Pro Tem,
3. Sheri Flynn, Council Member,
4. David Happe, Council Member,
5. Colleen Wallace, Council Member.

Cc: Doug Schulze, City Manager,
Cc: Laurie Sampson, Assistant City Manager.

Enclosure: Letter to Banning Planning Commission, 2024-06-05

This is a proposal asking you to consider better use of the so-called Banning Point area in west Banning. Establish a Transit Center to serve as a station for the Coachella Valley - San Gorgonio Pass Rail Corridor service, better known as Coachella Valley Rail, with passenger service between Los Angeles and Indio.

The current proposal for a warehouse and the accompanying big truck traffic and diesel fumes and particles do not belong in a residential zone. It conflicts with Banning's stated desire to adopt a "Blue Zone" status for the health and welfare of all residents.

This land is an opportunity for Banning to plan for the positive and healthful future of the People of Banning and the Pass Area.

This proposal is a challenge to the developer of the proposed warehouse to build something beneficial to the People of the Pass. If the developer cannot do this, the developer does not belong in California.

Assistant City Manager: Please pass this on to Council Member Happe who did not list an email in his City Bio.

Thank you,

Stuart MacKenzie
Banning, California 92220

RECEIVED
JUN 10 2024
City of Banning
City Clerk's Office

From: bruano <
Sent: Monday, June 10, 2024 1:17 PM
To: Laurie Sampson; Alberto Sanchez; rminares@banningca.gov; Colleen Wallace; David Happe; Sheri Flynn
Cc: bruano@aol.com
Subject: Banning Point Warehouse Project

Council Members,

Please vote no against the Banning Point Warehouse project. I have been a SunLakes resident for 6 years. I am involved in the Banning community, not only in Sun Lakes. My career took me to many cities/states over the years but Banning is the place I want to spend my senior years. The warehouse would severly dampen the joy of living here. The truck traffic, more traffic jams, dirty air are all hazardous for all residence of Banning but even more for the elderly. Again, please vote NO to warehouses next to the residential areas.

Respectfully,
Bess Ruano
Banning Resident
1539 Faireway Oaks Ave.
Banning CA

Sent from my Verizon, Samsung Galaxy smartphone

6/4/24

To whom it May Concern and City Clerk,

RE: Banning Point Warehouse Review
Public Hearing June 11, 2024

- Most cities have laws against odors, noise, harmful pollutants, gas, chemicals and so does Banning. The City of Banning has violated air quality regulations and has paid a hefty fine in the past.
- Science tells us exhaust such as trucks idling and just driving have carbon dioxide that traps heat in the atmosphere and creates more global warming.
- Being repeatedly exposed to concentrated exhaust from gas or diesel fuiled vehicles has huge effects on our health such as asthma, reduced lung capacity, makes us more susceptible to respiratory illnesses.
- Businesses should be concerned about being good neighbors and "set up shop" in appropriate areas.
- If the city of Banning doesn't allow chickens, ducks, roosters in the City, why would we have noise pollution 24/7 from warehouses and trucks and traffic?
- Please vacate all prior approvals.

Respectfully, Patricia Syre 1212 Lee. [illegible]

Patricia Syre
1212 Laguna Seca Ct
Banning CA 92220-5419

'24 JUN 6 9:09AM

RECEIVED
JUN 06 2024
City of Banning
City Clerk's Office

City Clerk
City of Banning
99 E. Ramsey St.
Banning CA 92220

From: Sheets Family <
Sent: Wednesday, June 5, 2024 2:46 PM
To: cityclerks
Subject: No Warehouse

>

RECEIVED
JUN 05 2024
City of Banning
City Clerk's Office

Please reconsider approving the warehouse on Sun Lakes Blvd. Having trucks running day & night is not only a health risk to seniors in Sun Lakes & The Lakes but also a traffic nightmare. A warehouse does not belong in a quiet residential area.

Please note the error of the environment study which was done during the Covid lockdown when traffic wasn't an issue.

It makes more sense to put in a warehouse in downtown Banning where there are no homes.

Concerned senior residents,

Bob & Nancy Sheets

FROM THE
RESIDENTS OF
SUN LAKES COUNTRY CLUB.

David Gartzke

RECEIVED
JUN 05 2024
City of Banning
City Clerk's Office

On June 5, 2024, Ms. Gartzke submitted signed "petition" sheets to the City Clerk's Office.

1,007 sheets of the attached notice were received.

Caroline Pass

To: The Banning City Council

The residents of Sun Lakes Country Club chose to move into the community because it met the needs of these residents who were entering the latter stages of their life. The surrounding community offered a slower pace of life with adequate resources for their everyday needs. The air quality was good. The traffic was moderate. The neighbors were nice. The city was looking after the public health, safety, and welfare of its citizens and the community.

This approach to choosing where you live is likely not so different from how some members of the City Council choose the homes they live in. They want a safe, clean neighborhood with a quality school close to home for their children and not too far from work. We ask the Council: If your children's school is shut down or there was a factory constructed across the street from the school that produced constant fumes and noise surrounding the playground, would you consider re-locating to another neighborhood? As a person who is 30 to 50 years younger than most Sun Lakes residents, you have the option to re-locate.

We, in Sun Lakes, are not in our prime earning years and our options are limited due to health issues and reduced income. We ask the City Council to delay any vote on the Banning Point Project until after they take into consideration that Sun Lakes Country Club alone represents nearly 20 percent of Banning's total residential population, and this population is going to be negatively affected by the development of the Banning Point Project for the rest of their natural lives.

We ask the Banning City Council to also take into consideration that the City is still looking for land to develop low density and/or medium density housing. A small apartment complex built to house our own Banning seniors whose income would not allow them to purchase or rent homes in Sun Lakes would be a godsend to many. The City is also trying to encourage the re-opening of a new Department of Motor Vehicles building. With so many seniors within a two- or three-mile radius of this property, a medical facility providing medical specialists would be well supported. A facility like this would bring residents from many of the surrounding cities to take advantage of Banning's Specialist facility. Any of these options could be developed on the Banning Point 47 acres. Consider promoting and soliciting developers for these types of projects. Allow the current developer to re-locate to an area farther away from existing, mature developments designed to house seniors, and allow the current developer to negotiate with the owners of one of the many empty warehouses already collecting dust.

PRINT YOUR NAME *SIGN YOUR NAME* *STREET ADDRESS* *DATE*

THE BANNING POINT WAREHOUSE FIGHT CONTINUES

The Judge ruled that the current Banning City Council must reconsider the Banning Point Project. That means that any individual concerned that construction of a 620,000 square foot warehouse with its associated traffic and pollution would be detrimental to the surrounding community still has an opportunity to let their voice be heard before the Council conducts another vote on the project.

The attached document has been created to inform the City Council of the residents' concerns and to request that the Council delay any vote on the Banning Point Project until after taking into consideration that Sun Lakes Country Club alone represents nearly 20 percent of Banning's total residential population, and this population is going to be negatively affected by the development of the project for the rest of their natural lives.

If you would like to add your name to the list of Sun Lakes residents who want to be heard before it is too late, please print your name, sign your name, provide your street address, and give the date you signed the document. Return the signed document to your District Delegate as soon as possible (3 to 5 days). We want to let the City Council members understand that we are still opposed to this warehouse project, but we must speak up BEFORE they take another vote.

Thank you,

Dorrie Gartzke, SLCC Recycle Project

From: Fran Matzen < >
Sent: Wednesday, June 5, 2024 6:22 AM
To: Sandra Calderon <scalderon@banningca.gov>
Subject: Banning Point

RECEIVED
JUN 05 2024
City of Banning
City Clerk's Office

Dear Banning city officials,

Thank you for listening to your constituents. Please DO NOT APPROVE the Banning Point warehouse project.

As I am sure you are aware, there are over 3,000 residents living in close proximity to the proposed project. Studies have shown the ill effects warehouse projects can have on the health of those living nearby.

Also, traffic in the general area is already bad. We don't need truck traffic added to the mix. Have you ever tried exiting the eastbound I10 in the late afternoon? We often are on the shoulder well west of the exit, sometimes just barely able to get in the line that is backed up almost to the Pennsylvania Avenue on-ramp. Please don't add truck traffic to this. In addition,the street traffic on Highland Springs south of the freeway to Sun Lakes Boulevard is already quite congested.

Please consider those who elected you when you vote.

Thank you,

Frances Matzen
5652 Lopez Way
Banning, CA 92220

From: Shirley Dills <
Sent: Wednesday, June 5, 2024 8:55 AM
To: Sandra Calderon <scalderon@banningca.gov>
Subject: Banning Point

RECEIVED
JUN 05 2024
City of Banning
City Clerk's Office

I am writing to you to reconsider your approval of the Banning Point.
I have lived here in Sun Lakes for 20 years and considered this my last home here in Banning.
I have a great life here in Banning, but that is threatened now due to Traffic from big rigs blocking streets that we must use. Sun Lakes through the Mello Roos paid out of our pocket for the Highland Springs underpass so we could have fast access to San Gorgonio Hospital.
This is now, due to the approval of Banning Point being approved, a real life threat to many here in Sun Lakes.
We have paid our taxes and are a large part of the City of Banning.
I'm a Senior, age 84 at the present time and am very concerned about the quality of the enviornment, and air quality which would undoubtedly be affected by a warehouse so close to my home.

I'm requesting you to reconsider at the June 11, 2024 meeting.

If this was your Mother what would your choice be?

Thank You
Shirley J Dills
Sent from my iPhone

From: Raymond Reddig
Sent: Tuesday, June 4, 2024 9:18 AM
To: cityclerks
Subject: BANNING POINT

RECEIVED
JUN 04 2024
City of Banning
City Clerk's Office

As a citizen of Banning I object to the Banning point project 98rayroad@gmail.com

RECEIVED
MAY 22 2024
City of Banning
City Clerk's Office

From: Barbara Jesus <reech.us@hotmail.com>
Sent: Wednesday, May 22, 2024 12:04 PM
To: Sandra Calderon <scalderon@banningca.gov>
Subject: Public Hearing May 28, 2024 Review 21-7008 ETC

We submit some of these links to support why these trucking operations should not be put near our residential communities.

Minority Population means any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons who will be similarly affected by a proposed USDOT program, policy or activity. • Low-Income means a person whose median household income is at or below the Department of Health and Human Services poverty guidelines. • Low-Income Population means any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons who will be similarly affected by a proposed USDOT program, policy or activity. Besides the minority and low-income populations, **elderly people** and children are particularly vulnerable to potential health impacts brought by freight. In this analysis, these populations are defined as below: • **The Elderly Population refers to the people that are 65 years and older. • Children refers to the people who are under 10 years of age.**

https://www.ehn.org/diesel-truck-air-pollution-2655321340.html

EHN

Diesel trucks are causing environmental injustice across US cities

Low-income people of color in the U.S. are exposed to 28% more nitrogen dioxide (NO_2) in the air they breathe compared to their wealthier white counterparts, a new study using satellite measurements reports.

www.ehn.org

https://www.edf.org/media/edf-report-air-pollution-warehouse-trucks-places-unequal-burden-communities-color-and-areas

https://envhealthcenters.usc.edu/wp-content/uploads/2016/11/Driving-Harm.pdf

Barbara and Jay Jesus -909-915-4320

LuAnn Green

RECEIVED
MAY 24 2024
City of Banning
City Clerk's Office

April 20, 2024

Mayor - Alberto Sanchez

Mayor Pro Tem. - Rick Minjares

Council Member – Sheri Flynn; David Happe; Collen Wallace

Topic – Banning Point Project

Before you make a decision a new Traffic and Safety Study is necessary. It should be conducted at various times of day. If one was performed it was conducted at the wrong time of day. Anyone that has driven on Highland Springs both North & South of the 10 freeway will tell you it is a congested mess at peak hours and on weekends. Adding even more 18 wheelers to the this area would be a dangerous nightmare. Someone should ask the Highway Patrol (located right on Highland Springs) for their input.

Please think this through. Thank you,

LuAnn M. Green

2445 Birdie Drive, Banning, Ca 92220

To: The Banning City Council BANNING POINT PROJECT

The residents of Sun Lakes Country Club chose to move into the community because it met the needs of these residents who were entering the latter stages of their life. The surrounding community offered a slower pace of life with adequate resources for their everyday needs. The air quality was good. The traffic was moderate. The neighbors were nice. The city was looking after the public health, safety, and welfare of its citizens and the community.

This approach to choosing where you live is likely not so different from how some members of the City Council choose the homes they live in. They want a safe, clean neighborhood with a quality school close to home for their children and not too far from work. We ask the Council: If your children's school is shut down or there was a factory constructed across the street from the school that produced constant fumes and noise surrounding the playground, would you consider re-locating to another neighborhood? As a person who is 30 to 50 years younger than most Sun Lakes residents, you have the option to re-locate.

We, in Sun Lakes, are not in our prime earning years and our options are limited due to health issues and reduced income. We ask the City Council to delay any vote on the Banning Point Project until after they take into consideration that Sun Lakes Country Club alone represents nearly 20 percent of Banning's total residential population, and this population is going to be negatively affected by the development of the Banning Point Project for the rest of their natural lives.

We ask the Banning City Council to also take into consideration that the City is still looking for land to develop low density and/or medium density housing. A small apartment complex built to house our own Banning seniors whose income would not allow them to purchase or rent homes in Sun Lakes would be a godsend to many. The City is also trying to encourage the re-opening of a new Department of Motor Vehicles building. With so many seniors within a two- or three-mile radius of this property, a medical facility providing medical specialists would be well supported. A facility like this would bring residents from many of the surrounding cities to take advantage of Banning's Specialist facility. Any of these options could be developed on the Banning Point 47 acres. Consider promoting and soliciting developers for these types of projects. Allow the current developer to re-locate to an area farther away from existing, mature developments designed to house seniors, and allow the current developer to negotiate with the owners of one of the many empty warehouses already collecting dust.

PRINT YOUR NAME	SIGN YOUR NAME	STREET ADDRESS	DATE
LUANN M. GREEN	LuAnn M Green	2445 BIRDIE DR	APRIL 20, 2024

L. GREEN
2445 BIRDIE DR
BANNING, CA. 92220

SN BERNARDINO CA 923
22 APR 2024 PM 4 L

ALBERTO SANCHEZ- COUNCIL
BANNING CITY HALL
99 E. RAMSEY ST.
BANNING, CA. 92220

92220-483799

CITY OF BANNING – Public Meeting Speaker Card

Public participation is encouraged at all meetings. The purpose of this card is to ensure that the speaker's name is properly recorded in the meeting minutes and to provide contact information for later staff follow-up, if appropriate. This document is a public record subject to disclosure under the Public Records Act.

Name	JUAN SERRATO		
Contact Information *(if desired)*			
Agenda Item No.	7.1	**Topic**	
Support ☑ **Oppose** ☐			
Comments			

0001

CITY OF BANNING – Public Meeting Speaker Card

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Name	JONATHAN DAILEY		
Contact Information *(if desired)*			
Agenda Item No.	7.1	**Topic**	
Support ☒ Oppose ☐			
Comments			

0002

CITY OF BANNING – Public Meeting Speaker Card

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Name	ALEX ZAMORA		
Contact Information *(if desired)*			
Agenda Item No.	7.1	**Topic**	
Support ☒ **Oppose** ☐			
Comments			

0003

CITY OF BANNING – Public Meeting Speaker Card

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Name	Virginia DeBry		
Contact Information *(if desired)*	(951) 312-5946		
Agenda Item No.	7.1	**Topic**	Resolution 2024-114
Support ☐ **Oppose** ☒			
Comments	I intend to voice my concern about this project and speak about how inappropriate it is that union builders are here to speak when they do not live in Banning		

CITY OF BANNING – Public Meeting Speaker Card

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Name	John Swem		
Contact Information *(if desired)*	(951) 846-3088		
Agenda Item No.	07.1	**Topic**	Resolution 2024-114
Support ☐ **Oppose** ☑			
Comments			

0006

CITY OF BANNING – Public Meeting Speaker Card

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Name	Bruce L. Brown		
Contact Information *(if desired)*	512 Sandpiper St., Banning, CA 92220		
Agenda Item No.	7.1	**Topic**	Banning Point Project
Support ☐ **Oppose** ☒			
Comments			

0007

CITY OF BANNING – Public Meeting Speaker Card

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Name	MICHELE WAGER		
Contact Information *(if desired)*	4713 SKY VIEW 951 202-8009		
Agenda Item No.	7.1	**Topic**	BANNING POINT
Support ☐ **Oppose** ☒			
Comments			

0008

CITY OF BANNING – Public Meeting Speaker Card

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Name	James Corrigan		
Contact Information *(if desired)*			
Agenda Item No.	7.1	**Topic**	Banning Pointe
Support ☐ **Oppose** ☒			
Comments			

0009

CITY OF BANNING – Public Meeting Speaker Card

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Name	Al Sanchez		
Contact Information *(if desired)*			
Agenda Item No.	7.1	**Topic**	
Support ☑ **Oppose** ☐			
Comments			

0010

CITY OF BANNING – Public Meeting Speaker Card

Public participation is encouraged at all meetings. The purpose of this card is to ensure that the speaker's name is properly recorded in the meeting minutes and to provide contact information for later staff follow-up, if appropriate. This document is a public record subject to disclosure under the Public Records Act.

Name	JOHN HAGEN		
Contact Information *(if desired)*	~~N/A~~		
Agenda Item No.	7.1	**Topic**	BANNING POINT
Support ☐ **Oppose** ☒			
Comments	WRITTEN STATEMENT.		

0012

no longer present

CITY OF BANNING – Public Meeting Speaker Card

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Name	JANET HANSAN		
Contact Information *(if desired)*			
Agenda Item No.	7.1	**Topic**	Banning Point
Support ☐ **Oppose** ☐			
Comments			

0013

CITY OF BANNING – Public Meeting Speaker Card

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Name	Virginia E Cervantes		
Contact Information *(if desired)*			
Agenda Item No.	7.1	**Topic**	Bus Topic Banning Pt.
Support ☐ Oppose ☐			
Comments			

0015

CITY OF BANNING – Public Meeting Speaker Card

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Name	Nick Gumbleton		
Contact Information *(if desired)*			
Agenda Item No.	7.1	**Topic**	
Support ☒ **Oppose** ☐			
Comments			

0016

CITY OF BANNING – Public Meeting Speaker Card

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Name	ANDREW MAYORGA		
Contact Information *(if desired)*			
Agenda Item No.	7.1	**Topic**	
Support ☒ **Oppose** ☐			
Comments			

0018

CITY OF BANNING – Public Meeting Speaker Card

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Name	RALPH VELADOR		
Contact Information *(if desired)*			
Agenda Item No.	7.1	**Topic**	
Support ☒ Oppose ☐			
Comments			

0019

CITY OF BANNING – Public Meeting Speaker Card

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Name			
Contact Information *(if desired)*	Ismael Morales		
Agenda Item No.	2	**Topic**	Banning Point
Support ☐ **Oppose** ☒			
Comments			

0021

CITY OF BANNING – Public Meeting Speaker Card

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Name	Ron Roy		
Contact Information *(if desired)*			
Agenda Item No.	7.1	**Topic**	BANNING POINT
Support ☐ Oppose ☒			
Comments			

0022

CITY OF BANNING – Public Meeting Speaker Card

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Name	Jose Radillo		
Contact Information *(if desired)*			
Agenda Item No.	7.1	**Topic**	
Support ☒ **Oppose** ☐			
Comments			

0020

CITY OF BANNING – Public Meeting Speaker Card

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Name	Jose Garcia		
Contact Information *(if desired)*			
Agenda Item No.	7.1	**Topic**	
Support ☒ **Oppose** ☐			
Comments			

0023

CITY OF BANNING – Public Meeting Speaker Card

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Name	Mario Gamboa		
Contact Information *(if desired)*			
Agenda Item No.	7.1	**Topic**	
Support ☒ Oppose ☐			
Comments			

0025

CITY OF BANNING – Public Meeting Speaker Card

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Name	STEVEN PARKER		
Contact Information *(if desired)*	7.1 SAN LORENZO VILLAGE		
Agenda Item No.	7.1	**Topic**	TRAFFIC & EMERGENCY EGRESS ON SUNSET A
Support ☐ **Oppose** ☐			
Comments	TRAFFIC CONTROL ON HIGHLAND SPRINGS & SAN LORENZO BLVD		

0026

CITY OF BANNING – Public Meeting Speaker Card

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Name	Efrain Lopez - with LIUNA -		
Contact Information *(if desired)*			
Agenda Item No.	7.1	**Topic**	
Support ☑ **Oppose** ☐			
Comments			

0027

CITY OF BANNING – Public Meeting Speaker Card

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Name	Jayson Baiz		
Contact Information *(if desired)*	626-636-1038		
Agenda Item No.	7.1	**Topic**	
Support ☒ **Oppose** ☐			
Comments			

0028

left @ 8:50 recess

CITY OF BANNING – Public Meeting Speaker Card

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Name	Sandra Gottknecht		
Contact Information *(if desired)*	650-823-3901		
Agenda Item No.	7.1	**Topic**	Resolution 2024-114
Support ☐ **Oppose** ☒			
Comments			

0014

Withdrawn

CITY OF BANNING – Public Meeting Speaker Card

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Name	Diane Berlep		
Contact Information *(if desired)*	(818) 943-6457		
Agenda Item No.	7.1	**Topic**	Resolution 2024-114
Support ☐ **Oppose** ☑			
Comments			

0005

CITY OF BANNING
STAFF REPORT

TO: **CITY COUNCIL**

FROM: **Douglas Schulze, City Manager**

PREPARED BY: **Cheryl Stafford, Finance Manager**
Lincoln Bogard, Administrative Services Director

MEETING DATE: **August 27, 2024**

SUBJECT: **Receive and File Accounts Payable and Payroll Warrants Issued in the Month of June 2024**

RECOMMENDATION:

Receive and file the warrants for period ending June 30, 2024, per California Government Code Section 37208.

BACKGROUND:

Staff compiles a monthly report to include accounts payable and payroll warrants issued.

JUSTIFICATION:

Description	Payment #	Amount	Total Amount
Checks:			
Checks Issued During Month	191588-191940	$2,446,695.82	
Voided/Reissue Check		$ 2,495.00	
Check Total			**$2,444,200.82**
Wires Total	1145		**$1,362,985.43**
ACH Payments:	9007905-9007931		
Payroll Direct Deposit	06/14/2024	$ 661,479.40	
Payroll Direct Deposit	06/20/2024	$ 73,513.58	
Payroll Direct Deposit	06/28/2024	$ 762,429.26	
Other Payments		$1,290,966.48	
ACH Total			**$2,788,388.72**
Payroll Checks:	13520-13565		
Payroll-Regular	06/14/2024	$ 9,389.32	
Payroll-Regular	06/28/2024	$ 11,623.94	
Payroll-Regular	06/29/2024	$ 42,933.40	
Payroll Check Total			**$ 63,946.66**

Total Warrants Issued for June 2024			**$ 6,659,521.63**

FISCAL IMPACT:

No fiscal impact.

ALTERNATIVES:

Receive and file the warrants for period ending June 30, 2024.

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. Attachment 1 - Fund List_Updated 10.11.23.pdf
2. Attachment 2-Warrant Report June 2024.pdf
3. Attachment 3-Warrant Report Detail June 2024.pdf
4. Attachment 4-Void Check Log, Payroll Log and Payroll Registers.pdf

Budget Processes, Policies & Fund Structure

The following depicts the City's budgeted funds and how they fit in the organization for budget and accounting purposes. Note that departments in the General Fund may also have budget responsibility for other funds.

Appropriated Funds

Black = Major - Blue = Non-Major - Red = Retired Funds FY 20-21

Governmental Funds			Proprietary Funds			Fiduciary Funds	
General Fund	Special Revenue Funds	Capital Improvement Funds	Enterprise Funds	Enterprise Funds-BUA	Internal Service Funds	Sucessor Agency Funds	Agency Funds
General Fund (001) Departments	(002) Developer Deposit	(400) Police Facilities Development	(670) Electric Fund	(660) Water	(702) Fleet Maintenance	(805) Redevelopment Obligation-Retirement	(221) ATWEL #2020-02 CFD
- (1000) City Council	(005) Successor Agency Admin	(410) Fire Facilities Development	- (7000) Electric	(661) Water Capital Facilities	(700) Risk Management	(810) Sucessor Housing Agency	(360) Sun Lakes CFD #86-1
- (1200) City Manager	(100) Gas Tax Street	(420) Traffic Control Facility	- (7010) Generation & Trans.	(662) Irrigation Water Fund	- (5020) Workers Compensation	(830) Debt Service Successor Agncy	(365) Wilson Street #91-1 AD
- (1210) Economic Development	(101) Measure A Street	(421) Ramsey/Highland Signal	(672) Rate Stability/Debt Service Reserve	(663) BUA Water Capital Project	- (5030) Unemployment Insur.	(840) Bond Exp. Agreement -	(370) Area Police Computer
- (1220) Public Information	(102) RMRA (SB1) Gas Tax	(430) General Facilities	(673) Electric Improvement	(669) BUA Water Debt Service	- (5040) Liability Insurance	(BEA) Project	(375 Fair Oaks #2004-01-AD
- (1300) Human Resources	(103) SB 300 Street	(444) Wilson Median Fund	(674) Electric Revenue Bond Project		- (5300) City Attorney	(841) Bond Exp. Agreement -	(376) Cameo Homes
- (1400) City Clerk	(104) Article 3 Sidewalk	(451) Park Development Fund	(675) Public Benefit	(680) Wastewater	(703) Information Systems Services	(BEA) Low/Mod	
- (1500) Elections	(110) CDBG	(470) Capital Improvement	(678) Electric Revenue Bond Debt Service	(681) Wastewater Capital Facility	(704) Building Maintenance		
- (1800) City Attorney	(111) Landscape Maintenance	(475) Fair Oaks #2004-01-AD		(682) Wastewater Tertiary	(705) Support Services		
- (1900) Fiscal Services	(132) Air Quality Improvement		(600) Airport Fund	(683) BUA Wastewater Capital Project	(761) Utility Billing Admin.		
- (1910) Purchasing & AP	(140) Asset Forfeiture/Police		(610) Transit Fund	(685) State Revolving Loan	- (3100) Account & Collections		
- (2060) TV Government Access	(148) Supplemental Law-Enforcement		- (5800) Fixed Route	(689) BUA Wastewater Debt Service	- (3110) Meter Reading		
- (2200) Police	(150) State Park Bond		- (5850) Dial A Ride				
- (2210) Dispatch	(190) Housing Authority		(690) Refuse Fund				
- (2300) Animal Control	(200) Special Donation						
- (2400) Fire	(201) Sr. Center Activities						
- (2700) Building Safety	(202) Animal Control Reserve						
- (2740) Code Enforcement	(203) Police Volunteer						
- (2800) Planning	(222) Federal Funds						
- (3000) Engineering	(300) City Administration-COP Debt Service						
- (3200) Building Maintenance							
- (3600) Parks							
- (4000) Recreation							
- (4010) Aquatics							
- (4020) Day care							
- (4050) Senior Center							
- (4060) Sr. Advisory Board							
- (4500) Central Services							
- (4800) Debt Service							
- (5400) Community Enhancement							

City of Banning
Warrant List June 2024

Warrant Number	Vendor Name	Warrant Amount
1145	RIVERSIDE PUBLIC UTILITIES	1,362,985.43
191588	AKYEAMPONG, AKOSUA	400.00
191589	ALL STAR ELITE SPORTS	457.39
191590	AMAZON BUSINESS	1,049.37
191591	VESTIS SERVICES LLC	163.56
191592	ARMSTRONG, CLIFF	754.81
191593	BABCOCK LABORATORIES, INC	3,032.00
191594	BANNING POLICE OFFICERS ASSOC.	2,860.30
191595	BEAUMONT CHERRY VALLEY WATER	3,696.53
191596	BEAUMONT DO IT BEST HOME CENTER	405.10
191597	CALIFORNIA LAW ENFORCE ASSN	1,088.00
191598	CASC ENGINEERING AND CONSULTING INC	6,517.50
191599	CELL BUSINESS EQUIPMENT (CBE)	1,901.57
191600	CICCS	2,104.21
191601	CINTAS CORPORATION	473.80
191602	CITY OF BANNING (BNG)	569.09
191603	CORE & MAIN, LP	342.37
191604	COUNTY OF RIVERSIDE DOEH	9,396.00
191605	CYBERTIME NETWORK COMMUNICATIONS	699.00
191606	ESPITIA, ARTURO	250.00
191607	FLYNN, SHERI	325.20
191608	FRONTIER COMMUNICATIONS	2,573.43
191609	G & G ENVIRONMENTAL COMPLIANCE, INC	1,193.91
191610	GAS COMPANY, THE	478.21
191611	GONZALEZ, GENE	394.00
191612	HOME DEPOT #8987	116.12
191613	I.B.E.W. LOCAL 47	10,750.61
191614	I.B.E.W. LOCAL 47 (PAC)	40.00
191615	IRON MOUNTAIN INFORMATION MGMT, LLC	143.51
191616	JACKSON, JENNIFER	79.50
191617	LAND ENGINEERING CONSULTANTS, INC	13,000.00
191618	LOPEZ, MARISOL	2,341.14
191619	OLIVO, ANTONIO	400.00
191620	ORACLE AMERICA INC	30,958.34
191621	PACKHAM & TOOMEY, INC	260.00
191622	PARTS AUTHORITY	382.02
191623	RECORD GAZETTE, THE	64.95
191624	RENE'S AQUATICS	2,825.00
191625	RIV. CO. FIRE DEPARTMENT	902,865.20
191626	RIV. CO. REGIONAL PARK & OPEN SPACE	381.00
191627	ROBERT HALF INTERNATIONAL	1,675.83
191628	SAN BERNARDINO PUBLIC EMPLOYEES	2,813.51
191629	SCA OF CA, LLC	10,080.00
191630	SCCI, INC DBA	250.00
191631	SCHULZE, DOUG	193.96
191632	SERVIAM BY WRIGHT LLP	2,975.07
191633	SOUTH COAST AIR QUALITY	2,163.29
191634	SOUTHERN CALIFORNIA EDISON	0.72
191635	SOUTHERN CALIFORNIA WEST COAST ELEC	1,251.25
191636	SWANK MOTION PICTURES, INC.	3,645.00
191637	TELEPACIFIC COMMUNICATIONS	1,444.48
191638	TIME WARNER CABLE	1,975.70
191639	TIME WARNER CABLE (086811201)	102.30

City of Banning
Warrant List June 2024

Warrant Number	Vendor Name	Warrant Amount
191640	URBAN FUTURES INCORPORATED	1,750.00
191641	VIGILANT LLC	5,364.34
191642	WASTE MANAGEMENT 0F THE IE	67.94
191643	WESTERN WATER WORKS SUPPLY CO	14,506.06
191644	WILLDAN FINANCIAL SERVICES	250.00
191645	WITTMAN ENTERPRISES, LLC	3,720.00
191646	ADVANCED WORKPLACE STRATEGIES INC	223.35
191647	AED ENERGY SERVICES LLC	6,172.50
191648	AL'S KUBOTA TRACTOR	449.13
191649	ALL AMERICAN SEWER TOOLS	779.38
191650	ALL STAR GLASS, INC.	634.08
191651	AMAZON BUSINESS	2,001.41
191652	VESTIS SERVICES LLC	240.12
191653	ARCE, PAUL	112.00
191654	AUTOMATED GATE SERVICES, INC.	6,473.75
191655	BEAUMONT DO IT BEST HOME CENTER	356.89
191656	BENHAR, DIANA T	213.50
191657	BIG TEX TRAILER WORLD	11,953.79
191658	BURKE, WILLIAMS & SORENSON LLP	18,152.50
191659	BUSINESS TELECOMMUNICATION	540.97
191660	CALIFORNIA ASSOC FOR LOCAL ECO DEV	800.00
191661	CENTER ELECTRIC SERVICES, INC	1,590.07
191662	CHANDLER ASSET MANAGEMENT INC	2,037.73
191663	CINTAS CORPORATION	1,042.77
191664	CITY OF BANNING (BNG)	395.14
191665	CITY OF BANNING PUBLIC WORKS	16,000.00
191666	CITY OF BANNING UTILITIES OPV	726.86
191667	COUNTY OF RIVERSIDE DOEH	4,053.00
191668	CUMMINS SALES AND SERVICE	5.92
191669	CUSTOM TROPHIES & UNEEK AWARDS	184.79
191670	CYBERTIME NETWORK COMMUNICATIONS	1,900.00
191671	EIDE BAILLY LLP	54,080.00
191672	FAST LUBE & TUNE	74.02
191673	FRONTIER COMMUNICATIONS	468.88
191674	HAAKER EQUIPMENT COMPANY	451.47
191675	HAZEN AND SAWYER	4,212.50
191676	HEMET VALLEY TOOL, INC	785.75
191677	HERNANDEZ, CARLA	980.00
191678	HOME DEPOT #8987	95.70
191679	HUERTA JR., GILBERT	581.00
191680	HUERTA LOPEZ, TUNNIA A	315.00
191681	IBEW LOCAL 47 RETIREE MEDICAL TRUST	3,056.04
191682	IMEG CONSULTANTS CORP	7,982.50
191683	INFOSEND, INC	9,719.24
191684	KEN GRODY FORD REDLANDS	445.57
191685	KOLLER, MARIE	23.10
191686	LIEBERT CASSIDY WHITMORE	960.50
191687	LINCOLN FINANCIAL GROUP	22,670.69
191688	LOZANO SMITH LLP	72.36
191689	MARIPOSA LANDSCAPES, INC	10,291.52
191690	MORGAN, DEIDRA J	112.00
191691	N2W ENGINEERING, INC	86,412.25
191692	PARS	1,575.49

City of Banning
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Warrant Number	Vendor Name	Warrant Amount
191693	PARTS AUTHORITY	749.34
191694	PATTON, CAROLINE	183.50
191695	PLAYHOUSE BOWL ASSOCIATION, INC.	2,500.00
191696	POULIN, RICHARD	1,200.00
191697	PRE-PAID LEGAL SERVICES, INC	339.82
191698	PULVER, JODEANE V	329.00
191699	QUADIENT LEASING USA, INC	521.66
191700	RECORD GAZETTE, THE	268.74
191701	RICHARDS WATSON GERSHON	71,758.25
191702	RINCON CONSULTANTS, INC.	3,369.25
191703	ROBERT CHAREST	313.62
191704	ROBERT CHAREST	627.24
191705	ROBERT HALF INTERNATIONAL	1,738.80
191706	ROBINSON, BRANDON A	335.49
191707	ROW TRAFFIC SAFETY, INC	284.04
191708	SATELLITE PHONE STORE	307.95
191709	SGP DESIGN AND PRINT	122.75
191710	SHRED-IT USA, LLC	147.01
191711	STOCKMAN, JULIA	210.00
191712	SYSTEMS INTEGRATED	12,290.00
191713	TEXAS LIFE INSURANCE COMPANY	6,324.36
191714	TIME WARNER/CHARTER	425.42
191715	TRANSTECH ENGINEERS, INC	617.50
191716	UNDERGROUND SERVICE ALERT	174.78
191717	VCS ENVIRONMENTAL	1,110.00
191718	VERIZON WIRELESS SERVICES, LLC	9,577.42
191719	VIGILANT LLC	3,024.64
191720	VIRTUAL PROJECT MANAGER, LLC	1,000.00
191721	VISION SECURITY SYSTEMS	850.44
191722	VULCAN MATERIALS	2,706.56
191723	WALLACE, COLLEEN	132.53
191724	WILLDAN ENGINEERING	65.00
191725	WILLIAMS SCOTSMAN, INC	3,223.88
191726	ALLISON MECHANICAL INC	1,098.98
191727	ALTA LANGUAGE SERVICES INC	132.00
191728	AMAZON BUSINESS	841.52
191729	AMERICAN FIDELITY ASSURANCE	25,473.68
191730	VESTIS SERVICES LLC	239.59
191731	ARTISTIC MAINTENANCE, INC.	4,092.00
191732	ASBURY ENVIRONMENTAL SERVICES DBA	1,912.48
191733	AT&T CALNET 2	960.72
191734	ATWORK PERSONNEL SERVICES	784.11
191735	AUTOMATED GATE SERVICES, INC.	545.00
191736	BABCOCK LABORATORIES, INC	9,150.00
191737	BEAUMONT DO IT BEST HOME CENTER	101.97
191738	BENCOMO, EDGAR	1,494.67
191739	BLAIS & ASSOCIATES, LLC	13,082.50
191740	CALIFORNIA WATER ENVIRONMENT	221.00
191741	CANON FINANCIAL SERVICES, INC	1,721.37
191742	CARLOS, MARIO	110.85
191743	CAROLLO ENGINEERS	10,645.00
191744	CASTRO, DAVID	1,302.18
191745	CDW GOVERNMENT, INC	2,602.03

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Warrant Number	Vendor Name	Warrant Amount
191746	CHUNG, JOYCE & STEVEN	444.46
191747	CINTAS CORPORATION	652.85
191748	CIVICPLUS	1,841.00
191749	COASTAL BOILER WORKS INC	8,615.81
191750	CONCENTRA MEDICAL CENTERS	2,107.00
191751	COUNSELING TEAM INTERNATIONAL, THE	1,025.00
191752	COUNTY OF RIVERSIDE DOEH	943.00
191753	D&M JOB INC.	722.27
191754	DELTA DENTAL INSURANCE COMPANY	687.84
191755	DELTA DENTAL OF CALIFORNIA	8,303.57
191756	ENGINEERING RESOURCES OF SO CA	105,539.70
191757	ENTERPRISE FM TRUST	27,560.88
191758	FAST LUBE & TUNE	63.16
191759	FOX CINEMA IS DPLACE	1,500.00
191760	FRONTIER COMMUNICATIONS	61.12
191761	GAS COMPANY, THE	25.34
191762	HOME DEPOT #8987	155.89
191763	INDEPENDENT REVIEW INVESTIGATIONS	4,162.99
191764	INFOSEND, INC	5,950.57
191765	INNOVATIVE FEDERAL STRATEGIES	4,500.00
191766	INTERNATIONAL CODE COUNCIL, INC	5,716.00
191767	LEADSONLINE, LLC.	16,460.00
191768	LIEBERT CASSIDY WHITMORE	6,418.50
191769	MICHAEL BAKER INTERNATIONAL, INC	2,990.00
191770	MITSUBISHI ELECTRIC & ELECTRONICS	353.87
191771	MOLINA, GUILLERMO	48.44
191772	MYERS & SONS HI-WAY SAFETY INC.	257.52
191773	NIETO, FRANCISCO	56.00
191774	OJEDA, ABRAHAM	413.00
191775	ONLINE UTILITY EXCHANGE	451.40
191776	PARKHOUSE TIRE, INC.	184.38
191777	PARTS AUTHORITY	504.47
191778	PAYPRO ADMINISTRATORS	115.00
191779	PUBLIC AGENCY RETIREMENT SERVICES	300.00
191780	QUINN COMPANY	7,656.28
191781	RECORD GAZETTE, THE	1,900.43
191782	RINCON CONSULTANTS, INC.	698.75
191783	RIV. CO. HEALTH SVCS AGENCY	207.00
191784	RIVCO EMD	11,250.00
191785	SOFTWARE ONE, INC	9,759.20
191786	SOUTHERN CALIFORNIA EDISON	265.40
191787	SOUTHERN CALIFORNIA GAS CO	8,533.64
191788	SOUTHERN CALIFORNIA MOUNTAINS FOUND	340.00
191789	STAPLES BUSINESS ADVANTAGE	1,279.80
191790	STATE OF CALIFORNIA DOJ	1,876.98
191791	TIME WARNER/CHARTER	142.12
191792	VISION SECURITY SYSTEMS	626.98
191793	WALTER STANLEY COS, LLC	407.86
191794	XENIA PACIFIC, INC	650.81
191795	YUNEX, LLC	1,524.01
191796	A JUMP N PARTY, INC	2,923.50
191797	AFLAC BENEFITS SOLUTIONS	6,529.50
191798	ALBERT A. WEBB ASSOCIATES	20,815.78

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Warrant Number	Vendor Name	Warrant Amount
191799	ALL STAR ELITE SPORTS	712.37
191800	ALLIED PACIFIC PROP MGMT	188.65
191801	ALTEIR, AMIRA	1.66
191802	AMAZON BUSINESS	3,564.30
191803	AMERICAN FORENSIC NURSES	1,825.21
191804	AMERICAN WRECKING INC	676.99
191805	ANDRADE FINANCIAL	214.18
191806	ANTHONY PAGOLIAO	125.12
191807	VESTIS SERVICES LLC	92.49
191808	ARCCOPS	200.00
191809	ARDITTI, JONATHAN	800.00
191810	ARRUABARRENA &, JOAN	405.49
191811	AT&T MOBILITY LLC	3,004.54
191812	ATWORK PERSONNEL SERVICES	142.56
191813	BABCOCK LABORATORIES, INC	3,275.92
191814	BANNING VETERINARY HOSPITAL	206.00
191815	BASTIN, RYAN	215.50
191816	BEAUMONT DO IT BEST HOME CENTER	800.07
191817	BIO-TOX LABORATORIES	1,319.00
191818	BITTLE, ELIZABETH	129.70
191819	BLAISDELL'S BUSINESS PRODUCTS	1,079.44
191820	BOGARD, LINCOLN	44.82
191821	BRAVO, ARLYN	230.45
191822	BROOKS, RANDY	42.50
191823	BUDD-FALEN LAW OFFICES, LLC.	5,880.00
191824	BURKE, WILLIAMS & SORENSON LLP	1,240.00
191825	CA. ST. DEPT. OF FORESTRY	1,135.40
191826	CALIFORNIA WATER ENVIRONMENT	319.00
191827	CANON FINANCIAL SERVICES, INC	332.16
191828	CDW GOVERNMENT, INC	5,775.13
191829	CELL BUSINESS EQUIPMENT (CBE)	559.50
191830	CENTER ELECTRIC SERVICES, INC	2,942.88
191831	CICCS	122.96
191832	CINTAS CORPORATION	1,626.99
191833	CITY OF BANNING UTILITIES OPV	1,698.72
191834	COLLETTA, LYNETTE	241.01
191835	CONCENTRA MEDICAL CENTERS	916.00
191836	CORNERSTONE DEVELOPMENT CO.	560.00
191837	COUTS HEATING & COOLING, INC	1,977.80
191838	COZAD & FOX, INC	5,617.20
191839	CURRY, ANITA	555.00
191840	CYBERTIME NETWORK COMMUNICATIONS	1,405.00
191841	D&M JOB INC.	479.06
191842	DIAMOND HILLS CHEVROLET BUICK GMC	53.75
191843	DIAZ, GABRIEL	2,495.00
191844	EFS WEST INC	38,835.05
191845	EIDE BAILLY LLP	50,000.00
191846	ENGINEERING RESOURCES OF SO CA	141,602.96
191847	FRANCO, JUAN	250.00
191848	FRONTIER COMMUNICATIONS	2,877.59
191849	FUENTES FLORES, CRYSTAL	7.89
191850	FUN EXPRESS	244.12
191851	GAS COMPANY, THE	3,737.26

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Warrant Number	Vendor Name	Warrant Amount
191852	GERARD DANIEL WORLDWIDE	453.62
191853	GLASGOW, MARCUS L	123.94
191854	GREEN DREAM INTERNATIONAL LLC	672.74
191855	HALE, KRIS	186.48
191856	HARDING, JOHN & ANN	84.93
191857	HASKELL REAL ESTATE	16.06
191858	HENKELS & MCCOY WEST	129.34
191859	HERC RENTALS INC.	701.58
191860	HOLBERT &, REBECCA	191.80
191861	HOME AMBITION LLC	85.60
191862	HOME DEPOT #8987	562.22
191863	IBEW LOCAL 47 RETIREE MEDICAL TRUST	3,044.40
191864	JOE A GONSALVES & SON	3,850.00
191865	KEN GRODY FORD REDLANDS	451.31
191866	KIM, GRACE D	170.45
191867	KOSMONT & ASSOCIATES, INC	1,726.05
191868	KRAUSE, MARIA	106.34
191869	LEXISNEXIS RISK SOLUTIONS	112.55
191870	LI &, GANG	38.93
191871	LIEBERT CASSIDY WHITMORE	6,978.50
191872	LOPEZ, ABELARDO J & MIRIAM	582.66
191873	LOPEZ, ALFONSO	127.80
191874	LOPEZ, ZAREK	212.07
191875	MARIPOSA LANDSCAPES, INC	11,622.62
191876	MARTINEZ, MATTHEW	250.00
191877	MASON, BARBARA	3,345.24
191878	MC AVOY & MARKHAM	609.00
191879	MCCLELLAN, ADRIAN C	37.00
191880	MCCLUNE, DEVIN	250.00
191881	MELENDEZ, JOSE	94.05
191882	MERCFUEL, INC	12,624.56
191883	MITCHELL, BLAKE	114.22
191884	MONTGOMERY, WENDY	196.40
191885	NIAN HUA INVESTMENT, LLC	161.03
191886	NUNEZ, FAVIOLA L & JOSHUA	600.00
191887	ORACLE AMERICA INC	28,727.83
191888	PALENCIA, JUSTIN	136.86
191889	PARS	2,507.03
191890	PARTS AUTHORITY	319.71
191891	PETERSON, DONNIE M & IXCHEL	9.90
191892	PETTY CASH CUSTODIAN - CITY YARDS	49.93
191893	PETTY CASH CUSTODIAN - POLICE	91.26
191894	POTTLE, SUSAN	234.07
191895	PROLE CITY PRODUCTIONS LLC	800.00
191896	RACEWAY FORD INC	62.78
191897	RAGUINDIN, PATRICIA	77.72
191898	RECORD GAZETTE, THE	3,693.12
191899	RELLIM, INC	180.77
191900	RILEY, ANTHONY	4.29
191901	RIVERSIDE COUNTY SHERIFF-PSEC	4,865.29
191902	ROBERT HALF INTERNATIONAL	1,738.80
191903	ROBINSON, BRANDON A	300.00
191904	SC FUELS	27,015.05

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Warrant Number	Vendor Name	Warrant Amount
191905	SCPPA	4,156.25
191906	SERVIAM BY WRIGHT LLP	4,754.50
191907	SGP DESIGN AND PRINT	215.50
191908	SHRED-IT USA, LLC	156.91
191909	SITEONE LANDSCAPE SUPPLY	142.32
191910	SKILLS, INC	6,000.00
191911	SMART & FINAL	1,812.17
191912	SMITH, DAINESHA	105.43
191913	SMOKE SHOP	237.57
191914	SOUTH COAST AIR QUALITY	707.00
191915	SOUTHERN CALIFORNIA EDISON	3,942.28
191916	STAPLES BUSINESS ADVANTAGE	376.78
191917	STATE OF CALIFORNIA DOJ	1,671.00
191918	STATE WATER RESOURCES CONTROL	60.00
191919	TEEL INVESTMENTS	188.58
191920	TELEPACIFIC COMMUNICATIONS	1,559.92
191921	TKE ENGINEERING, INC	29,302.00
191922	TOP-LINE INDUSTRIAL SUPPLY, LCC	287.87
191923	TRENCH SHORING COMPANY	526.89
191924	TURBO DATA SYSTEMS INC	252.70
191925	VEOLIA WATER CONTRACT OPERATIONS US	73,434.00
191926	VISION SECURITY SYSTEMS	2,182.03
191927	VISTA PAINT	541.44
191928	WALLACE, COLLEEN	60.57
191929	WASHINGTON, MARK	104.08
191930	WATERLINE TECHNOLOGIES, INC	2,627.02
191931	WELDOR'S SUPPLY AND STEEL	49.49
191932	WILDLIFE CONTROL SERVICE INC	1,250.00
191933	WILLIAMS SCOTSMAN, INC	1,327.29
191934	WILSON, MARY	76.70
191935	WUORNOS, ARIANNE	4.94
191936	XENIA PACIFIC, INC	1,818.82
191937	ZUBIATE, RICHARD O	174.84
191938	DIAMOND HILLS CHEVROLET BUICK GMC	48,042.29
191939	KIMLEY-HORN AND ASSOCIATES, INC	7,474.50
191940	ROBERT HALF INTERNATIONAL	4,732.72
9007905	CORPORATION SERVICE COMPANY	48.00
9007906	CA. ST. EMPLOYMENT DEV. DEPT.	41,973.18
9007907	INTERNAL REVENUE SERVICE	230,598.39
9007908	WELLS FARGO BANK	300.00
9007909	EMPOWER ANNUITY INSURANCE COMPANY	23,315.17
9007910	CA. ST. PUBLIC EMPLOYEES	176,677.61
9007911	CA. ST. PUBLIC EMPLOYEES	8,419.45
9007912	CA. ST. PUBLIC EMPLOYEES	168,265.25
9007913	WELLS FARGO CARD SERVICES INC	54,154.78
9007914	WINDSTREAM SERVICES, LLC	978.10
9007915	WINDSTREAM SERVICES, LLC	965.31
9007916	WINDSTREAM SERVICES, LLC	14,988.68
9007917	CA. ST. PUBLIC EMPLOYEES	2,801.27
9007918	WELLS FARGO BANK	661,479.40
9007919	CORPORATION SERVICE COMPANY	7.00
9007920	CA. ST. EMPLOYMENT DEV. DEPT.	48,723.83
9007921	INTERNAL REVENUE SERVICE	267,316.05

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Warrant Number	Vendor Name	Warrant Amount
9007922	AMERICAN FIDELITY ASSURANCE	7,554.16
9007923	WELLS FARGO BANK	300.00
9007924	CA. ST. PUBLIC EMPLOYEES	166,550.92
9007925	WELLS FARGO BANK	73,513.58
9007926	TASC	1,937.74
9007927	CA. ST. EMPLOYMENT DEV. DEPT.	2,683.32
9007928	EMPOWER ANNUITY INSURANCE COMPANY	54,022.89
9007929	INTERNAL REVENUE SERVICE	18,358.38
9007930	CORPORATION SERVICE COMPANY	27.00
9007931	WELLS FARGO BANK	762,429.26
Grand Total		6,598,069.97

Less Voided / Reissued Checks from Prior Period	(2,495.00)
Less Voided Checks Prior Period	-
Add Payroll Checks	63,946.66
Total Remittance for Month	6,659,521.63

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Warrant Number	Warrant Date	Vendor Name	Invoice Number	P.O. Number	Account Number	Payment Description	Warrant Amount
1145	6/24/2024	RIVERSIDE PUBLIC UTILITIES	290		670-7010-473.27-60	ENERGY EXPENSE PAID DURING MAY 2024	150,144.69
					670-7010-473.27-09	S&D EXPENSE PAID DURING MAY 2024	51,224.00
					670-7010-473.27-70	TRANS EXPENSE PAID DURING MAY 2024	350,894.70
					670-7010-473.27-50	CAPACITY EXPENSE PAID DURING MAY 2024	873,527.00
					670-7000-331.20-01	INTEREST REVENUE REVENUE REC'D IN MAY 2024	(4,783.72)
					670-7000-356.38-17	CRR REVENUE REVENUE REC'D IN MAY 2024	(2,912.93)
					670-7000-356.38-20	TRANS REVENUE REVENUE REC'D IN MAY 2024	(53,415.72)
					670-7000-356.38-10	ENERGY REVENUE REVENUE REC'D IN MAY 2024	(1,692.59)
191588	6/6/2024	AKYEAMPONG, AKOSUA	REF#2023165398		001-2400-351.35-14	REFUND-OVERPMT 05/24/2024 INCIDENT #2023165398	400.00
191589	6/6/2024	ALL STAR ELITE SPORTS	4230	032274	001-4010-461.25-02	LIFEGUARD APPAREL	457.39
191590	6/6/2024	AMAZON BUSINESS	11QP-9K1M-DPJ9	032299	001-1910-412.36-00	LAMINATOR SHEETS	18.96
			13ML-XHGF-PCHP	032296	001-4010-461.36-09	LIFEGUARD SUPPLIES	376.89
			14Q9-FJQJ-1PMF	032299	001-1910-412.36-00	WIRELESS KEYBOARD & MOUSE	32.39
			1F7W-MJ1X-3HTR	032296	001-4000-461.36-09	WALKIE TALKIES	49.54
			1FH1-J417-74JF	032293	680-8000-454.41-86	COFFEE	60.42
			1FHN-NT4R-NG4G	032296	001-4000-461.36-09	BADGE HOLDERS AND SUPPLIES	20.26
			1FJX-MN6C-4G4T	032299	001-1910-412.36-00	POST IT TABS, COLOR TABS	7.58
			1TP9-6GQ1-RXRL	032294	670-7000-473.36-00	FISCAL YEAR PLANNERS	304.68
			1WCQ-W4WK-FC4P	032298	761-3100-480.36-00	HOT COCOA K-CUPS	81.98
			1WCQ-W4WK-WH79	032292	001-1220-412.36-00	CREAMER AND SNACKS	96.67
191591	6/6/2024	VESTIS SERVICES LLC	5880612870	032351	761-3110-480.25-02	UNIFORM-FSR	82.09
			5880618689	032351	761-3110-480.25-02	UNIFORM-FSR	81.47
191592	6/6/2024	ARMSTRONG, CLIFF	REBATE WINDOW		675-7020-473.42-66	REBATE WINDOWS & DOOR REPLACEMENT	754.81
191593	6/6/2024	BABCOCK LABORATORIES, INC	CB41492-0030	032373	680-8000-454.23-32	TDS ANALYSIS	36.00
			CC40394-0030	032373	680-8000-454.23-32	TDS ANALYSIS	36.00
			CC41798-0030	032373	660-6300-471.23-32	COLIFORMS	198.00
			CD40041-0030	032373	660-6300-471.23-32	COLIFORMS	154.00
			CD40252-0030	032373	660-6300-471.23-32	COLIFORMS	88.00
			CD40254-0030	032373	660-6300-471.23-32	GENERAL PHYSICAL ANALYSIS	84.00
			CD40255-0030	032373	660-6300-471.23-32	COLIFORMS	242.00
			CD40695-0030	032373	660-6300-471.23-32	COLIFORMS	242.00
			CD40717-0030	032373	660-6300-471.23-32	COLIFORMS	88.00
			CD40721-0030	032373	660-6300-471.23-32	GENERAL PHYSICAL ANALYSIS	56.00
			CD41169-0030	032373	660-6300-471.23-32	COLIFORMS	242.00
			CD41467-0030	032373	660-6300-471.23-32	COLIFORMS	242.00
			CE40023-0030	032373	660-6300-471.23-32	COLIFORMS	308.00
			CE40085-0030	032373	660-6300-471.23-32	GENERAL PHYSICAL ANALYSIS	84.00
			CE40087-0030	032373	660-6300-471.23-32	COLIFORMS	242.00
			CE40088-0030	032373	660-6300-471.23-32	COLIFORMS	66.00
			CE40457-0030	032373	660-6300-471.23-32	COLIFORMS	242.00
			CE40458-0030	032373	660-6300-471.23-32	GENERAL PHYSICAL ANALYSIS	56.00
			CE40735-0030	032373	660-6300-471.23-32	GENERAL PHYSICAL ANALYSIS	84.00
			CE40736-0030	032373	660-6300-471.23-32	COLIFORMS	242.00
191594	6/6/2024	BANNING POLICE OFFICERS ASSOC.	MAY 2024		001-0000-204.50-00	POLICE OFFICER ASSOC DUES MAY 2024	2,860.30
191595	6/6/2024	BEAUMONT CHERRY VALLEY WATER	0005283		660-6300-471.27-14	WELL MAINT REIMBURSEMENT	2,306.19
			0005345		660-6300-471.27-14	WELL MAINT REIMBURSEMENT	1,390.34
191596	6/6/2024	BEAUMONT DO IT BEST HOME CENTER	543289	032277	001-4000-461.30-02	PAINT	358.55
			543292	032278	001-3600-461.30-01	CINCH TIE	25.02
			543390	032304	100-4900-431.36-00	CABLE TIES	21.53
191597	6/6/2024	CALIFORNIA LAW ENFORCE ASSN	JUNE 2024		001-0000-204.80-13	POLICE LTD PREMIUMS JUNE 2024	1,088.00
191598	6/6/2024	CASC ENGINEERING AND CONSULTING INC	0051254	032079	100-4900-431.90-10	DESIGN OF SAN G & RLROAD	6,517.50
191599	6/6/2024	CELL BUSINESS EQUIPMENT (CBE)	IN2736192	032335	001-4000-461.30-06	COPIER MAINTENANCE	302.87
					660-6300-471.30-06	COPIER MAINTENANCE	90.39
					670-7000-473.30-06	COPIER MAINTENANCE	215.73
					705-4500-412.30-06	COPIER MAINTENANCE	1,045.31
					761-3100-480.30-06	COPIER MAINTENANCE	247.27
191600	6/6/2024	CICCS	JUN24 EYE		001-0000-204.80-08	EYEMED VISION APR 2024-RETRO ADJ	(4.93)
						EYEMED VISION JUNE 2024	1,045.88

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Warrant Number	Warrant Date	Vendor Name	Invoice Number	P.O. Number	Account Number	Payment Description	Warrant Amount
191600	45449	CICCS	JUN24 EYE		001-0000-204.80-08	EYEMED VISION MAY 2024-RETRO ADJ	(4.93)
			MAY24 EYE		001-0000-204.80-08	EYEMED VISION APR 2024-RETRO ADJ	17.38
						EYEMED VISION MAY 2024	1,050.81
191601	6/6/2024	CINTAS CORPORATION	4191437690	032322	660-6300-471.25-02	UNIFORM-WATER	197.62
					680-8000-454.25-02	UNIFORM-WASTEWATER	59.47
			4192868907	032319	100-4900-431.25-02	UNIFORM-STREETS	79.12
					704-3200-412.25-02	UNIFORM-BUILD MAINT	10.78
			4193585449	032320	001-3600-461.25-02	UNIFORM-PARKS	51.13
			4193585513	032321	001-4000-461.36-03	CHEMICALS	75.68
191602	6/6/2024	CITY OF BANNING (BNG)	FC A&E JUN24		001-2200-421.32-02	FC A&E HANGAR RENT JUNE 2024	383.20
			FC B-5 JUN24		705-4500-412.32-06	HANGAR FC B-5 CARRIAGES JUNE 2024	185.89
191603	6/6/2024	CORE & MAIN, LP	U664096		660-0000-131.00-00	INVENTORY PO NUM 032355	228.08
			U753265		660-0000-131.00-00	INVENTORY PO NUM 032355	5.82
			U792278		660-0000-131.00-00	INVENTORY PO NUM 032355	108.47
191604	6/6/2024	COUNTY OF RIVERSIDE DOEH	IN0511103		660-6300-471.41-04	ENVIRON HEALTH PERMIT WELL C-4	628.00
			IN0511417		660-6300-471.41-04	ENVIRON HEALTH PERMIT WATER SHOP	1,224.00
			IN0511418		704-3200-412.41-04	ENVIRON HEALTH PERMIT CITY HALL	943.00
			IN0511420		001-2200-421.41-04	ENVIRON HEALTH PERMIT POLICE DEPT	943.00
			IN0511421		001-2400-422.41-04	ENVIRON HEALTH PERMIT FIRE ADMIN	943.00
			IN0511422		660-6300-471.41-04	ENVIRON HEALTH PERMIT WELL C2	943.00
			IN0511423		680-8000-454.41-04	ENVIRON HEALTH PERMIT RIVIERA LIFT STATION	943.00
			IN0511424		680-8000-454.41-04	ENVIRON HEALTH PERMIT BRECKENRIDGE LIFT STATION	943.00
			IN0511425		680-8000-454.41-04	ENVIRON HEALTH PERMIT WESTWARD LIFT STATION	943.00
			IN0511426		660-6300-471.41-04	ENVIRON HEALTH PERMIT WELL M12	943.00
191605	6/6/2024	CYBERTIME NETWORK COMMUNICATIONS	1522-240702	032558	703-3700-480.30-19	INTERNET CIRCUIT-CITY HAL	699.00
191606	6/6/2024	ESPITIA, ARTURO	EYEWEAR FY24		660-6300-471.25-10	EMPLOYEE EYEWEAR REIMB IBEW UTILITY MOU ESPITIA	125.00
					680-8000-454.25-10	EMPLOYEE EYEWEAR REIMB IBEW UTILITY MOU ESPITIA	125.00
191607	6/6/2024	FLYNN, SHERI	TRAVEL 5/2-3		001-1000-411.23-05	SCAG CONF-ALTERNATE TRAVEL 5/2-3 TV2454 FLYNN	325.20
191608	6/6/2024	FRONTIER COMMUNICATIONS	2091885918JUN24		001-2200-421.26-05	209-188-5918 JUNE 2024	43.23
					001-2400-422.26-05	209-188-5918 JUNE 2024	602.26
					001-4000-461.26-05	209-188-5918 JUNE 2024	340.89
					610-5800-434.26-05	209-188-5918 JUNE 2024	390.97
					660-6300-471.26-05	209-188-5918 JUNE 2024	461.44
					670-7000-473.26-05	209-188-5918 JUNE 2024	294.22
					705-4500-412.26-05	209-188-5918 JUNE 2024	116.21
			9518493260JUN24		705-4500-412.26-05	951-849-3260 5/28/24-6/27/24	324.21
191609	6/6/2024	G & G ENVIRONMENTAL COMPLIANCE, INC	BANNING-0424	032642	680-8000-454.23-40	PRETREATMENT FOG	1,193.91
191610	6/6/2024	GAS COMPANY, THE	19499362408MY24		100-4900-431.26-06	176 E LINCOLN 4/22/24-5/21/24	62.17
					660-6300-471.26-06	176 E LINCOLN 4/22/24-5/21/24	138.68
					670-7000-473.26-06	176 E LINCOLN 4/22/24-5/21/24	138.68
					702-3800-480.26-06	176 E LINCOLN 4/22/24-5/21/24	138.68
191611	6/6/2024	GONZALEZ, GENE	MEALS 5/19-24		001-2700-442.23-05	COMM BUILD INSPECTOR MEALS 5/19-24 GONZALEZ	394.00
191612	6/6/2024	HOME DEPOT #8987	1514694	032291	761-3110-480.36-00	BLCKUV CABLE TIE 100PK	47.32
			8010373	032194	704-3200-412.30-02	TOOLS/SUPPLIES	68.80
191613	6/6/2024	I.B.E.W. LOCAL 47	MAY 2024		001-0000-204.53-00	GEN/UTILITY UNION DUES MAY 2024	10,750.61
191614	6/6/2024	I.B.E.W. LOCAL 47 (PAC)	MAY 2024		001-0000-204.80-01	PAC DUES MAY 2024	40.00
191615	6/6/2024	IRON MOUNTAIN INFORMATION MGMT, LLC	JLCY538	032393	670-7000-473.33-11	SHRED 3/27/2024-4/23/2024	143.51
191616	6/6/2024	JACKSON, JENNIFER	MEALS 6/5-7		001-1200-412.23-05	LOCAL GOVT REIMAG CONF MEALS 6/5-7 JACKSON	79.50
191617	6/6/2024	LAND ENGINEERING CONSULTANTS, INC	3895	032731	660-6300-471.95-10	WATER MAIN RPLCMNT LOC 3	13,000.00
191618	6/6/2024	LOPEZ, MARISOL	TRAVEL 5/18-21		001-1210-412.23-05	ICSC CONF TRAVEL 5/18-21 M.LOPEZ	2,341.14
191619	6/6/2024	OLIVO, ANTONIO	REF#2023040403		001-2400-351.35-14	REFUND-WRITE DOWN 11/2023 INCIDENT 2023040403	400.00
191620	6/6/2024	ORACLE AMERICA INC	101365236	032099	222-0001-410.90-49	TIME AND MATERIALS	30,958.34
191621	6/6/2024	PACKHAM & TOOMEY, INC	2024208	032542	600-5100-435.30-06	MONTHLY SPCC INSPECTION	125.00
			2024209	032567	702-3800-480.30-06	CA OPP INSPECTION &REPORT	135.00
191622	6/6/2024	PARTS AUTHORITY	062-254532	032423	702-3800-480.38-52	BRAKE PAD-UNIT #830	409.43
			091-059403	032423	702-3800-480.38-52	SERPENTINE BELT (RETURN)	(23.69)
			091-059426	032423	702-3800-480.38-52	BATTERY CORE (CREDIT)	(23.71)
			091-059468	032423	702-3800-480.38-52	BATTERY CORE (CREDIT)	(23.71)

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191622	45449	PARTS AUTHORITY	091-330292	032423	702-3800-480.38-52	CABIN AIR-UNIT #908	15.93
			091-330545	032423	702-3800-480.38-52	CABIN FILTER-UNIT #830	8.63
			091-330649	032423	702-3800-480.38-52	FILTER-UNIT #502	19.14
191623	6/6/2024	RECORD GAZETTE, THE	RENEW 2025	032184	001-1200-412.23-03	NEWSPAPER SUBSCRIPTION	64.95
191624	6/6/2024	RENE'S AQUATICS	05062024	032866	001-4010-461.23-06	RECERT LIFEGUARDS (4)	1,200.00
			05272024		001-4010-461.23-15	SHALLOW WATER LIFEGUARD TRAINING (5)	1,625.00
191625	6/6/2024	RIV. CO. FIRE DEPARTMENT	235351		001-0000-219.00-00	3RD QUARTER FY2024 JANUARY-MARCH 2024	902,865.20
191626	6/6/2024	RIV. CO. REGIONAL PARK & OPEN SPACE	05182024		001-5400-446.41-86	COLOR RUN ENTRY FEES MAY 18 2024	381.00
191627	6/6/2024	ROBERT HALF INTERNATIONAL	63638854	032737	001-1910-412.23-27	HOLLINS,Z. W/E 5/24/24	1,675.83
191628	6/6/2024	SAN BERNARDINO PUBLIC EMPLOYEES	MAY 2024		001-0000-204.51-00	TEAMSTERS DUES MAY 2024	2,813.51
191629	6/6/2024	SCA OF CA, LLC	158232PS	031802	100-4900-431.33-11	STREET SWEEPING SVCS	10,080.00
191630	6/6/2024	SCCI, INC DBA	232827	032413	660-6300-471.23-06	SAFETY MEETING 3/14/24	250.00
191631	6/6/2024	SCHULZE, DOUG	TRAVEL 5/18-21		001-1200-412.23-05	ICSC CONF TRAVEL 5/18-21 SCHULZE	193.96
191632	6/6/2024	SERVIAM BY WRIGHT LLP	32503		700-5300-480.33-04	1118 WEST RAMSEY APRIL 2024	132.00
						1170 W RAMSEY APRIL 2024	79.20
						1240 WEST RAMSEY APRIL 2024	2,024.67
						1979 WEST RAMSEY APRIL 2024	211.20
						2437 WEST LINCOLN APRIL 2024	52.80
						2735 WEST LINCOLN APRIL 2024	52.80
						775 EAST LINCOLN APRIL 2024	132.00
						GENERAL CODE ENFORCEMENT APRIL 2024	290.40
191633	6/6/2024	SOUTH COAST AIR QUALITY	4348929		680-8000-454.41-04	AQMD FEE-3750 W WESTWARD JULY 2023-JUNE 2024	161.81
			4352539		680-8000-454.41-04	AQMD FEE-99 E RAMSEY JULY 2023-JUNE 2024	161.81
			4352540		680-8000-454.41-04	AQMD FEE-789 N SAN GORGON JULY 2023-JUNE 2024	161.81
			4352541		680-8000-454.41-04	AQMD FEE-5261 W WILSON JULY 2023-JUNE 2024	161.81
			4352542		680-8000-454.41-04	AQMD FEE-5949 BRECKENRIDG JULY 2023-JUNE 2024	161.81
			4352543		680-8000-454.41-04	AQMD FEE-1769 RIVIERA JULY 2023-JUNE 2024	161.81
			4352983		680-8000-454.41-04	AQMD FEE-2850 W WESTWARD JULY 2023-JUNE 2024	161.81
			4354843		660-6300-471.41-04	AQMD FEE-5400 W WILSON JULY 2023-JUNE 2024	161.81
			4355920		680-8000-454.41-04	AQMD FEE-4921 W WILSON JULY 2023-JUNE 2024	161.81
			4357449		660-6300-471.41-04	ICE ELEC GEN DIESEL 5400 W WILSON	541.04
			4361204		660-6300-471.41-04	FY23 FLAT FEE-EMISSION 5400 W WILSON	165.96
191634	6/6/2024	SOUTHERN CALIFORNIA EDISON	360828122MAY24		670-7000-473.26-04	DUP JAN24 INV 4/1/24-4/30/24	0.72
191635	6/6/2024	SOUTHERN CALIFORNIA WEST COAST ELEC	46571	032387	810-9700-490.90-60	HOOK UP AC UNITS	523.75
			46572	032386	704-3200-412.30-02	GENERATOR TROUBLESHOOT	727.50
191636	6/6/2024	SWANK MOTION PICTURES, INC.	2226363	032877	675-7020-473.41-46	SUMMER DIVE IN MOVIES	3,645.00
191637	6/6/2024	TELEPACIFIC COMMUNICATIONS	179397504-0		705-4500-412.26-05	CENTRAL PHONE SVC MAY 2024	1,444.48
191638	6/6/2024	TIME WARNER CABLE	0331839042524		670-7000-473.26-07	FIBER OPTIC INTERNET 04/25/2024-05/24/2024	987.85
			0332241042524		670-7000-473.26-07	FIBER OPTIC INTERNET 04/25/2024-05/24/2024	987.85
191639	6/6/2024	TIME WARNER CABLE (086811201)	086811201050124		670-7000-473.26-07	BUSINESS TV-MAY 2024 ACCT# 086811201	102.30
191640	6/6/2024	URBAN FUTURES INCORPORATED	CD-2023-009		005-1210-412.33-11	CONT DISCLOSURE TABS REF BANDS SER 2016 JUN 23	1,750.00
191641	6/6/2024	VIGILANT LLC	21837	032607	703-3700-480.33-11	MNDR: CITY HALL & PD	5,364.34
191642	6/6/2024	WASTE MANAGEMENT 0F THE IE	7964917-0149-9		670-7000-473.23-42	LATE FEE INV#7964304	67.94
191643	6/6/2024	WESTERN WATER WORKS SUPPLY CO	1408614-00		660-0000-131.00-00	INVENTORY PO NUM 032418	14,506.06
191644	6/6/2024	WILLDAN FINANCIAL SERVICES	010-58504		678-7000-473.33-11	LISTED EVENT DISCLOSURE ELECTRIC 2015 SERIES	250.00
191645	6/6/2024	WITTMAN ENTERPRISES, LLC	240501202	032553	001-2400-422.33-11	BILLING SVC PERFORMED	3,720.00
191646	6/13/2024	ADVANCED WORKPLACE STRATEGIES INC	618974		001-1300-412.33-32	DRUG TESTS	223.35
191647	6/13/2024	AED ENERGY SERVICES LLC	44000214	032755	702-3800-480.33-11	SUPPORT FOR CNG STATION 1/27/24-2/23/24	6,172.50
191648	6/13/2024	AL'S KUBOTA TRACTOR	279705	032206	660-6300-471.45-16	STRING TRIMMER LOOP	449.13
191649	6/13/2024	ALL AMERICAN SEWER TOOLS	223068	032836	680-8000-454.45-16	HYDRO VAC EQUIPMENT	779.38
191650	6/13/2024	ALL STAR GLASS, INC.	1396535	032543	702-3800-480.30-05	WINDSHIELD RMVL & INSTALL UNIT #38	634.08
191651	6/13/2024	AMAZON BUSINESS	16L6-GVXQ-GFVP	032293	001-3000-442.36-00	COFFEE/CREAMER	111.10
			17LP-1MNH-VV36	032292	810-9700-490.90-59	BODY CAM MEMORY OFFICE CHAIR	460.04
			1LXL-FM7H-MQDL	032292	810-9700-490.90-59	BODY CAMERA	199.06
			1V6P-TGHX-3JDG	032292	810-9700-490.90-59	OFFICE/CLEANING SUPPLIES	918.11
			1WCQ-W4WK-MXT1	032292	810-9700-490.90-59	OFFICE/RESTRM SUPPLIES	302.34
			1X3N-1QMX-THJM	032298	761-3100-480.36-00	CALCULATOR INK ROLLER	10.76
191652	6/13/2024	VESTIS SERVICES LLC	5880594299	032351	761-3110-480.25-02	UNIFORM-FSR	240.12

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191653	6/13/2024	ARCE, PAUL	MAY 2024		001-4000-461.23-15	GUITAR INSTRUCTION MAY 2024	112.00
191654	6/13/2024	AUTOMATED GATE SERVICES, INC.	0022808	032353	704-3200-412.30-01	GATE REPAIR-CITY YARD	4,560.00
			0023407	032353	704-3200-412.30-01	GATE DIAGNOSTIC-CITY YARD	504.00
			0025084	032353	704-3200-412.30-01	GATE REPAIR-CITY YARD	436.00
			0026092	032353	704-3200-412.30-01	GATE REPAIR-BANNING PD	517.75
			0026093	032353	704-3200-412.30-01	GATE INSPECTION-CITY YARD	456.00
191655	6/13/2024	BEAUMONT DO IT BEST HOME CENTER	543005	032278	001-3600-461.30-01	TARP STRAP	48.46
			543183	032278	001-3600-461.30-01	PARK SUPPLIES	62.99
			543443	032304	704-3200-412.30-02	TOOLS/SUPPLIES	76.09
			543482	032304	704-3200-412.30-02	TOOLS/SUPPLIES	47.39
			543555	032304	704-3200-412.30-02	TOOLS/SUPPLIES	35.53
			543676	032304	704-3200-412.36-00	TOOLS/SUPPLIES	48.88
			543766	032304	704-3200-412.30-02	TOOLS/SUPPLIES	37.55
191656	6/13/2024	BENHAR, DIANA T	MAY 2024		001-4000-461.23-15	ZUMBA INSTRUCTION MAY 2024	213.50
191657	6/13/2024	BIG TEX TRAILER WORLD	254067	032871	810-9700-490.90-60	OPV UTILITY TRAILER 16V1D1623R4358596	11,953.79
191658	6/13/2024	BURKE, WILLIAMS & SORENSON LLP	321353		700-5300-480.33-04	PRO SVCS FILE #08691-0002 MAY 2024	18,152.50
191659	6/13/2024	BUSINESS TELECOMMUNICATION	21274	032830	001-1910-412.89-46	MITEL 6930 WIFI IP PHONE	540.97
191660	6/13/2024	CALIFORNIA ASSOC FOR LOCAL ECO DEV	300005360		001-1210-412.23-03	MEMBERSHIP MARISOL LOPEZ	800.00
191661	6/13/2024	CENTER ELECTRIC SERVICES, INC	10923	032422	660-6300-471.45-06	WIRING TO MOTOR INSP	515.44
			10924	032422	660-6300-471.45-06	PRSSR SWITCH & TIMER INSP	1,074.63
191662	6/13/2024	CHANDLER ASSET MANAGEMENT INC	2405BANNING	032081	001-4500-412.33-11	ASSET & INVESTMENT MGMT	2,037.73
191663	6/13/2024	CINTAS CORPORATION	4187845172	032322	660-6300-471.25-02	UNIFORM-WATER	212.03
					680-8000-454.25-02	UNIFORM-WASTEWATER	59.47
			4192130575	032322	660-6300-471.25-02	UNIFORM-WATER	197.62
					680-8000-454.25-02	UNIFORM-WASTEWATER	59.47
			4192869055	032322	660-6300-471.25-02	UNIFORM-WATER	197.62
					680-8000-454.25-02	UNIFORM-WASTEWATER	59.47
			4193585648	032322	660-6300-471.25-02	UNIFORM-WATER	197.62
					680-8000-454.25-02	UNIFORM-WASTEWATER	59.47
191664	6/13/2024	CITY OF BANNING (BNG)	FC C-2 JUN24		001-3600-461.32-02	HANGAR FC C-2 JUNE 2024	197.57
			FC D-2 JUN24		001-3000-442.32-02	HANGAR FC D-2 JUNE 2024	197.57
191665	6/13/2024	CITY OF BANNING PUBLIC WORKS	VIN# 79048		810-9700-490.90-60	ASSET 624 2019 FORD T-350 VIN# 1FBZX2YM1KKA79048	16,000.00
191666	6/13/2024	CITY OF BANNING UTILITIES OPV	10194557468MY24		810-9700-490.90-59	BRYANT ST HOMELESS SHELT 4/9/24-5/8/24	312.43
			10194557548MY24		810-9700-490.90-59	BRYANT ST HOMELESS SHELT 4/9/24-5/8/24	414.43
191667	6/13/2024	COUNTY OF RIVERSIDE DOEH	IN0511416		660-6300-471.41-04	ENVIRON HEALTH PERMIT WELL 1	943.00
			IN0511427		680-8000-454.41-04	ENVIRON HEALTH PERMIT WELL 8	943.00
			IN0511428		680-8000-454.41-04	ENVIRON HEALTH PERMIT WELL 10	943.00
			IN0511429		001-2200-421.41-04	ENVIRON HEALTH PERMIT BANNING PD	1,224.00
191668	6/13/2024	CUMMINS SALES AND SERVICE	X2-60000	032310	702-3800-480.30-05	ELBOW HOSE	5.92
191669	6/13/2024	CUSTOM TROPHIES & UNEEK AWARDS	005429	032437	001-4000-461.36-09	BASKETBALL MEDALS	184.79
191670	6/13/2024	CYBERTIME NETWORK COMMUNICATIONS	1521-240701	032557	660-6300-471.26-07	CITY LOOPED MICROWAVE BAC	1,900.00
191671	6/13/2024	EIDE BAILLY LLP	EI01638264	032333	705-4500-412.33-11	FY2023 FINANCIAL AUDIT AS OF 6/30/2023	54,080.00
191672	6/13/2024	FAST LUBE & TUNE	112592	032454	702-3800-480.30-05	MOTOR OIL/FILTER UNIT #110	74.02
191673	6/13/2024	FRONTIER COMMUNICATIONS	2131817186MAY24		703-3700-480.30-17	213-181-7186 5/19/24-6/18/24	468.88
191674	6/13/2024	HAAKER EQUIPMENT COMPANY	C1AD8I	032327	680-8000-454.45-16	12" DEBRIS GRIT BASKET	451.47
191675	6/13/2024	HAZEN AND SAWYER	20062-001-48	029243	661-6300-471.90-78	WELL C8 CONSTUCTION MGMT	1,264.17
					661-6300-471.95-08	WELL C8 CONSTUCTION MGMT	2,948.33
191676	6/13/2024	HEMET VALLEY TOOL, INC	178927	032218	660-6300-471.45-16	18" BLADES	650.33
			178928	032218	660-6300-471.45-16	TOOLS/LABOR	135.42
191677	6/13/2024	HERNANDEZ, CARLA	MAY 2024		001-4000-461.23-15	GRANITE MOUNTAIN FEES MAY 2024	70.00
						KARATE INSTRUCTION MAY 2024	910.00
191678	6/13/2024	HOME DEPOT #8987	0011172	032194	704-3200-412.30-02	COMMERCIAL PA LEVER	64.48
			2010938	032194	704-3200-412.30-02	METAL HALIDE	31.22
191679	6/13/2024	HUERTA JR., GILBERT	MAY 2024		001-4000-461.23-15	KUNG FU & TAI CHI MAY 2024	385.00
						SPEC NEEDS MOVEMENT MAY 2024	196.00
191680	6/13/2024	HUERTA LOPEZ, TUNNIA A	MAY 2024		001-4000-461.23-15	DANZA FOLKLOR INSTRUCTION MAY 2024	315.00
191681	6/13/2024	IBEW LOCAL 47 RETIREE MEDICAL TRUST	20240614		001-0000-204.80-10	PAYROLL SUMMARY	3,056.04
191682	6/13/2024	IMEG CONSULTANTS CORP	24000102.00-2	032682	810-9700-490.90-60	SOUND WALL DESIGN	3,812.50

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191682	6/13/2024	IMEG CONSULTANTS CORP	24000102.00-3	032682	810-9700-490.90-60	SOUND WALL DESIGN	4,170.00
191683	6/13/2024	INFOSEND, INC	260838	032788	761-3100-480.23-02	UB BILL SRVC 4/19/24	122.71
					761-3100-480.23-04	UB BILL SRVC 4/19/24	949.92
					761-3100-480.33-11	UB BILL SRVC 4/19/24	260.58
			261998	032788	761-3100-480.23-02	UB BILL SRVC 4/26/24	60.33
					761-3100-480.23-04	UB BILL SRVC 4/26/24	528.88
					761-3100-480.33-11	UB BILL SRVC 4/26/24	122.23
			262301	032788	761-3100-480.23-02	UB BILL SRVC 5/3/24	377.79
					761-3100-480.23-04	UB BILL SRVC 5/3/24	2,653.47
					761-3100-480.33-11	UB BILL SRVC 5/3/24	805.66
			262434	032788	761-3100-480.23-02	UB BILL SRVC 5/10/24	184.38
					761-3100-480.23-04	UB BILL SRVC 5/10/24	1,423.43
					761-3100-480.33-11	UB BILL SRVC 5/10/24	353.61
			262731	032788	761-3100-480.23-02	UB BILL SRVC 5/17/24	80.22
					761-3100-480.23-04	UB BILL SRVC 5/17/24	668.01
					761-3100-480.33-11	UB BILL SRVC 5/17/24	164.66
			262919	032788	761-3100-480.23-02	UB BILL SRVC 5/24/24	91.05
					761-3100-480.23-04	UB BILL SRVC 5/24/24	697.38
					761-3100-480.33-11	UB BILL SRVC 5/24/24	174.93
191684	6/13/2024	KEN GRODY FORD REDLANDS	276532	032317	702-3800-480.30-05	MULTIPOINT INSPECTION UNIT #37	445.57
191685	6/13/2024	KOLLER, MARIE	MAY 2024		001-4000-461.23-15	DRAMA INSTRUCTION MAY 2024	23.10
191686	6/13/2024	LIEBERT CASSIDY WHITMORE	266840		700-5300-480.33-04	ERMA # BA060-00054	439.50
			266889		700-5300-480.33-04	ERMA # BA060-00055	521.00
191687	6/13/2024	LINCOLN FINANCIAL GROUP	JUNE 2024		001-0000-204.14-00	LINCOLN LTD JUNE 2024	3,370.02
						LINCOLN STD JUNE 2024	4,640.53
						LTD - CURRENT ADJUST JUNE 2024	17.51
						STD - CURRENT ADJUST JUNE 2024	24.32
					001-0000-204.30-00	GROUP LIFE - CURRENT ADJU JUNE 2024	(62.40)
						LINCOLN GROUP LIFE JUNE 2024	2,441.95
						LINCOLN VOL LIFE BUY-UP JUNE 2024	1,314.98
			MAY 2024		001-0000-204.14-00	LINCOLN LTD MAY 2024	3,328.58
						LINCOLN STD MAY 2024	4,583.11
						LTD - CURRENT ADJUST MAY 2024	(63.25)
						STD - CURRENTADJUST MAY 2024	(80.51)
					001-0000-204.30-00	GROUP LIFE - CURRENT MAY 2024	(70.20)
						LINCOLN GROUP LIFE MAY 2024	2,426.35
						LINCOLN VOL LIFE BUY-UP MAY 2024	1,314.98
						VOL LIFE BUY-UP - CURRENT MAY 2024	(515.28)
191688	6/13/2024	LOZANO SMITH LLP	2216987		700-5300-480.33-04	LEGAL SVC #000001 APRIL 2024	72.36
191689	6/13/2024	MARIPOSA LANDSCAPES, INC	107851	030833	001-3600-461.23-29	PARKS LANDSCAPE MAY 2024	8,277.41
					001-4000-461.23-29	PARKS LANDSCAPE MAY 2024	697.42
					001-4010-461.23-29	PARKS LANDSCAPE MAY 2024	816.67
					001-4050-461.23-29	PARKS LANDSCAPE MAY 2024	500.02
191690	6/13/2024	MORGAN, DEIDRA J	MAY 2024		001-4000-461.23-15	TOT TIME INSTRUCTION MAY 2024	112.00
191691	6/13/2024	N2W ENGINEERING, INC	0553	032037	680-8000-454.90-10	WWTP OWNER ADVISOR	86,412.25
191692	6/13/2024	PARS	20240614		001-0000-204.25-00	PAYROLL SUMMARY	1,575.49
191693	6/13/2024	PARTS AUTHORITY	062-243357	032423	702-3800-480.38-52	STARTER UNIT #339	477.57
			062-277000	032423	702-3800-480.38-52	CONDENSER/RADIATOR UNIT #9	181.26
			091-331161	032423	702-3800-480.38-52	WINDSHIELD WASHER FLUID	51.50
			091-331220	032423	702-3800-480.38-52	OIL FILTER UNIT #440	7.32
			091-331254	032423	702-3800-480.38-52	OIL FILTER UNIT #802	21.25
			091-331258	032423	702-3800-480.38-52	GLASS CLEANER	10.44
191694	6/13/2024	PATTON, CAROLINE	MEALS 6/24-28		001-1400-412.23-05	MASTER MUNI CLERKS INST MEALS 6/24-28 PATTON	183.50
191695	6/13/2024	PLAYHOUSE BOWL ASSOCIATION, INC.	PLAYHOUSE 2024		675-7020-473.42-84	PLAYHOUSE BOWL ASSOC SPONSORSHIP 8/15/2024	2,500.00
191696	6/13/2024	POULIN, RICHARD	89231-18032 AC		675-7020-473.42-35	REBATE RES CENTRAL AC SPLIT SYSTEM	1,200.00
191697	6/13/2024	PRE-PAID LEGAL SERVICES, INC	MAY 2024		001-0000-204.80-07	PREPAID LEGA PREMIUMS MAY 2024	339.82
191698	6/13/2024	PULVER, JODEANE V	MAY 2024		001-4000-461.23-15	YOGA INSTRUCTION MAY 2024	329.00
191699	6/13/2024	QUADIENT LEASING USA, INC	Q1355234	029795	705-4500-412.32-06	POSTAGE METER LEASE JULY-SEPT 2024	521.66

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191700	6/13/2024	RECORD GAZETTE, THE	00201803	032184	001-1900-412.23-01	POST ADOPTION ORD 1604	138.21
			00201907	032184	670-7000-473.23-01	ADVERTISING PHN WILDFIRE	130.53
191701	6/13/2024	RICHARDS WATSON GERSHON	247990		700-5300-480.33-04	0001 GENERAL SVCS APRIL 2024	5,262.66
			247991		700-5300-480.33-04	0001 GENERAL SVCS APRIL 2024	550.00
						0003 CITY MANAGER APRIL 2024	1,980.00
						0021 CODE ENFORCEMENT APRIL 2024	1,474.00
			247992		700-5300-480.33-04	0001 GENERAL SVCS APRIL 2024	8,822.00
						0004 CITY CLERK APRIL 2024	2,528.43
						0010 POLICE DEPARTMENT APRIL 2024	1,914.00
			247993		700-5300-480.33-04	0005 COMMUNITY DEV APRIL 2024	8,350.55
						0021 CODE ENFORCEMENT APRIL 2024	66.00
			247994		700-5300-480.33-04	0006 COMMUNITY SVCS APRIL 2024	3,300.00
			247995		700-5300-480.33-04	0007 ELECTRIC UTILITY APRIL 2024	5,500.00
			247996		700-5300-480.33-04	0008 ADMIN SVCS APRIL 2024	2,068.00
			247997		700-5300-480.33-04	0010 POLICE DEPARTMENT APRIL 2024	1,382.71
						0022 POLICE PERSONNEL APRIL 2024	604.80
			247998		002-0000-222.30-33	0033 DIVERSIFIED PACIFIC APRIL 2024	154.00
					002-2800-361.41-02	0033 DIVERSIFIED PACIFIC APRIL 2024	(154.00)
					002-2800-441.33-04	0033 DIVERSIFIED PACIFIC APRIL 2024	154.00
					700-5300-480.33-04	0003 CITY MANAGER APRIL 2024	132.00
						0005 COMMUNITY DEV APRIL 2024	88.00
						0007 ELECTRIC UTILITY APRIL 2024	22.00
						0011 PUBLIC WORKS APRIL 2024	2,904.00
			247999		700-5300-480.33-04	0012 WATER/WASTEWATER APRIL 2024	2,090.00
			248000		700-5300-480.33-04	0013 PERSONNEL MATTERS APRIL 2024	183.60
			248001		700-5300-480.33-04	0021 CODE ENFORCEMENT APRIL 2024	808.50
			248002		700-5300-480.33-04	0022 POLICE PERSONNEL APRIL 2024	1,377.00
			248003		700-5300-480.33-04	0061 SOLID WASTE APRIL 2024	176.00
			248004		002-0000-222.34-01	0062 CFD NO2020-02 ATWELL APRIL 2024	3,221.80
					002-2800-361.41-02	0062 CFD NO2020-02 ATWELL APRIL 2024	(3,221.80)
					002-2800-441.33-04	0062 CFD NO2020-02 ATWELL APRIL 2024	3,221.80
			248005		002-0000-222.31-37	0068 SUNSET CROSSROADS APRIL 2024	7,728.00
					002-2800-361.41-02	0068 SUNSET CROSSROADS APRIL 2024	(7,728.00)
					002-2800-441.33-04	0068 SUNSET CROSSROADS APRIL 2024	7,728.00
			248006		700-5300-480.33-04	0070 BANNING AIRPORT APRIL 2024	22.00
			248007		700-5300-480.33-04	0072 HOMELESS SHELTER APRIL 2024	44.00
			248008		002-0000-222.31-51	0078 AVD PASS ACTION GRP APRIL 2024	1,882.40
					002-2800-361.41-02	0078 AVD PASS ACTION GRP APRIL 2024	(1,882.40)
					002-2800-441.33-04	0078 AVD PASS ACTION GRP APRIL 2024	1,882.40
			248009		002-0000-222.31-58	0083 AIRPORT-HILLWOOD APRIL 2024	1,209.60
					002-2800-361.41-02	0083 AIRPORT-HILLWOOD APRIL 2024	(1,209.60)
					002-2800-441.33-04	0083 AIRPORT-HILLWOOD APRIL 2024	1,209.60
			248010		700-5300-480.33-04	0086 ADV DIEGO ROSE APRIL 2024	1,097.60
			248011		700-5300-480.33-04	0087 PEOPLE VS ALEX LARA APRIL 2024	4,814.60
191702	6/13/2024	RINCON CONSULTANTS, INC.	56594	032780	001-2800-441.33-11	BANNING APR SERV PERIOD THROUGH 4/30/2024	3,369.25
191703	6/13/2024	ROBERT CHAREST	CANCEL E-5		600-0000-223.10-00	CANCEL LEASE - HANGAR E-5 RCPT#0138274 DEPOSIT	313.62
191704	6/13/2024	ROBERT CHAREST	CANCEL E-5		600-0000-112.00-00	CANCEL LEASE - HANGAR E-5 RCPT#0138274 RENT PMT	627.24
191705	6/13/2024	ROBERT HALF INTERNATIONAL	63704407	032886	001-1910-412.23-27	FERNANDEZ, JACKY W/E 6/07	1,738.80
191706	6/13/2024	ROBINSON, BRANDON A	TRAVEL 5/9-10		670-7000-473.23-05	CUEA CONF TRAVEL 5/9-10 ROBINSON	335.49
191707	6/13/2024	ROW TRAFFIC SAFETY, INC	18126	032108	660-6300-471.45-16	FLOODED SIGNS	284.04
191708	6/13/2024	SATELLITE PHONE STORE	9408-1153143	032428	703-3700-480.30-19	IRIDIUM MONTHLY EMERGENCY	307.95
191709	6/13/2024	SGP DESIGN AND PRINT	13120	032379	610-5800-434.23-02	ROUTE LAMINATED MAPS	122.75
191710	6/13/2024	SHRED-IT USA, LLC	8007127752	032593	705-4500-412.33-11	PAPER SHREDDING SERVICE	147.01
191711	6/13/2024	STOCKMAN, JULIA	MAY 2024		001-4000-461.23-15	BALLET INSTRUCTION MAY 2024	210.00
191712	6/13/2024	SYSTEMS INTEGRATED	17327		660-6300-471.95-27	INSTALL ANALOG OUTPUT CAR MEADOWLINE INTERTIE	12,290.00
191713	6/13/2024	TEXAS LIFE INSURANCE COMPANY	MAY 2024		001-0000-204.30-00	TEXAS LIFE INSURANCE MAY 2024	6,324.36
191714	6/13/2024	TIME WARNER/CHARTER	0015614060124		001-2400-422.26-09	172 N MURRAY 6/1/24-6/30/24	35.95
			0017099060124		001-2400-422.26-09	3900 W WILSON 6/1/24-6/30/24	237.04

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191714	6/13/2024	TIME WARNER/CHARTER	0051007052524		001-2060-446.26-09	CITY HALL 5/25/24-6/24/24	152.43
191715	6/13/2024	TRANSTECH ENGINEERS, INC	20236912	030149	001-3000-442.33-53	20485 BANN RANCH TRACT	435.50
			20236913	030149	001-3000-442.33-53	211082 BANN TRACT 33540 GILMAN ST	182.00
191716	6/13/2024	UNDERGROUND SERVICE ALERT	23-2425671		100-4900-431.30-13	CA ST FEE-REGULATORY COST JUNE 2024	14.09
					660-6300-471.45-08	CA ST FEE-REGULATORY COST JUNE 2024	14.10
					670-7000-473.45-05	CA ST FEE-REGULATORY COST JUNE 2024	14.09
			520240045		100-4900-431.30-13	70 NEW TICKETS JUNE 2024	44.16
					660-6300-471.45-08	70 NEW TICKETS JUNE 2024	44.17
					670-7000-473.45-05	70 NEW TICKETS JUNE 2024	44.17
191717	6/13/2024	VCS ENVIRONMENTAL	24505	032000	001-2800-441.33-11	PROF SERV THROUGH 05/24	1,110.00
191718	6/13/2024	VERIZON WIRELESS SERVICES, LLC	9965620917		001-1000-411.26-05	City Council Cell Phone 5/2/24-6/1/24	190.73
					001-1200-412.26-05	City Manager Cell Phone 5/2/24-6/1/24	319.19
					001-1210-412.26-05	Economic Dev Cell Phone 5/2/24-6/1/24	51.23
					001-1220-412.26-05	Public Inform Cell Phone 5/2/24-6/1/24	41.51
					001-1230-412.26-05	Grants Cell Phone 5/2/24-6/1/24	34.68
					001-1300-412.26-05	HR Cell Phone 5/2/24-6/1/24	88.02
					001-1400-412.26-05	City Clerk Cell Phone 5/2/24-6/1/24	38.28
					001-1900-412.26-05	Finance Cell Phone 5/2/24-6/1/24	227.55
					001-1910-412.26-05	Purchasing Cell Phone 5/2/24-6/1/24	46.51
					001-2060-446.26-05	Gov Access Cell Phone 5/2/24-6/1/24	26.43
					001-2200-421.26-05	Police Cell Phone 5/2/24-6/1/24	2,068.76
					001-2200-421.89-48	Police Equipment Charge 5/2/24-6/1/24	89.22
					001-2210-421.26-05	Dispatch Cell Phone 5/2/24-6/1/24	67.86
					001-2300-424.26-08	Animal Control Cell Phone 5/2/24-6/1/24	88.02
					001-2740-442.26-05	Code Enforce Cell Phone 5/2/24-6/1/24	194.59
					001-2800-441.26-05	Planning Cell Phone 5/2/24-6/1/24	574.08
					001-3000-442.26-05	Engineering Cell Phone 5/2/24-6/1/24	251.06
					001-3200-412.26-05	Building Maint Cell Phone 5/2/24-6/1/24	83.02
					001-3600-461.26-05	Parks Cell Phone 5/2/24-6/1/24	115.61
					001-4000-461.26-05	Recreation Cell Phone 5/2/24-6/1/24	250.56
					001-4000-461.36-09	OEP Grant Cell Phone 5/2/24-6/1/24	43.37
					001-4050-461.26-05	Senior Center Cell Phone 5/2/24-6/1/24	41.51
					100-4900-431.26-05	Streets Cell Phone 5/2/24-6/1/24	305.90
					610-5800-434.26-05	Transit Cell Phone 5/2/24-6/1/24	789.42
					610-5850-434.26-05	Dial-A-Ride Cell Phone 5/2/24-6/1/24	32.38
					660-6300-471.26-05	Water Cell Phone 5/2/24-6/1/24	877.37
					670-7000-473.26-05	Electric Cell Phone 5/2/24-6/1/24	1,939.07
					680-8000-454.26-05	Wastewater Cell Phone 5/2/24-6/1/24	154.19
					702-3800-480.26-05	Fleet Cell Phone 5/2/24-6/1/24	81.59
					703-3700-480.26-05	Info Services Cell Phone 5/2/24-6/1/24	186.04
					761-3100-480.26-05	Utility Billing Cell Phon 5/2/24-6/1/24	82.79
					761-3110-480.26-05	Meter Services Cell Phone 5/2/24-6/1/24	196.88
191719	6/13/2024	VIGILANT LLC	21869	032607	703-3700-480.33-11	MEDR: CONTRACTED AMOUNT	3,024.64
191720	6/13/2024	VIRTUAL PROJECT MANAGER, LLC	12-4072	032629	660-6300-471.30-17	WEB BASED PRJCT MGMT SYST JUNE 2024	249.90
					670-7000-473.30-17	WEB BASED PRJCT MGMT SYST JUNE 2024	500.10
					680-8000-454.30-17	WEB BASED PRJCT MGMT SYST JUNE 2024	250.00
191721	6/13/2024	VISION SECURITY SYSTEMS	20823	032697	704-3200-412.23-19	LATCH PULL BACK/LABOR	560.44
			20824	032632	704-3200-412.30-02	COAX WIRE FOR CM OFFICE	290.00
191722	6/13/2024	VULCAN MATERIALS	74009564	032358	660-6300-471.45-17	COLD MIX	2,706.56
191723	6/13/2024	WALLACE, COLLEEN	MILEAGE MAY24		001-1000-411.23-05	MONTHLY MEETINGS MILEAGE MAY24 WALLACE	132.53
191724	6/13/2024	WILLDAN ENGINEERING	00627829	030055	001-2700-442.33-11	BANNING GIS ON CALL APRIL 2024	65.00
191725	6/13/2024	WILLIAMS SCOTSMAN, INC	9020914041	032201	810-9700-490.90-59	BRYANT ST SHELTER OFFICES	1,611.94
			9021140765	032201	810-9700-490.90-59	BRYANT ST SHELTER OFFICES	1,611.94
191726	6/20/2024	ALLISON MECHANICAL INC	86051	032714	704-3200-412.30-21	BLOWER MOTOR INSP	549.49
			86054	032714	704-3200-412.30-21	BLOWER MOTOR INSP	549.49
191727	6/20/2024	ALTA LANGUAGE SERVICES INC	IS721728		001-1300-412.33-11	BILINGUAL TESTING MAY 2024	132.00
191728	6/20/2024	AMAZON BUSINESS	13ML-XHQF-PCHP	032296	001-4010-461.36-09	LIFEGUARD SUPPLIES	376.89
			16YX-QQ13-JXTF	032296	001-4000-461.36-09	SANDWICH BAGS	21.09

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191728	6/20/2024	AMAZON BUSINESS	1GP9-HJW4-HWY9	032296	001-4020-461.36-09	DAY CAMP CRAFT BOWLS	16.14
			1NHW-MT7P-66PX	032292	001-1200-412.36-00	CC SUPPLIES	25.01
			1QP9-N9RH-VFL4	032292	001-1000-411.36-07	CITY COUNCIL SNACKS	60.06
			1QXT-VFFJ-N7NQ	032296	001-4020-461.36-09	DAY CAMP PROJECT SUPPLIES	38.36
			1RJH-TXLY-QRCM	032296	001-4000-461.36-09	REC CRAFT SUPPLIES	41.77
			1RVV-TXN3-Q941	032296	001-4000-461.36-09	TABLECLOTHS	202.95
			1TMG-LHM4-KR3X	032292	001-1400-412.36-00	PRINTER STAND FOR DESK	59.25
191729	6/20/2024	AMERICAN FIDELITY ASSURANCE	MAY 2024		001-0000-204.30-00	WHOLE/TERM LIFE MAY 2024	7,694.58
					001-0000-204.80-02	CANCER POLICY MAY 2024	3,922.72
					001-0000-204.80-09	ACCIDENT POLICY MAY 2024	3,829.10
					001-0000-204.80-11	DISABILITY SUPP STD MAY 2024	6,874.98
					001-0000-204.80-12	CRITICAL ILLNESS MAY 2024	1,976.16
					001-0000-204.80-16	GROUP HOSP INDEMNITY MAY 2024	1,176.14
191730	6/20/2024	VESTIS SERVICES LLC	588002831	032351	761-3110-480.25-02	UNIFORM-FSR CREDIT-PEREZ	(369.90)
			5880606693	032351	761-3110-480.25-02	UNIFORM-FSR	365.08
			5880624702	032351	761-3110-480.25-02	UNIFORM-FSR	81.47
			5880630660	032351	761-3110-480.25-02	UNIFORM-FSR	81.47
			5880636657	032351	761-3110-480.25-02	UNIFORM-FSR	81.47
191731	6/20/2024	ARTISTIC MAINTENANCE, INC.	0194694-IN	030561	111-4900-432.23-29	LMD MAINTENANCE	4,092.00
191732	6/20/2024	ASBURY ENVIRONMENTAL SERVICES DBA	I500-01074812	032500	690-9600-453.45-15	BATTERIES	1,912.48
191733	6/20/2024	AT&T CALNET 2	000021743130		001-2200-421.26-05	MONTHLY SERVICE 4/22/24-5/21/24	192.96
			000021789753		001-2200-421.26-05	MONTHLY SERVICE 05/01/24-05/31/24	452.44
			000021790600		001-2200-421.26-05	MONTHLY SERVICE 05/01/24-05/31/24	103.18
			000021790856		001-2200-421.26-05	MONTHLY SERVICE 05/01/24-05/31/24	212.14
191734	6/20/2024	ATWORK PERSONNEL SERVICES	276964		001-2200-421.23-27	BOND, MONIQUE W/E 5/26/24	249.49
			278155		001-2200-421.23-27	BOND, MONIQUE W/E 6/2/24	249.49
			279069		001-2200-421.23-27	BOND, MONIQUE W/E 6/9/24	285.13
191735	6/20/2024	AUTOMATED GATE SERVICES, INC.	0030855	032353	704-3200-412.30-01	GATE INSPECTION-CITY YARD	545.00
191736	6/20/2024	BABCOCK LABORATORIES, INC	CD40253-0030	032373	660-6300-471.23-32	TDS ANALYSIS	36.00
			CD41542-0030	032373	660-6300-471.23-32	UCMR 5	7,098.00
			CD41688-0030	032373	660-6300-471.23-32	GENERAL PHYSICAL ANALYSIS	84.00
			CE41358-0030	032373	660-6300-471.23-32	BACTERIOLOGICAL ANALYSIS	242.00
			CE41400-0030	032373	660-6300-471.23-32	GENERAL PHYSICAL ANALYSIS	84.00
			CE41631-0030	032373	660-6300-471.23-32	GENERAL PHYSICAL ANALYSIS	84.00
			CE41636-0030	032373	660-6300-471.23-32	COLIFORMS	242.00
			CE41649-0030	032373	660-6300-471.23-32	COLIFORMS	352.00
			CF40097-0030	032373	660-6300-471.23-32	WATER TESTING	840.00
			CF40186-0030	032373	660-6300-471.23-32	COLIFORMS	88.00
191737	6/20/2024	BEAUMONT DO IT BEST HOME CENTER	543573	032181	810-9700-490.90-59	SINGLE SIDED KEY	7.71
			543918	032304	704-3200-412.30-02	ELAN PASS LEVER	40.83
			543933	032304	704-3200-412.30-02	TYLO PASSAGE LOCKSET	14.32
			543954	032304	100-4900-431.36-00	WHITE MARKING PAINT	23.68
			544014	032304	100-4900-431.36-00	SINGLE SIDED KEY	19.29
			544019	032304	100-4900-431.36-00	RETURNED-SINGLE SIDED KEY	(3.86)
191738	6/20/2024	BENCOMO, EDGAR	REIMB FY24		702-3800-480.25-03	TOOL REIMBURSEMENT GEN MOU BENCOMO	1,494.67
191739	6/20/2024	BLAIS & ASSOCIATES, LLC	BA_7505_2024	032727	660-6300-471.33-11	SWRCB CWSRF WWTP	37.50
			BA_7506_2024	032885	705-4500-412.33-11	BSCC PROP 47 GRANT	9,525.00
			BA_7611_2024	032723	705-4500-412.33-11	PUBLIC WORKS GRANTS	3,520.00
191740	6/20/2024	CALIFORNIA WATER ENVIRONMENT	FY24 DUES352037		660-6300-471.23-03	CWEA ASSOC DUES 9/1/24-8/31/24 MADRIGAL	221.00
191741	6/20/2024	CANON FINANCIAL SERVICES, INC	32912202	032336	001-4000-461.32-06	COPIER LEASE	178.45
					660-6300-471.32-06	COPIER LEASE	178.45
					670-7000-473.32-06	COPIER LEASE	712.01
					705-4500-412.32-06	COPIER LEASE	524.76
					761-3100-480.32-06	COPIER LEASE	127.70
191742	6/20/2024	CARLOS, MARIO	REIMB 5/19/24-2		810-9700-490.90-59	COMMUNITY CLEAN UP LUNCH-PIZZA HUT	38.43
			REIMB 6/10/24		810-9700-490.90-59	COMMUNITY CLEAN UP LUNCH-JACK IN THE BOX	16.42
			REIMB 6/12/24		810-9700-490.90-59	COMMUNITY CLEAN UP LUNCH-JACK IN THE BOX	14.00
			REIMB 6/5/24		810-9700-490.90-59	COMMUNITY CLEAN UP LUNCH-JACK IN THE BOX	14.00

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191742	45463	CARLOS, MARIO	REIMB 6/6/24		810-9700-490.90-59	COMMUNITY CLEAN UP LUNCH-JACK IN THE BOX	14.00
			REIMB 6/7/24		810-9700-490.90-59	COMMUNITY CLEAN UP LUNCH-JACK IN THE BOX	14.00
191743	6/20/2024	CAROLLO ENGINEERS	FB51164	032679	660-6300-471.33-11	ON CALL HYDRAULIC SRVCS	10,645.00
191744	6/20/2024	CASTRO, DAVID	REIMB FY24		702-3800-480.25-03	TOOL REIMBURSEMENT GEN MOU CASTRO	1,302.18
191745	6/20/2024	CDW GOVERNMENT, INC	QV57264	032382	001-2800-441.30-17	ADO ACROBAT PRO (5) USERS	675.00
			QX25327	032382	001-2700-442.89-48	ADAPTER CODE ENFORCEMENT	27.75
			RH43652		001-2200-421.23-33	COMP DOCK-V AVILA FD1RMT3 PO 32556	222.61
			RN33259	032382	001-2700-442.89-48	DELL LAT/MONITOR 5G9BLY3-FIRE SUP	1,676.67
191746	6/20/2024	CHUNG, JOYCE & STEVEN	62345-22298		001-0000-218.22-22	UB CR REFUND 62345-22298	444.46
191747	6/20/2024	CINTAS CORPORATION	4194231508	032431	702-3800-480.25-02	UNIFORM-FLEET	74.21
			4195027124	032432	610-5800-434.25-02	UNIFORM-TRANSIT	119.79
					610-5850-434.25-02	UNIFORM-DAR	11.13
			4195027248	032322	660-6300-471.25-02	UNIFORM-WATER	199.91
					680-8000-454.25-02	UNIFORM-WASTEWATER	57.18
			4195737123	032431	702-3800-480.25-02	UNIFORM-FLEET	59.71
			4195737150	032432	610-5800-434.25-02	UNIFORM-TRANSIT	119.79
					610-5850-434.25-02	UNIFORM-DAR	11.13
191748	6/20/2024	CIVICPLUS	303549	032232	705-4500-412.33-11	IND. BANNER FOR DEPTS	1,841.00
191749	6/20/2024	COASTAL BOILER WORKS INC	1152	032687	680-8000-454.30-04	WW TRTMNT PLANT BOILER	4,975.50
			1166	032687	680-8000-454.30-04	BOILER SOURCE TEST 2024	3,640.31
191750	6/20/2024	CONCENTRA MEDICAL CENTERS	83049580		001-1300-412.33-32	PRE-EMPLOYMENT PHYSICALS DOT RE-CERT PHYSICAL	464.00
			83125274		001-1300-412.33-32	PRE-EMPLOYMENT PHYSICALS DOT RE-CERT PHYSICAL	464.00
			83195370		001-1300-412.33-32	PRE-EMPLOYMENT PHYSICALS DOT RE-CERT PHYSICAL	206.00
			83267882		001-1300-412.33-32	PRE-EMPLOYMENT PHYSICALS DOT RE-CERT PHYSICAL	45.00
			83336764		001-1300-412.33-32	PRE-EMPLOYMENT PHYSICALS DOT RE-CERT PHYSICAL	464.00
			83407693		001-1300-412.33-32	PRE-EMPLOYMENT PHYSICALS DOT RE-CERT PHYSICAL	464.00
191751	6/20/2024	COUNSELING TEAM INTERNATIONAL, THE	INV100370		700-5040-480.23-07	PSYCH ASSESSMENT SVC MAY 2024	325.00
			INV100419		700-5040-480.23-07	EMPLOYEE SUPPORT SRVS JUNE 2024	700.00
191752	6/20/2024	COUNTY OF RIVERSIDE DOEH	IN0511419		001-4000-461.41-04	ENVIRON HEALTH PERMIT COMMUNITY CENTER	943.00
191753	6/20/2024	D&M JOB INC.	15866	032384	001-2740-442.23-04	WEED ABATEMNT POSTCARDS	722.27
191754	6/20/2024	DELTA DENTAL INSURANCE COMPANY	MAY 2024		001-0000-204.32-00	DENTAL - HMO MAY 2024 (ADJUSTMENTS)	(229.98)
						DENTAL - HMO MAY 2024 (CURRENT)	917.82
191755	6/20/2024	DELTA DENTAL OF CALIFORNIA	MAY 2024		001-0000-204.32-00	DENTAL - PPO MAY 2024 (ADJUSTMENTS)	689.50
						DENTAL - PPO MAY 2024 (CURRENT)	7,614.07
191756	6/20/2024	ENGINEERING RESOURCES OF SO CA	60041	032559	001-3000-442.33-53	PLAN CHECK SERVICES	24,858.00
			60066	032552	660-6300-471.33-11	STAFF AUGMENTATION	6,384.00
					680-8000-454.33-11	STAFF AUGMENTATION	2,736.00
			60069	032559	001-3000-442.33-53	INSPECTION SERVICES	71,561.70
191757	6/20/2024	ENTERPRISE FM TRUST	FBN5056276		001-2200-421.32-06	PD #40 JUNE 2024	6,695.34
					001-2300-424.32-06	ANIMAL CONTROL #80 JUNE 2024	927.47
					001-2400-422.32-06	FIRE #110 JUNE 2024	442.06
					001-2740-442.32-06	CODE ENF #437 438 JUNE 2024	1,029.39
					001-3000-442.32-06	ENGINEERING #1201 JUNE 2024	661.46
					001-3600-461.32-06	PARKS #702 703 704 JUNE 2024	1,465.07
					100-4900-431.32-06	STREETS #600 626 627 628 JUNE 2024	2,334.12
						STREETS #624 625 JUNE 2024	1,180.35
					660-6300-471.32-06	WATER #802 804 JUNE 2024	1,257.38
						WATER #817 830 831 833 #838 839 840 841 908	7,354.85
					670-7000-473.32-06	ELEC 302 310 314 317 318 JUNE 2024	3,495.95
					702-3800-480.32-06	FLEET #205 JUNE 2024	275.79
					761-3110-480.32-06	METER #505 JUNE 2024	441.65
191758	6/20/2024	FAST LUBE & TUNE	112932	032454	702-3800-480.30-05	OIL FILTER #50	63.16
191759	6/20/2024	FOX CINEMA IS DPLACE	BA2024	032868	001-4020-461.36-09	DAY CAMP MOVIES	1,500.00
191760	6/20/2024	FRONTIER COMMUNICATIONS	9518496778JUN24		001-2200-421.26-05	951-849-6778 6/1/24-6/30/24	61.12
191761	6/20/2024	GAS COMPANY, THE	12662493001JN24		001-2400-422.26-06	3900 W WILSON 05/07/24-06/06/24	25.34
191762	6/20/2024	HOME DEPOT #8987	1904693	032450	001-3600-461.30-06	AUGER RENTAL DEPOSIT	100.00
			1904721	032450	001-3600-461.30-06	AUGER DEPOSIT REFUND RENTAL TOTAL $77.33	(22.67)
			901237	032449	001-3600-461.30-06	AUGER RENTAL DEPOSIT	100.00

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191762	45463	HOME DEPOT #8987	901259	032449	001-3600-461.30-06	AUGER DEPOSIT REFUND RENTAL TOTAL #78.56	(21.44)
191763	6/20/2024	INDEPENDENT REVIEW INVESTIGATIONS	24-001.1	032853	001-2200-421.33-11	INVESTIGATION 24.001 IA#24-001	4,162.99
191764	6/20/2024	INFOSEND, INC	263885	032788	761-3100-480.23-02	UB BILL SRVC 5/31/24	207.51
					761-3100-480.23-04	UB BILL SRVC 5/31/24	1,493.65
					761-3100-480.33-11	UB BILL SRVC 5/31/24	368.47
			264296	032788	761-3100-480.23-02	UB BILL SRVC 6/7/24	223.44
					761-3100-480.23-04	UB BILL SRVC 6/7/24	1,569.65
					761-3100-480.33-11	UB BILL SRVC 6/7/24	532.23
			264485	032788	761-3100-480.23-02	UB BILL SRVC 6/14/24	146.24
					761-3100-480.23-04	UB BILL SRVC 6/14/24	1,140.21
					761-3100-480.33-11	UB BILL SRVC 6/14/24	269.17
191765	6/20/2024	INNOVATIVE FEDERAL STRATEGIES	COB052024	032524	705-4500-412.33-11	FEDERAL LOBBYING SERVICES	4,500.00
191766	6/20/2024	INTERNATIONAL CODE COUNCIL, INC	14936-1	032812	001-2700-442.23-03	ICC DIGITAL CODES BLDG & SAFETY-3 YRS	5,716.00
191767	6/20/2024	LEADSONLINE, LLC.	412192	032874	001-2200-421.30-17	SOFTWARE FOR DB	16,460.00
191768	6/20/2024	LIEBERT CASSIDY WHITMORE	267840		700-5300-480.33-04	HEALTH REOPENER NEG # BA060-00053	6,418.50
191769	6/20/2024	MICHAEL BAKER INTERNATIONAL, INC	1212098		002-0000-222.31-42	PROJ MGMT-SUNSET CROSSRDS PERIOD ENDING 4/28/24	2,990.00
					002-2800-361.41-02	PROJ MGMT-SUNSET CROSSRDS PERIOD ENDING 4/28/24	(2,990.00)
				030874	002-2800-441.33-11	MBI SUNSET CROSSROADS PERIOD ENDING 4/28/2024	2,990.00
191770	6/20/2024	MITSUBISHI ELECTRIC & ELECTRONICS	491202	031409	704-3200-412.30-02	REGULAR SERVICE	353.87
191771	6/20/2024	MOLINA, GUILLERMO	REIMB 6/8/24		810-9700-490.90-59	COMMUNITY CLEAN UP LUNCH-JACK IN THE BOX	13.78
			REIMB 6/8/24(2)		810-9700-490.90-59	COMMUNITY CLEAN UP LUNCH-JACK IN THE BOX	5.59
			REIMB 6/9/24		810-9700-490.90-59	COMMUNITY CLEAN UP LUNCH-JACK IN THE BOX	13.46
			REIMB 6/9/24(2)		810-9700-490.90-59	COMMUNITY CLEAN UP LUNCH-LOCAL TACO	15.61
191772	6/20/2024	MYERS & SONS HI-WAY SAFETY INC.	157857	032196	100-4900-431.89-54	STREET SIGNS	257.52
191773	6/20/2024	NIETO, FRANCISCO	REIMB 6/2/24		001-2200-421.23-06	PARKING 6/2/24-6/6/3/24 EMBASSY SUITES	56.00
191774	6/20/2024	OJEDA, ABRAHAM	REIMB FY24		680-8000-454.41-04	COLLECTION SYS MAIN GRD 1 FY24 PER IBEW UTILITY MOU	192.00
						CWEA ASSOC MEMBERSHIP FY24 PER IBEW UTILITY MOU	221.00
191775	6/20/2024	ONLINE UTILITY EXCHANGE	1259554	032290	761-3100-480.23-51	UB CREDIT CHECK MAY 2024	451.40
191776	6/20/2024	PARKHOUSE TIRE, INC.	2010902522	032427	702-3800-480.38-52	PURSUIT #95	184.38
191777	6/20/2024	PARTS AUTHORITY	062-284955	032423	702-3800-480.38-52	OIL FILTER #440	29.26
			062-285235	032423	702-3800-480.38-52	CABIN AIR #802	15.93
			062-296028	032423	702-3800-480.38-52	PARKING BRAKE #235	39.19
			064-701505	032423	702-3800-480.38-52	FUEL FILTER #244	221.88
			091-059611	032423	702-3800-480.38-52	BATTER CORE CREDIT	(23.71)
			091-331273	032423	702-3800-480.38-52	CABIN AIR #802	31.85
			091-331664	032423	702-3800-480.38-52	GLOVES	190.07
191778	6/20/2024	PAYPRO ADMINISTRATORS	042282		001-1300-412.33-11	COBRA ADMIN SVC MAY 2024	115.00
191779	6/20/2024	PUBLIC AGENCY RETIREMENT SERVICES	55700		001-1900-412.33-11	PARS PLN ID#PH-ARS05A SVC PERIOD 4/30/2024	300.00
191780	6/20/2024	QUINN COMPANY	FIN FEE 6/13/24		660-6300-471.23-42	FINANCE CHARGE FY24 WATER 6/13/24	1,301.04
					670-7000-473.23-42	FINANCE CHARGE FY24 ELECTRIC 6/13/24	6,355.24
191781	6/20/2024	RECORD GAZETTE, THE	00201718	032184	690-9600-453.23-01	PHN SOLID WASTE TAXROLL	737.22
			00201941	032184	001-2800-441.23-01	NOTICE HPC VACANCIES	143.21
			01383919	032184	001-1220-412.23-01	CHERRY FESTIVAL AD	1,020.00
191782	6/20/2024	RINCON CONSULTANTS, INC.	57351	032780	001-2800-441.33-11	COB APR SERVICES 5/31/24	698.75
191783	6/20/2024	RIV. CO. HEALTH SVCS AGENCY	PERMIT FY24D		001-5400-446.41-58	FOOD PERMIT - PARKS & REC	207.00
191784	6/20/2024	RIVCO EMD	23-24Q3		001-1300-412.41-29	EMERGENCY SVC COORDINATOR JAN-MAR 2024	11,250.00
191785	6/20/2024	SOFTWARE ONE, INC	US-PSI-1409726	032564	703-3700-480.30-17	BACKUP SIMPLE STANDARD OCTOBER 2023	890.00
			US-PSI-1412505	032564	703-3700-480.30-17	AZURE SIMPLE SOFTWARE NOVEMBER 2023	1,180.55
			US-PSI-1432431	032564	703-3700-480.30-17	BACKUP SIMPLE STANDARD DECEMBER 2023	890.00
			US-PSI-1449452	032564	703-3700-480.30-17	BACKUP SIMPLE STANDARD FEBRUARY 2024	1,353.57
			US-PSI-1457455	032564	703-3700-480.30-17	AZURE SIMPLE SOFTWARE MARCH 2024	1,270.00
			US-PSI-1459952	032564	703-3700-480.30-17	BACKUP SIMPLE STANDARD MARCH 2024	1,350.00
			US-PSI-1461061	032564	703-3700-480.30-17	AZURE SIMPLE SOFTWARE APRIL 2024	1,375.45
			US-PSI-1469606	032564	703-3700-480.30-17	AZURE SIMPLE SOFTWARE MAY 2024	1,449.63
191786	6/20/2024	SOUTHERN CALIFORNIA EDISON	181920312MAY24		660-6300-471.26-04	WELL 11 04/12/24-05/12/24	265.40
191787	6/20/2024	SOUTHERN CALIFORNIA GAS CO	09242310481MY24		702-3800-480.36-61	NATURAL GAS VEHICLE FUEL 05/01/2024-06/01/2024	8,533.64
191788	6/20/2024	SOUTHERN CALIFORNIA MOUNTAINS FOUND	RQ#28933	032857	001-4000-461.42-32	DAY CAMP ADMISSION	340.00
191789	6/20/2024	STAPLES BUSINESS ADVANTAGE	6002340607	032284	761-3100-480.36-00	UB OFFICE SUPPLIES	101.29

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191789	6/20/2024	STAPLES BUSINESS ADVANTAGE	6002815279	032186	001-1000-411.36-07	CITY COUNCIL SODA	60.33
			6004469201	032186	001-1210-412.41-46	MOUSE	21.54
					001-1400-412.36-00	TABS/SHARPIES	26.47
			6004583278	032186	001-1400-412.36-00	TONER	485.50
					001-1400-412.89-48	EXTERNAL HARDRIVES	220.69
			6004583279	032186	705-4500-412.36-00	COFFEE, CREAMER, SWEETENER	363.98
191790	6/20/2024	STATE OF CALIFORNIA DOJ	737188	032502	001-2200-421.26-05	JAN FEB MAR 2024 #530107	1,876.98
191791	6/20/2024	TIME WARNER/CHARTER	0014070040124		001-2060-446.26-09	COMMUNITY CENTER 4/1/24-4/30/24	35.53
			0014070060124		001-2060-446.26-09	COMMUNITY CENTER 6/1/24-6/30/24	35.53
			0022933040124		001-2060-446.26-09	SENIOR CENTER 4/1/24-4/30/24	35.53
			0022933060124		001-2060-446.26-09	SENIOR CENTER 6/1/24-6/30/24	35.53
191792	6/20/2024	VISION SECURITY SYSTEMS	20827	032523	660-6300-471.23-19	CAMERA INSTALL/LABOR	626.98
191793	6/20/2024	WALTER STANLEY COS, LLC	B057167A	032287	704-3200-412.30-02	PLEAT	407.86
191794	6/20/2024	XENIA PACIFIC, INC	6261	032474	761-3110-480.36-00	FSR SHIRTS (24)	401.91
			6285	032397	001-2740-442.36-04	UNIFORM PATCHES CODE ENFORCEMENT	248.90
191795	6/20/2024	YUNEX, LLC	5610002233	032407	100-4900-431.30-09	TRAFFIC SIGNAL MAINT	228.01
			90002129	032407	100-4900-431.30-09	TRAFFIC SIGNAL MAINT	648.00
			90002179	032407	100-4900-431.30-09	TRAFFIC SIGNAL MAINT	648.00
191796	6/28/2024	A JUMP N PARTY, INC	56961	032904	001-5400-446.41-58	4TH OF JULY JUMPERS	2,923.50
191797	6/28/2024	AFLAC BENEFITS SOLUTIONS	JANUARY 2024		001-0000-204.32-00	DENTAL - PPO JANUARY 2024	6,529.50
191798	6/28/2024	ALBERT A. WEBB ASSOCIATES	ARIV0003995	032633	681-8000-454.95-12	WW TREATMENT PLANT	19,196.09
			ARIV0004182	031727	101-4900-431.93-16	OMAR RAMSEY INTR DESIGN	1,619.69
191799	6/28/2024	ALL STAR ELITE SPORTS	4322	032275	001-4020-461.36-09	DAY CAMP SHIRTS	712.37
191800	6/28/2024	ALLIED PACIFIC PROP MGMT	000086031		001-0000-218.22-22	UB CR REFUND-FINALS 000012558	188.65
191801	6/28/2024	ALTEIR, AMIRA	000109743		001-0000-218.22-22	UB CR REFUND-FINALS 000010514	1.66
191802	6/28/2024	AMAZON BUSINESS	14FQ-YCXV-979N	032296	001-4000-461.36-00	WALL CLOCK	26.93
			17W6-H7P3-MLYT	032296	001-4000-461.30-02	CLEANING SUPPLIES	123.38
			17YX-WTDR-MCVW	032296	001-4000-461.36-09	LYSOL CLEANER	18.10
			19Q1-DXPG-Q1R4	032296	001-4000-461.36-09	DISPOSABLE CUPS	47.95
			19YV-WTHT-GL94	032433	001-2200-421.36-00	SUPPLIES-PD	41.91
			1CTR-9PHL-3VDH	032381	001-2740-442.36-04	BODY CAM CODE ENFORCEMENT	610.44
			1DPW-DGP1-6P9T	032293	660-6300-471.41-46	COLUMNAR BOOK	59.19
			1GNC-CDJC-134X	032292	705-4500-412.36-00	ID BADGE LANYARDS	24.76
			1J3K-VYPY-FQXQ	032433	001-2200-421.36-00	SUPPLIES-PD	23.33
			1LW3-JXXM-JRF1	032296	001-4000-461.36-09	TABLECLOTHS AND BATTERIES	64.52
			1LYY-YKMQ-LCKR	032433	001-2200-421.36-00	SUPPLIES-PD	21.55
			1MKV-JNP1-KQF9	032296	001-4000-461.36-09	IPAD COVER	28.00
			1QP9-N9RH-6WWF	032297	001-4050-461.36-00	SENIOR EVENT SUPPLIES	255.80
			1RN3-6T7K-467H	032433	001-2200-421.36-00	SUPPLIES-PD	1,549.44
			1VC1-NTP9-JHYQ	032381	001-2740-442.36-04	BODY CAM MOUNTS (3) CODE ENFORCEMENT	77.55
			1VMD-M3HH-3GGY	032296	001-4000-461.36-09	VACUUM CLEANER	67.87
			1X3H-YCNC-9WVV	032381	001-2800-441.36-00	OFFICE SUPPLIES	523.58
191803	6/28/2024	AMERICAN FORENSIC NURSES	78720	032464	001-2200-421.33-31	STAND BY FEE FOR 7/1	1,021.02
			78751	032464	001-2200-421.33-31	CHP BLOODRAWS	459.54
			78795	032464	001-2200-421.33-31	CHP BLOOD DRAWS	229.77
			78800	032464	001-2200-421.33-31	PD BLOOD DRAWS	114.88
191804	6/28/2024	AMERICAN WRECKING INC	000044765		001-0000-218.22-22	UB CR REFUND-FINALS 000060474	676.99
191805	6/28/2024	ANDRADE FINANCIAL	000111351		001-0000-218.22-22	UB CR REFUND-FINALS 000006150	214.18
191806	6/28/2024	ANTHONY PAGOLIAO	REFUND 24-0447		001-2700-351.35-16	PERMIT # BLD-24-0447 584 HOFFER-CANCELED	125.12
191807	6/28/2024	VESTIS SERVICES LLC	5880643325	032351	761-3110-480.25-02	UNIFORM-FSR	92.49
191808	6/28/2024	ARCCOPS	2024-01		001-2200-421.23-03	ANNUAL ARCCOPS MEMBERSHIP DUES 2024-THEISER	200.00
191809	6/28/2024	ARDITTI, JONATHAN	052424	032878	001-2200-421.33-11	2ND OPINION REPORT G FRANCO	800.00
191810	6/28/2024	ARRUABARRENA &, JOAN	000110819		001-0000-218.22-22	UB CR REFUND-FINALS 000022232	405.49
191811	6/28/2024	AT&T MOBILITY LLC	287332160118524		001-2200-421.26-05	MONTHLY SERVICE 4/9/24-5/8/24	1,207.20
			99235103861924		001-2200-421.26-05	MONTHLY SERVICE 05/12/24-06/11/24	1,797.34
191812	6/28/2024	ATWORK PERSONNEL SERVICES	279845		001-2200-421.23-27	BOND, MONIQUE W/E 6/16/24	142.56
191813	6/28/2024	BABCOCK LABORATORIES, INC	CA41508-0030	032373	680-8000-454.23-32	WASTEWATER TESTING	377.79
			CA41768-0030	032373	680-8000-454.23-32	WASTEWATER TESTING	762.92

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191813	6/28/2024	BABCOCK LABORATORIES, INC	CC40094-0030	032373	680-8000-454.23-32	TDS ANALYSIS	36.00
			CC40491-0030	032373	680-8000-454.23-32	WASTEWATER TESTING	1,461.21
			CC40890-0030	032373	680-8000-454.23-32	TDS ANALYSIS	36.00
			CC41325-0030	032373	680-8000-454.23-32	TDS ANALYSIS	36.00
			CC41748-0030	032373	680-8000-454.23-32	TDS ANALYSIS	36.00
			CD40722-0030	032373	680-8000-454.23-32	TDS ANALYSIS	36.00
			CD41172-0030	032373	680-8000-454.23-32	TDS ANALYSIS	36.00
			CD41689-0030	032373	680-8000-454.23-32	TDS ANALYSIS	36.00
			CE40084-0030	032373	680-8000-454.23-32	TDS ANALYSIS	36.00
			CE40459-0030	032373	680-8000-454.23-32	TDS ANALYSIS	36.00
			CE41330-0030	032373	680-8000-454.23-32	TDS ANALYSIS	36.00
			CE41361-0030	032373	680-8000-454.23-32	TDS ANALYSIS	36.00
			CE41871-0030	032373	680-8000-454.23-32	TDS ANALYSIS	36.00
			CF40530-0030	032373	660-6300-471.23-32	COLIFORMS	242.00
191814	6/28/2024	BANNING VETERINARY HOSPITAL	829134		001-2300-424.33-90	MEDICAL EXAMINATION #2405210033	206.00
191815	6/28/2024	BASTIN, RYAN	EYEWEAR FY24		670-7000-473.25-10	EMPLOYEE EYEWEAR REIMB IBEW UTILITY MOU BASTIN	215.50
191816	6/28/2024	BEAUMONT DO IT BEST HOME CENTER	543433	032278	001-3600-461.30-01	PEST KILLER AND TOOLS	127.35
			543490	032277	001-4000-461.36-03	CLEANING SUPPLIES	171.64
			543666	032278	001-3600-461.30-01	TOWELS AND HEX KEYS	95.30
			543885	032278	001-3600-461.38-54	PAINT SUPPLIES	43.49
			543995	032278	001-3600-461.30-01	PEST KILLER	83.30
			544042	032304	100-4900-431.36-00	TOOLS/SUPPLIES	68.15
			544058	032278	001-3600-461.30-01	CLEANER AND SCRAPER	42.52
			544059	032304	100-4900-431.36-00	TOOLS/SUPPLIES	77.52
			544163	032278	001-3600-461.30-01	MISC TOOLS	38.28
			544210	032304	704-3200-412.30-01	KEY/KEY RINGS	9.44
			544350	032278	001-4000-461.30-02	BRUSH AND PLUNGER	43.08
191817	6/28/2024	BIO-TOX LABORATORIES	45953	032466	001-2200-421.33-31	CHP ALCOHOL BLOOD DRAWS	1,319.00
191818	6/28/2024	BITTLE, ELIZABETH	000110505		001-0000-218.22-22	UB CR REFUND-FINALS 000058402	129.70
191819	6/28/2024	BLAISDELL'S BUSINESS PRODUCTS	1892860-0	032400	705-4500-412.36-00	COPIER PAPER (20 BOXES)	1,079.44
191820	6/28/2024	BOGARD, LINCOLN	MILEAGE JUN24		001-1900-412.23-05	WRCOG ANNUAL CONF MILEAGE 6/20/24 BOGARD	44.82
191821	6/28/2024	BRAVO, ARLYN	EYEWEAR FY24		670-7000-473.25-10	EMPLOYEE EYEWEAR REIMB IBEW UTILITY MOU BRAVO	230.45
191822	6/28/2024	BROOKS, RANDY	000106787		001-0000-218.22-22	UB CR REFUND-FINALS 000011670	42.50
191823	6/28/2024	BUDD-FALEN LAW OFFICES, LLC.	34054	029829	660-6300-471.90-78	FLUME LEGAL SERVICES MAY 2024	5,880.00
191824	6/28/2024	BURKE, WILLIAMS & SORENSON LLP	323193		700-5300-480.33-04	PRO SVCS FILE #08691-0002 MAY 2024	1,240.00
191825	6/28/2024	CA. ST. DEPT. OF FORESTRY	0000001583668		001-3600-461.30-01	CREW WORK APRIL 2024	1,135.40
191826	6/28/2024	CALIFORNIA WATER ENVIRONMENT	FY25 CERT350760		660-6300-471.23-03	COLLECTION SYS MAIN GRD 1 6/30/24-6/30/25 HAHN	98.00
			FY25 DUES352023		660-6300-471.23-03	CWEA ASSOC DUES 9/1/24-8/31/25 NAASZ	221.00
191827	6/28/2024	CANON FINANCIAL SERVICES, INC	33205199	032575	001-2200-421.32-06	PD RECORDS	332.16
191828	6/28/2024	CDW GOVERNMENT, INC	QD64314	032267	675-7020-473.89-48	DELL LATITUDE 13" &KEYBRD	2,031.24
			QS80091	032267	675-7020-473.89-48	RETURN-DELL LAT 13" ROCKWELL	(1,808.81)
			QS85825	032267	675-7020-473.89-48	DELL LAPTOP-CTO ROCKWELL	2,967.13
			RD31450	032267	670-7000-473.89-48	ADESSO M3 WIRED MIC	117.60
			RN84232	032266	670-7000-473.89-48	DELL LATITUDE 5540 15.6"	1,802.87
			RN85473	032869	001-4000-461.89-48	IPAD #MQ6J3LL/A	665.10
191829	6/28/2024	CELL BUSINESS EQUIPMENT (CBE)	IN2726341	032562	001-1300-412.30-17	LEASING CHARGE MAR 2024	81.60
			IN2735320	032562	001-2740-442.32-06	PRINTER LEASE 04/20/2024 - 05/19/2024	108.58
			IN2739202	032562	001-1300-412.30-17	LEASING CHARGE APR 2024 4/20/24-5/19/24	1.62
			IN2741452	032576	001-2200-421.32-06	PD PRINTERS	167.25
			IN2744952	032562	001-2740-442.32-06	PRINTER LEASE 05/20/2024 - 06/19/2024	128.79
			IN2745391	032576	001-2200-421.32-06	CC FOR RECORDS PRINTER	71.66
191830	6/28/2024	CENTER ELECTRIC SERVICES, INC	10963	032422	680-8000-454.30-04	WIRE TO TIE VALVE RPLCMNT	2,942.88
191831	6/28/2024	CICCS	JUN24 PET		001-0000-204.62-00	PET INSURANCE JUNE 2024	61.48
			MAY24 PET		001-0000-204.62-00	PET INSURANCE MAY 2024	61.48
191832	6/28/2024	CINTAS CORPORATION	4194231540	032320	001-3600-461.25-02	UNIFORM-PARKS	51.13
			4194231558	032319	100-4900-431.25-02	UNIFORM-STREETS	79.12
					704-3200-412.25-02	UNIFORM-BUILD MAINT	10.78
			4194231567	032322	660-6300-471.25-02	UNIFORM-WATER	199.91

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191832	6/28/2024	CINTAS CORPORATION	4194231567	032322	680-8000-454.25-02	UNIFORM-WASTEWATER	57.18
			4194231602	032432	610-5800-434.25-02	UNIFORM-TRANSIT	119.79
					610-5850-434.25-02	UNIFORM-DAR	11.13
			4195026928	032431	702-3800-480.25-02	UNIFORM-FLEET	74.21
			4195027053	032320	001-3600-461.25-02	UNIFORM-PARKS	51.13
			4195027084	032319	100-4900-431.25-02	UNIFORM-STREETS	143.26
					704-3200-412.25-02	UNIFORM-BUILD MAINT	10.78
			4195737137	032319	100-4900-431.25-02	UNIFORM-STREETS	77.92
					704-3200-412.25-02	UNIFORM-BUILD MAINT	10.78
			4195737174	032320	001-3600-461.25-02	UNIFORM-PARKS	51.13
			4196422980	032319	100-4900-431.25-02	UNIFORM-STREETS	77.92
					704-3200-412.25-02	UNIFORM-BUILD MAINT	10.78
			4196423075	032320	001-3600-461.25-02	UNIFORM-PARKS	51.13
			5213631650	032321	001-4000-461.36-09	FIRST AID SUPPLIES	538.91
191833	6/28/2024	CITY OF BANNING UTILITIES OPV	1019454438JN24		810-9700-490.90-60	146 N 4TH ST 3/1/24-6/6/24	460.10
			10194555344JN24		810-9700-490.90-60	312 N 4TH ST C 2/6/24-6/6/24	463.99
			10194557468JN24		810-9700-490.90-59	BRYANT ST HOMELESS SHELT 5/8/24-6/6/24	285.76
			10194557548JN24		810-9700-490.90-59	BRYANT ST HOMELESS SHELT 5/8/24-6/6/24	488.87
191834	6/28/2024	COLLETTA, LYNETTE	000109497		001-0000-218.22-22	UB CR REFUND-FINALS 000015802	241.01
191835	6/28/2024	CONCENTRA MEDICAL CENTERS	83049541		001-1300-412.33-32	PRE EMPLOYMENT PHYSICALS DOT RE-CERT PHYSICAL	458.00
			83125095		001-1300-412.33-32	PRE EMPLOYMENT PHYSICALS DOT RE-CERT PHYSICAL	458.00
191836	6/28/2024	CORNERSTONE DEVELOPMENT CO.	2855	032541	673-7000-473.96-39	ROBERTSONS RELOC	560.00
191837	6/28/2024	COUTS HEATING & COOLING, INC	10022	032374	704-3200-412.30-21	BLOWER MOTOR REPAIR	1,977.80
191838	6/28/2024	COZAD & FOX, INC	18796	032778	001-3600-461.90-69	LIONS PARK PHASING OPTION	5,617.20
191839	6/28/2024	CURRY, ANITA	TUITION MAY24		761-3100-480.25-09	TUITION REIMB CURRY	555.00
191840	6/28/2024	CYBERTIME NETWORK COMMUNICATIONS	1523-240613	032557	660-6300-471.26-07	RELOCATE DISH AT WWTP	1,405.00
191841	6/28/2024	D&M JOB INC.	15769	032384	001-2800-441.23-02	ENVELOPES-PLANNING	425.18
			16028	032384	001-2800-441.23-02	BUSINESS CARDS-PAPP	53.88
191842	6/28/2024	DIAMOND HILLS CHEVROLET BUICK GMC	3036022	032324	702-3800-480.38-52	CAR PARTS #93	53.75
191843	6/28/2024	DIAZ, GABRIEL	Tuition FY24		660-6300-471.10-58	Comm Driving School IBEW UTILITY MOU G.DIAZ	2,495.00
191844	6/28/2024	EFS WEST INC	240063	032650	610-0000-232.00-00	CNG FUELING FACILITY RETAINAGE	(2,043.95)
					610-5800-434.90-56	CNG FUELING FACILITY	40,879.00
191845	6/28/2024	EIDE BAILLY LLP	EI01691650	032333	705-4500-412.33-11	ACRF PREPARATION THROUGH 6/30/2023	50,000.00
191846	6/28/2024	ENGINEERING RESOURCES OF SO CA	59856	032559	001-3000-442.33-53	PLAN CHECK SERVICES THROUGH 1/31/2024	24,271.00
			60135	032559	001-3000-442.33-53	PLAN CHECK SERVICES	44,573.30
			60198	032559	001-3000-442.33-53	INSPECTION SERVICES	72,758.66
191847	6/28/2024	FRANCO, JUAN	EYEWEAR FY24		670-7000-473.25-10	EMPLOYEE EYEWEAR REIMB IBEW UTILITY MOU J FRANCO	250.00
191848	6/28/2024	FRONTIER COMMUNICATIONS	9511970006JUN24		670-7000-473.26-07	951-197-0006 06/05/24-07/04/24	1,010.00
			9511970620JUN24		001-2200-421.26-05	951-197-0620 5/27/23-6/26/24	576.68
			9518491595JUN24		001-2200-421.26-05	951-849-1595 06/13/24-07/12/24	99.61
			9519220196MAY24		001-2200-421.26-05	951-922-0196 05/16/24-06/15/24	1,191.30
191849	6/28/2024	FUENTES FLORES, CRYSTAL	000103461		001-0000-218.22-22	UB CR REFUND-FINALS 000007140	7.89
191850	6/28/2024	FUN EXPRESS	73154107401		001-0000-201.10-00	SALES TAX 032445	(18.92)
				032445	001-5400-446.41-58	4TH JULY CRAFTS	263.04
191851	6/28/2024	GAS COMPANY, THE	03292684002JN24		001-4000-461.26-06	COMM CENTER 05/14/24-06/13/24	22.34
			05192710001JN24		001-3600-461.26-06	PARKS & REC 05/14/24-06/13/24	19.32
			05602682006JN24		001-2400-422.26-06	172 N MURRAY 5/14/24-6/13/24	61.57
			07702683751JN24		001-2200-421.26-06	125 E RAMSEY 5/14/24-6/13/24	687.53
			09142474007JN24		001-4050-461.26-06	SENIOR CENTER 05/14/24-06/13/24	121.95
			13392459007MY24		600-5100-435.26-06	408 S HATHAWAY AIRPORT 4/19/24-5/20/24	46.16
			15684815176JN24		705-4500-412.26-06	99 E RAMSEY ST 5/14/24-6/13/24	3.02
			16108344439JN24		001-4010-461.26-06	AQUATICS 05/14/24-06/13/24	2,775.37
191852	6/28/2024	GERARD DANIEL WORLDWIDE	7094397	032867	660-6300-471.45-16	SST MESH 36"X50 FT	453.62
191853	6/28/2024	GLASGOW, MARCUS L	000090477		001-0000-218.22-22	UB CR REFUND-FINALS 000008546	123.94
191854	6/28/2024	GREEN DREAM INTERNATIONAL LLC	GDIAH-032412-9	032412	660-6300-471.45-17	CLASS II BASE AND SAND	672.74
191855	6/28/2024	HALE, KRIS	000111537		001-0000-218.22-22	UB CR REFUND-FINALS 000000848	186.48
191856	6/28/2024	HARDING, JOHN & ANN	FINAL TRUE-UP		670-7010-473.27-60	COMP FOR PV SOLAR EXCESS ELEC AT MOVEOUT	84.93
191857	6/28/2024	HASKELL REAL ESTATE	000003181		001-0000-218.22-22	UB CR REFUND-FINALS 000004438	16.06

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191858	6/28/2024	HENKELS & MCCOY WEST	000111225		001-0000-218.22-22	UB CR REFUND-FINALS 000060482	129.34
191859	6/28/2024	HERC RENTALS INC.	34645380-001	032545	100-4900-431.32-06	PUMP TRASH	701.58
191860	6/28/2024	HOLBERT &, REBECCA	000111153		001-0000-218.22-22	UB CR REFUND-FINALS 000004384	191.80
191861	6/28/2024	HOME AMBITION LLC	000110063		001-0000-218.22-22	UB CR REFUND-FINALS 000008804	85.60
191862	6/28/2024	HOME DEPOT #8987	4621606	032449	001-3600-461.30-01	PARK SUPPLIES	266.70
			9522784	032449	001-3600-461.36-00	TOOLS	199.63
			9522785	032449	001-3600-461.30-01	PARK SUPPLIES AND PEST CO	95.89
191863	6/28/2024	IBEW LOCAL 47 RETIREE MEDICAL TRUST	20240628		001-0000-204.80-10	PAYROLL SUMMARY	3,044.40
191864	6/28/2024	JOE A GONSALVES & SON	161678	032066	001-1000-411.33-11	STATE LOBBYING SERVICES JUNE 2024	1,925.00
					705-4500-412.33-11	STATE LOBBYING SERVICES JUNE 2024	1,925.00
191865	6/28/2024	KEN GRODY FORD REDLANDS	33043	032317	702-3800-480.38-52	LEVER #52	451.31
191866	6/28/2024	KIM, GRACE D	000105881		001-0000-218.22-22	UB CR REFUND-FINALS 000056138	170.45
191867	6/28/2024	KOSMONT & ASSOCIATES, INC	2109.6-019	031338	001-1210-412.33-11	CRIA PUBLIC MEETING	1,726.05
191868	6/28/2024	KRAUSE, MARIA	000073827		001-0000-218.22-22	UB CR REFUND-FINALS 000005946	106.34
191869	6/28/2024	LEXISNEXIS RISK SOLUTIONS	160860120240531	032332	001-2200-421.30-17	MONTHLY SUBSCRIPTION MAY 2024	112.55
191870	6/28/2024	LI &, GANG	000086277		001-0000-218.22-22	UB CR REFUND-FINALS 000005730	38.93
191871	6/28/2024	LIEBERT CASSIDY WHITMORE	266388		700-5300-480.33-04	NEGOTIATIONS 2022 # BA060-00049	43.50
			267044		700-5300-480.33-04	MOU NEGOTIATIONS 2024 # BA060-00057	826.50
			267439		700-5300-480.33-04	BENEFITS ADVICE # BA060-00048	2,285.00
			267680		700-5300-480.33-04	ERMA # BA060-00056	3,823.50
191872	6/28/2024	LOPEZ, ABELARDO J & MIRIAM	000029961		001-0000-218.22-22	UB CR REFUND-FINALS 000010672	582.66
191873	6/28/2024	LOPEZ, ALFONSO	EYEWEAR FY24		100-4900-431.25-10	EMPLOYEE EYEWEAR REIMB IBEW GEN MOU A LOPEZ	127.80
191874	6/28/2024	LOPEZ, ZAREK	EYEWEAR FY24		670-7000-473.25-10	EMPLOYEE EYEWEAR REIMB IBEW UTILITY MOU Z LOPEZ	212.07
191875	6/28/2024	MARIPOSA LANDSCAPES, INC	107707	030833	001-3600-461.30-16	RETHREAD PIPE AT DYSART	214.15
			107852	032405	001-2200-421.23-29	LANDSCAPE MAINTENANCE MAY 2024	2,438.13
					001-2400-422.30-01	LANDSCAPE MAINTENANCE MAY 2024	1,812.00
					100-4900-431.23-29	LANDSCAPE MAINTENANCE MAY 2024	2,918.10
					704-3200-412.23-29	LANDSCAPE MAINTENANCE MAY 2024	2,332.13
			107853	032405	660-6300-471.45-07	RESERVOIRS	1,908.11
191876	6/28/2024	MARTINEZ, MATTHEW	EYEWEAR FY24		670-7000-473.25-10	EMPLOYEE EYEWEAR REIMB IBEW UTIL MOU M MARTINEZ	250.00
191877	6/28/2024	MASON, BARBARA	COMP LOAN FY24		001-0000-116.21-00	COMPUTER LOAN B MASON	3,345.24
191878	6/28/2024	MC AVOY & MARKHAM	17171-1	032620	670-7000-473.45-11	PROBE, OPTICAL PORT	609.00
191879	6/28/2024	MCCLELLAN, ADRIAN C	000093707		001-0000-218.22-22	UB CR REFUND-FINALS 000019074	37.00
191880	6/28/2024	MCCLUNE, DEVIN	EYEWEAR FY24		670-7000-473.25-10	EMPLOYEE EYEWEAR REIMB IBEW UTILITY MOU MCCLUNE	250.00
191881	6/28/2024	MELENDEZ, JOSE	000105407		001-0000-218.22-22	UB CR REFUND-FINALS 000012398	94.05
191882	6/28/2024	MERCFUEL, INC	2285707		600-5100-435.36-12	AVGAS-AVCA FUEL	12,624.56
191883	6/28/2024	MITCHELL, BLAKE	EYEWEAR FY24-2		670-7000-473.25-10	EMPLOYEE EYEWEAR REIMB IBEW UTILITY MOU MITCHELL	114.22
191884	6/28/2024	MONTGOMERY, WENDY	000111275		001-0000-218.22-22	UB CR REFUND-FINALS 000017952	196.40
191885	6/28/2024	NIAN HUA INVESTMENT, LLC	000086237		001-0000-218.22-22	UB CR REFUND-FINALS 000017290	161.03
191886	6/28/2024	NUNEZ, FAVIOLA L & JOSHUA	000106569		001-0000-218.22-22	UB CR REFUND 000015970	600.00
191887	6/28/2024	ORACLE AMERICA INC	101416837	032099	222-0001-410.90-49	TIME AND MATERIALS	28,727.83
191888	6/28/2024	PALENCIA, JUSTIN	EYEWEAR FY24-2		670-7000-473.25-10	EMPLOYEE EYEWEAR REIMB IBEW UTILITY MOU PALENCIA	136.86
191889	6/28/2024	PARS	20240628		001-0000-204.25-00	PAYROLL SUMMARY	2,507.03
191890	6/28/2024	PARTS AUTHORITY	062-309921	032423	702-3800-480.38-52	P-S RESERVOIR RETURN	41.02
			091-059715	032423	702-3800-480.38-52	P-S RESERVOIR CREDIT	(41.02)
			091-331797	032423	702-3800-480.38-52	BRAKE FLUID #50	15.73
			091-331810	032423	702-3800-480.38-52	VOLT PASS #50	303.98
191891	6/28/2024	PETERSON, DONNIE M & IXCHEL	000076809		001-0000-218.22-22	UB CR REFUND-FINALS 000054934	9.90
191892	6/28/2024	PETTY CASH CUSTODIAN - CITY YARDS	3290		675-7020-473.41-46	SMART&FINAL 9/7/23 RAFFLE TICKETS-A ROCKWELL	10.76
			3291		675-7020-473.41-46	HOME DEPOT 9/27/23 LIGHTS/PLAYHOUSE-HAWLEY	20.41
			3292		670-7000-473.23-04	POSTAL ANNEX 11/28/23 POSTAGE FEES-SANTANA	15.00
			3293		670-7000-473.23-04	FED EX 6/18/24 POSTAGE FEES-SANTANA	3.76
191893	6/28/2024	PETTY CASH CUSTODIAN - POLICE	3477		001-2200-421.23-05	RIV PARKING 9/7/23 LEAC MEETING-S AVILA	4.50
			3478		001-2200-421.36-07	RITE AID 10/11/23 COMMUNITY DAY-S AVILA	15.98
			3479		001-2200-421.23-05	RIV PARKING 11/6/23 COURT 23-1215-V AVILA	7.50
			3480		001-2200-421.23-05	AGUA PURA VIDA 11/28/23 WATER FOR RECORDS-S AVILA	5.00
			3481		001-2200-421.23-05	USA GAS 11/28/23 MOTORCYCLE FUEL-CAMPA	12.48
			3482		001-2200-421.23-05	DRIVE HOSPITALITY 1/30/24 PARKING/TRAINING-S AVILA	15.60

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191893	6/28/2024	PETTY CASH CUSTODIAN - POLICE	3483		001-2200-421.23-05	GR VETERANS INC 4/1/24 MOTORCYCLE FUEL-CAMPA	30.20
191894	6/28/2024	POTTLE, SUSAN	000023185		001-0000-218.22-22	UB CR REFUND-FINALS 000017156	234.07
191895	6/28/2024	PROLE CITY PRODUCTIONS LLC	0024	032905	001-5400-446.41-58	4TH OF JULY SOUND SERVICE	800.00
191896	6/28/2024	RACEWAY FORD INC	3753285	032649	702-3800-480.38-52	AIR DEFLECTOR #71	62.78
191897	6/28/2024	RAGUINDIN, PATRICIA	000103371		001-0000-218.22-22	UB CR REFUND-FINALS 000024280	77.72
191898	6/28/2024	RECORD GAZETTE, THE	00201259	032444	001-2800-441.23-01	NOTICE OF INTENT 23-2502	280.99
			00201270	032444	001-2800-441.23-01	NOTICE OF INTENT 24-0051	280.99
			00201580	032444	001-2800-441.23-01	CUP 23-0022	197.71
			00201581	032444	001-2800-441.23-01	ZTA 24-0050	250.97
			00201583	032444	001-2800-441.23-01	CUP 24-0037	189.53
			00201588	032444	001-2800-441.23-01	DR 22-7011	208.93
			00201597	032444	001-2800-441.23-01	PHN 21-7008	328.17
			00201728	032444	001-2800-441.23-01	PHN 21-7008	420.35
			00201902	032444	001-2800-441.23-01	1ST HATHAWAY LOG PROJ NOA	806.37
			00201978	032444	001-2800-441.23-01	(NOA) DRAFT ENVIRON IMP R	168.93
			00201983	032444	001-2800-441.23-01	NPH (ZTA) 24-0050	266.55
			00201984	032444	001-2800-441.23-01	PHN (MND)(EA 23-1506)	293.63
191899	6/28/2024	RELLIM, INC	000077487		001-0000-218.22-22	UB CR REFUND-FINALS 000018100	180.77
191900	6/28/2024	RILEY, ANTHONY	REIMB 6/17/24		001-1000-411.36-00	DISTRICT 4 TOWN HALL MTG FOAM CORE	4.29
191901	6/28/2024	RIVERSIDE COUNTY SHERIFF-PSEC	PE0000001797		001-2200-421.26-07	CNTY OF RIV PUBLIC SAFETY 05/01/24-05/31/24	4,865.29
191902	6/28/2024	ROBERT HALF INTERNATIONAL	63721235	032886	001-1910-412.23-27	RIOS, SIGRID W/E 6/14/24	695.52
			63762863	032886	001-1910-412.23-27	RIOS, SIGRID W/E 6/21/24	1,043.28
191903	6/28/2024	ROBINSON, BRANDON A	EYEWEAR FY24		670-7000-473.25-10	EMPLOYEE EYEWEAR REIMB IBEW UTILITY MOU ROBINSON	300.00
191904	6/28/2024	SC FUELS	2656785-IN	032504	702-3800-480.38-52	HYDRAULIC OIL #902	163.34
			IN-0000518712		702-3800-480.36-11	ULS NO2 CLEAR CARB	2,309.26
						UNL ETH 10 CARB RFG	24,542.45
191905	6/28/2024	SCPPA	0524	032630	675-7020-473.33-11	EFFICIENCY SERVICES	4,156.25
191906	6/28/2024	SERVIAM BY WRIGHT LLP	32547	032119	700-5300-480.33-04	LEGAL SERVICES CODE ENFORCEMENT	4,754.50
191907	6/28/2024	SGP DESIGN AND PRINT	13124	032379	610-5800-434.23-02	ROUTE LAMINATED MAPS	215.50
191908	6/28/2024	SHRED-IT USA, LLC	8007454078	032593	705-4500-412.33-11	SHRED IT - CITY HALL	156.91
191909	6/28/2024	SITEONE LANDSCAPE SUPPLY	142624323-001	032203	100-4900-431.36-57	LIQUID HERBICIDE	142.32
191910	6/28/2024	SKILLS, INC	2451	032816	670-7000-473.23-06	RUBBER GLOVE TRAINING	2,400.00
			2454	032816	670-7000-473.23-06	RUBBER GLOVE TRAINING	3,600.00
191911	6/28/2024	SMART & FINAL	068655	032280	201-4050-446.36-00	HAPPINESS CAMPAIGN	103.61
			116777	032279	001-4010-461.36-22	POOL SNACK BAR	393.37
			532322	032280	001-4050-461.36-09	COFFEE SUPPLIES	155.79
			557544	032280	001-4050-461.36-09	FATHERS DAY SNACKS	37.47
			577000	032281	001-4020-461.36-09	DAY CAMP SUPPLIES	98.44
			619255	032279	001-4010-461.36-22	POOL SNACK BAR	419.56
			786166	032280	201-4050-446.36-00	HAPPINESS CAMPAIGN	66.17
			913244	032279	001-4010-461.36-22	SNACKS FOR POOL	537.76
191912	6/28/2024	SMITH, DAINESHA	000100117		001-0000-218.22-22	UB CR REFUND-FINALS 000052798	105.43
191913	6/28/2024	SMOKE SHOP	000080797		001-0000-218.22-22	UB CR REFUND-FINALS 000009838	237.57
191914	6/28/2024	SOUTH COAST AIR QUALITY	4363388		680-8000-454.41-04	ICE ELEC GEN DIESEL 3750 W WESTWARD	541.04
			4365892		680-8000-454.41-04	FY23 FLAT FEE-EMISSION 3750 W WESTWARD	165.96
191915	6/28/2024	SOUTHERN CALIFORNIA EDISON	181920312JUN24		660-6300-471.26-04	WELL 11 05/13/24-06/11/24	268.51
			181978512JUN24		660-6300-471.26-04	WELL 9 05/13/24-06/11/24	3,227.61
			183084312JUN24		660-6300-471.26-04	WELL 12 05/13/24-06/11/24	357.15
			360580366JUN24		660-6300-471.26-04	DEL RITA BOOSTER 05/13/24-06/11/24	89.01
191916	6/28/2024	STAPLES BUSINESS ADVANTAGE	6001377891	032396	001-2800-441.36-00	OFFICE SUPPLIES	84.58
			6002241453	032396	001-2800-441.36-00	OFFICE SUPPLIES	201.50
			6002340604	032396	001-2800-441.36-00	OFFICE SUPPLIES	90.70
191917	6/28/2024	STATE OF CALIFORNIA DOJ	737136	032502	001-2200-421.33-31	CHP BLOOD ANALYSIS	70.00
			739728	032502	001-2200-421.33-94	LIVE SCANS	1,391.00
			743966	032502	001-2200-421.33-31	CHP BLOOD ANALYSIS	210.00
191918	6/28/2024	STATE WATER RESOURCES CONTROL	FY25 CERT 25423		660-6300-471.41-04	DRINKING WATER TRTMNT OP GRADE T2 K LOGAN	60.00
191919	6/28/2024	TEEL INVESTMENTS	000059799		001-0000-218.22-22	UB CR REFUND-FINALS 000009606	188.58
191920	6/28/2024	TELEPACIFIC COMMUNICATIONS	179986201-0		705-4500-412.26-05	CENTRAL SERVICES PHONE JUNE 2024	1,559.92

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191921	6/28/2024	TKE ENGINEERING, INC	2024-140	032039	660-6300-471.95-10	BARBOUR ST WATER MAIN	17,259.50
			2024-274	032039	660-6300-471.95-10	BARBOUR ST WATER MAIN	7,970.00
			2024-440	032039	660-6300-471.95-10	BARBOUR ST WATER MAIN	4,072.50
191922	6/28/2024	TOP-LINE INDUSTRIAL SUPPLY, LCC	469038	032261	702-3800-480.38-52	TOOLS/SUPPLIES	287.87
191923	6/28/2024	TRENCH SHORING COMPANY	RI20411140	032226	660-6300-471.32-05	EQUIPMENT RENTAL	59.20
			RI20411141	032226	660-6300-471.32-05	TRUCK RENTAL	272.50
			SI20005154	032226	660-6300-471.32-05	TOOLS/SUPPLIES	195.19
191924	6/28/2024	TURBO DATA SYSTEMS INC	43017	032753	001-2200-421.23-45	CITATIONS PROCESSING	252.70
191925	6/28/2024	VEOLIA WATER CONTRACT OPERATIONS US	9000157690	031245	680-8000-454.23-38	O&M FEE JUNE 2024	73,434.00
191926	6/28/2024	VISION SECURITY SYSTEMS	20764-RET	032773	810-0000-232.00-00	FINAL RETENTION CAL ICH PROJECT	902.03
			20815	032841	670-7000-473.89-48	LABOR-DATA DROP INSTALL	1,280.00
191927	6/28/2024	VISTA PAINT	2024-484721-00	032282	001-3600-461.38-54	PAINT	541.44
191928	6/28/2024	WALLACE, COLLEEN	MILEAGE JUN24-A		001-1000-411.23-05	WROG MEETING TEMECULA MILEAGE JUN24 C WALLACE	60.57
191929	6/28/2024	WASHINGTON, MARK	EYEWEAR FY24		761-3110-480.25-10	EMPLOYEE EYEWEAR REIMB IBEW UTILITY MOU	104.08
191930	6/28/2024	WATERLINE TECHNOLOGIES, INC	5631978-CR	031779	001-4010-461.36-08	OVERPAYMENT CREDIT MAY 23	(381.78)
			5685417	032360	001-4010-461.36-08	POOL CHEMICALS	1,124.92
			5688155	032360	001-4010-461.36-08	POOL CHEMICALS	594.78
			5688163	032360	001-4010-461.36-08	POOL CHEMICALS	211.06
			5689475	032360	001-4010-461.36-08	POOL CHEMICALS	520.43
			5691251	032360	001-4010-461.36-08	POOL CHEMICALS	557.61
191931	6/28/2024	WELDOR'S SUPPLY AND STEEL	40271	032716	660-6300-471.36-08	UN1066 GAS	49.49
191932	6/28/2024	WILDLIFE CONTROL SERVICE INC	WL3736	032751	001-3600-461.23-24	PEST CONTROL	1,250.00
191933	6/28/2024	WILLIAMS SCOTSMAN, INC	9020705870	032201	810-9700-490.90-59	OPV 24X8 SECURITY OFFICE	1,327.29
191934	6/28/2024	WILSON, MARY	000029881		001-0000-218.22-22	UB CR REFUND-FINALS 000013466	76.70
191935	6/28/2024	WUORNOS, ARIANNE	000109413		001-0000-218.22-22	UB CR REFUND-FINALS 000013950	4.94
191936	6/28/2024	XENIA PACIFIC, INC	6200	032397	001-2800-441.23-02	POLO SHIRTS-COMM DEV	310.32
			6276	032440	001-4000-461.36-00	YOUTH COUNCIL SHIRTS	241.36
			6277	032440	001-5400-446.41-58	4TH JULY POSTERS	38.79
			6286	032440	001-3600-461.38-50	PARK RULES SIGNAGE	1,228.35
191937	6/28/2024	ZUBIATE, RICHARD O	000097643		001-0000-218.22-22	UB CR REFUND-FINALS 000014654	174.84
191938	6/28/2024	DIAMOND HILLS CHEVROLET BUICK GMC	105220	032864	001-2200-421.90-52	2024 CHEVY BLAZER #36873	48,042.29
191939	6/28/2024	KIMLEY-HORN AND ASSOCIATES, INC	28127136	032799	001-3600-461.90-05	LIONS PARK WA IRR DESIGN	7,474.50
191940	6/28/2024	ROBERT HALF INTERNATIONAL	63512524	032886	761-3100-480.23-27	HOLLINS, Z. W/E 04/19/24	1,616.53
			63542030	032886	761-3100-480.23-27	HOLLINS, Z. W/E 04/26/24	1,407.27
			63571659	032886	761-3100-480.23-27	HOLLINS, Z. W/E 05/03/24	1,708.92
9007905	6/3/2024	CORPORATION SERVICE COMPANY	8345718-053024		001-2740-442.23-07	PENDENCY NOTICE APN 534-192-008	12.00
						PENDENCY NOTICE APN 538-040-005	12.00
						PENDENCY NOTICE APN 541-031-010	12.00
						PENDENCY NOTICE APN 541-350-029	12.00
9007906	6/3/2024	CA. ST. EMPLOYMENT DEV. DEPT.	PPE 05/26/2024		001-0000-204.12-00	STATE INCOME TAX PPE 05/26/24 PD 05/31/24	41,973.18
9007907	6/3/2024	INTERNAL REVENUE SERVICE	PPE 05/26/2024		001-0000-204.11-00	FEDERAL INCOME TAX PPE 05/26/24 PD 05/31/24	92,940.87
					001-0000-204.13-00	FICA MEDICARE/REGULAR PPE 05/26/24 PD 05/31/24	137,657.52
9007908	6/4/2024	WELLS FARGO BANK	PPE 05/26/2024		001-0000-204.80-14	VEBA CONTRIBUTIONS PPE 05/26/24 PD 05/31/24	300.00
9007909	6/5/2024	EMPOWER ANNUITY INSURANCE COMPANY	PPE 05/26/2024		001-0000-204.16-00	457 LOAN PAYMENTS PPE 05/26/24 PD 05/31/24	10,367.25
						457 PRE TAX CONTRIBUTIONS PPE 05/26/24 PD 05/31/24	11,942.92
						457 ROTH CONTRIBUTIONS PPE 05/26/24 PD 05/31/24	1,005.00
9007910	6/7/2024	CA. ST. PUBLIC EMPLOYEES	100000017546955		001-0000-204.31-00	ANTHEM BL CROSS JUNE 2024	1,682.26
						BL SHIELD ACCESS JUNE 2024	18,008.27
						BL SHIELD TRIO JUNE 2024	81,039.25
						KAISER HMO JUNE 2024	63,694.22
						KAISER HMO JUNE 2024 (RETRO)	(519.25)
						PERS GOLD JUNE 2024	6,439.30
						PERS PLATINUM JUNE 2024	5,657.35
					001-1300-412.15-52	PA BILLING ER SHARE-RETIR JUNE 2024	78.50
					001-1300-412.41-18	ADMIN FEE FOR ACTIVE JUNE 2024	563.20
					001-1300-412.41-19	ADMIN FEE FOR RETIRED JUNE 2024	34.51
9007911	6/7/2024	CA. ST. PUBLIC EMPLOYEES	100000017546958		001-0000-204.31-00	BL SHIELD ACCESS JUNE 2024	1,967.29
						BL SHIELD TRIO JUNE 2024	1,832.19

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9007911	6/7/2024	CA. ST. PUBLIC EMPLOYEES	100000017546958		001-0000-204.31-00	KAISER HMO JUNE 2024	1,730.82
						KAISER HMO JUNE 2024 (RETRO)	1,730.82
						PERS PLATINUM JUNE 2024	1,131.47
					001-1300-412.41-18	ADMIN FEE FOR ACTIVE JUNE 2024	26.86
9007912	6/10/2024	CA. ST. PUBLIC EMPLOYEES	PPE 05/12/2024		001-0000-204.20-00	RETIREMENT BENEFITS PPE 05/12/24 PD 05/17/24	168,265.25
9007913	6/10/2024	WELLS FARGO CARD SERVICES INC	WELLS ONE MAY24		001-0000-201.10-00	AMERICAN RED CROSS SALES TAX	(7.75)
						GEAR GRID SALES TAX	(140.51)
						KULLY SUPPLY SALES TAX	(3.35)
						NAMETAGCOUNTRY.COM SALES TAX	(1.22)
					001-1000-411.23-05	LOCC 10/16-18 FLYNN-ANNUAL CONF C00020	650.00
						LOCC 10/16-18 WALLACE-LOCC CONF C00013	725.00
					001-1000-411.36-00	NAMETAGCOUNTRY.COM NAME TAG-FLYNN	23.47
					001-1200-412.23-03	APPLE.COM/BILL APPLE ICLOUD STORAGE	0.99
						CANVA GRAPHICS SUBSCRIPTION	63.96
					001-1200-412.23-04	USPS.COM CLICKNSHIP OFFICE LEASE AGREEMENT	8.50
					001-1200-412.23-05	CHAMBER CA COB BREAKFAST-SCHULZE	25.00
						ICMA ONLINE 6/5-7 JACKSON-GOVT REIMAGINED	599.00
						MARRIOTT LAS VEGAS 5/18 ICSC LAS VEGAS	1,928.16
						PRICELINE HOTELS 5/19-20 ICSC-SCHULZE-REFUND	(3,833.00)
						UBER TRIP 5/18 ICSC LAS VEGAS	39.52
					001-1210-412.23-03	COSTAR GROUP INC COM PROPERTY LIST/INFO	387.00
						ICSC-NY ICSC MEMBERSHIP-WURTZ	100.00
					001-1210-412.23-05	CHAMBER CA COB BREAKFAST-LOPEZ	25.00
						CHAMBER CA HARMONY/NGHBRHD-M LOPEZ	10.00
					001-1210-412.41-46	4IMPRINT, INC LOGO USB DRIVES (100)	513.73
					001-1220-412.23-05	CHAMBER CA COB BREAKFAST-RILEY	25.00
					001-1220-412.36-00	NEXTDAYFLYERS COB EXPANDABLE BANNER	196.46
					001-1300-412.23-01	CANVA FLYER DESIGN SVC	12.99
						PAYPAL ADV-DEPUTY WW DIRECTOR	383.00
					001-1300-412.23-03	DESIGNRR.IO ADVERTISING DESIGN SVC	27.00
					001-1300-412.23-05	DLR RM RESPASSKEY5/19-21 JEWS-HR LAW CONF	408.33
						HILTON HOTELS 6/6-9 JEWS-PIHRA ANNUAL CONF	413.54
					001-1300-412.23-06	FLOYD SKEREN & MANUKIAN HR LAW CONF REG-JEWS	350.00
					001-1300-412.36-00	AMZ WOOT LLC AA & AAA BATTERIES	80.41
						AMZN MKTP US BADGE SUPPLIES	15.51
						AMZN MKTP US CORK BOARDS (2)	225.35
					001-1300-412.36-07	DOORDASH BLACKBEAR INTERVIEW PANEL-BLDG INSP	91.41
						PANERA BREAD INTERVIEW PANEL-BLDG INSP	53.31
					001-1900-412.23-03	GOVT FINANCE OFFICE GFOA MEMBERSHIP-BOGARD	250.00
						ICMA ONLINE CREDIT MGR APP FEE	50.00
						ICMA ONLINE ICMA MEMBERSHIP-BOGARD	1,200.00
					001-1900-412.23-05	CSMFO 6/5-6 DATUIN-FIN MGMT ANALYSIS	200.00
					001-1910-412.23-03	NATIONAL PROCUREMENT INST NPI AEP AWARD SUBMISSION	495.00
					001-1910-412.23-06	THE STATION TAP HOUSE BAR WORKING & APPRECIATION	56.00
					001-1910-412.23-33	SURVEY MONKEY AEP AWARD-SURVEY	900.00
					001-2060-446.23-03	GOOGLE YOUTUBEPREMIUM YOUTUBE SUBSCRIPTION	13.99
					001-2060-446.89-56	BESTBUYCOM PORTABLE SPEAKER W/ MIC	161.61
						DJI DRONES MEDIA SUPPLIES	2,939.41
						DJI DRONES VLOG COMBO/PHONE CLAMP	984.83
					001-2200-421.23-04	FEDEX DELIVERY SVC	31.74
						FEDEX OVERNIGHT DELIVERY SVC	172.74
					001-2200-421.23-05	CHEVRON FUEL-PRESCOTT UNIT	102.40
						HOTELSCOM 6/2-4 CAMPA TV2446 ARIDE/CHP	324.04
						HOTELSCOM 6/2-4 DUESENBERRY TV2447 ARIDE	324.04
						HOTELSCOM 6/2-4 NIETO TV2448 ARIDE/CHP	324.04
					001-2200-421.23-06	RVSD SHERIFF 12/9-10 M RODRIGUEZ FIREARMS/TACT	350.20
						RVSD SHERIFF 6/10-14 REZENDES-VEHICLE THEFT	272.95
						RVSD SHERIFF 6/4 POULTER ARREST & CONTROL	131.84

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9007913	6/10/2024	WELLS FARGO CARD SERVICES INC	WELLS ONE MAY24		001-2200-421.30-05	XENIA PACIFIC DECALS-MOTORCYCLES	849.95
					001-2200-421.36-00	ALBERTSONS BREAKROOM SUPPLIES	56.04
						AMZN MKTP US FLASHLIGHT-MENDOZA	135.74
						CUSTOM TROPHIES &U-NEEK DEPARTMENT AWARD	316.79
						GDIT FAA (LICENSING) REGISTER DRONES (2)	10.00
						HOBBY-LOBBY AWARD CEREMONY	22.57
						HOBBY-LOBBY FRAMES-EMP CEREMONY	132.46
						MORONGO TRAVEL CENTER CAR WASH 5/14	30.00
						PARTY CITY BALLOONS-AWARD CEREMONY	16.31
						V AND V MANUFACTURING BADGES/MEDALS	307.93
						XENIA PACIFIC, INC. BACKDROP BANNERS (2)	754.25
					001-2200-421.36-04	GALLS GRANT-UNIFORM VEST	975.63
						GALLS POLICE SHIELD	4,214.86
						PRISTINE UNIFORMS FONSECA-BASIC ACADEMY	2,983.77
						PRISTINE UNIFORMS G FRANCO-PATCHES	32.33
					001-2200-421.36-07	AGUA PURA VIDA WATER	5.25
						ALBERTSONS AWARD CEREMONY	97.65
						DONUT DE LITE ARCCOPS MEETING	29.98
						STARBUCKS DAY OF PRAYER	22.00
					001-2200-421.36-62	AMAZON.COM DELIVERY-MASSAGE CHAIR	21.54
						AMZN MKTP US BEAN BAG CHAIR	216.58
						AMZN MKTP US FOUNTAIN	301.67
						AMZN MKTP US MASSAGE CHAIR	2,693.74
						AMZN MKTP US NOISE CANCEL HEADPHONES	383.57
						AMZN MKTP US PROTECTION PLANS FEE	162.96
						AMZN MKTP US STANDING DESK	808.08
						AMZN MKTP US WHITE NOISE MACHINE/LAMP	109.65
					001-2200-421.90-52	MIDNIGHT WINDOW TINT 21-WINDOW TINT	581.00
					001-2400-422.89-46	GEAR GRID LOCKERS-BATTALION CHIEFS	1,953.51
						GEARGRID CORPORATION FREIGHT-LOCKERS	764.00
					001-2700-442.23-05	HOLIDAY INN 5/19-25 GONZALEZ-INSPECTOR CRS	689.52
						SP CONSTRUCTION EXAM GONZALEZ-INSPECTOR CRS	1,050.00
						TRAVEL GUARD GRP 5/19-25 GONZALEZ-INSPECTOR CRS	31.31
						UNITED 5/19-25 GONZALEZ-INSPECTOR CRS	641.65
					001-2700-442.36-00	LA VILLA BURGERS CM CD PW & ELEC MEETING	157.83
						RUSSOS ITALIAN KITCHEN INTERVIEW PANEL	61.68
					001-2700-442.89-52	MIDNIGHT WINDOW TINT FORD RANGER-BUILD MAINT	237.00
					001-2740-442.23-05	CACEO CACEO REG-CHACON	545.00
						CACEO CACEO REG-FRANCO	545.00
						CACEO CACEO REG-MARTINEZ	545.00
					001-2740-442.23-39	PL PEOPLELOOKER.COM WEED ABATEMENT ADDRESSES	29.99
					001-2740-442.36-00	BEAUMONT SAFE & LOCK REKEY FILE CABINETS-CE	206.95
					001-2800-441.23-05	CHAMBER CA HARMONY/NGHBRHD-D LOPEZ	10.00
						GUAVA & JAVA SFO 5/14 RUSH SACRAMENTO	19.16
						KELLYS PLACE 5/14 RUSH SACRAMENTO	29.06
						LOCALBYHUDSONST 5/14 RUSH SACRAMENTO	16.61
						ONT AIRPT PRKNG 5/14 RUSH SACRAMENTO	24.00
						SMF PEETS COFFEE 5/14 RUSH SACRAMENTO	4.40
						THE WELL KIOSK 5/14 RUSH SACRAMENTO	9.02
						UA INFLT 5/14 RUSH SACRAMENTO	8.00
						UBER TRIP 5/14 RUSH SACRAMENTO	69.32
						UNITED 5/14 RUSH SACRAMENTO	663.20
					001-3000-442.23-03	WWW.APWA.NET APWA MMBRSHP-N SMITH	345.75
					001-3600-461.30-01	WAUSAU TILE INTERIOR TRASH CAN LINER	2,196.72
					001-3600-461.36-00	KULLY SUPPLY SPECIALTY WRENCHES (3)	55.05
					001-3600-461.38-50	AMZN MKTP US KIT FOR PARK FLAG POLES	40.17
						GRAINGER DRINK FOUNTN FILTER (10)	1,012.45
					001-4000-461.23-03	SPOTIFY MUSIC SUBSCRIPTION	27.98

City of Banning
Warrant List Detail June 2024

Warrant Number	Warrant Date	Vendor Name	Invoice Number	P.O. Number	Account Number	Payment Description	Warrant Amount
9007913	45453	WELLS FARGO CARD SERVICES INC	WELLS ONE MAY24		001-4000-461.23-03	WHENIWORK.COM SCHEDULING SOFTWARE	125.00
						WWW.MPLC.ORG MOVIE RIGHTS-PARKS & REC	798.34
					001-4000-461.36-00	RAISING CANES YOUTH COUNCIL	176.01
						WWW.BISSELL.COM CARPET CLEANING SUPPLIES	60.31
					001-4000-461.36-11	HOMEDEPOT.COM SHOVEL-(20) TREE PLANTING	215.07
						SMART AND FINAL WATER-COMMUNITY CLEAN UP	8.19
						THE HOME DEPOT GLOVES-(20) TREE PLANTING	128.65
					001-4010-461.36-09	AMERICAN RED CROSS 1ST AID PRAC SUPPLY	133.10
					001-4050-461.36-00	DOLLAR TREE BINGO SUPPLIES	164.79
					610-5800-434.23-02	DISPLAYS2GO FRAMES-TRANSIT ADV	854.86
					610-5800-434.23-06	HYATT REGENCY 4/15-17 SIRLS-CALACT CONF	(402.12)
					660-6300-471.23-02	XENIA PACIFIC, INC. OUTREACH MATERIAL-ADV	211.19
					660-6300-471.23-03	ENGINEERS BD PROF ENG LIC RENEWAL	180.00
					660-6300-471.45-16	MISCOWATER SUCTION TUBE-PUMP	1,033.45
					670-7000-473.23-05	CHAMBER CA COB BREAKFAST-ROCKWELL	25.00
					670-7000-473.23-06	IEEE 5/9 MISGHINA - IEEE CONF	650.00
					670-7000-473.36-00	FAST 5 XPRESS CAR WASH SUBSCRIPTION	39.99
						SAMSCLUB.COM HOSE-CITY YARD	26.92
						SAMSCLUB.COM SOAP/COFFEE	116.82
						SURVEY MONKEY AUTO RENEW ERROR	468.00
						SURVEY MONKEY AUTO-RENEW ERROR	(468.00)
					670-7000-473.45-05	WELDORS SUPPLY AND STEEL NITROGEN-IVY SUBSTN	36.90
						WELDORS SUPPLY AND STEEL NITROGEN-SUNSET SUBSTN	36.90
					670-7000-473.45-16	ULINE INVENTORY SUPPLIES	86.99
					675-7020-473.23-03	CANVA CANVA SUBSCRIPTION	239.99
						NETWORK SOLUTIONS SECURITY SUBSCRIPTION	19.97
					675-7020-473.36-00	WALMART.COM DEPARTMENT SUPPLIES	17.43
					675-7020-473.41-46	ENCORE IMPRINTS DIVE IN MOVIE EVENT	795.20
						ETSY INC DIVE IN MOVIE EVENT	89.73
						OTC BRANDS INC DIVE IN MOVIE EVENT	288.38
						OTC BRANDS INC S.T.E.A.M. WEEK	456.64
						PANERA BREAD CORE MEETING	56.64
					675-7020-473.42-57	CHERRY VALLEY NURSERY COMM ARBOR DAY GIVEAWAY	1,201.32
						SMART AND FINAL COMM ARBOR DAY GIVEAWAY	14.19
					680-8000-454.23-02	XENIA PACIFIC, INC. OUTREACH MATERIAL-ADV	211.19
					690-9600-453.23-02	XENIA PACIFIC, INC. BANNERS/POLO SHIRT (2)	140.96
						XENIA PACIFIC, INC. BANNERS-TRANSIT ADV	491.34
					702-3800-480.23-06	CA RURAL WATER ASSOC GENERATOR TRAINING-REFUND	(150.00)
					702-3800-480.38-52	INLAND KENWORTH 863-FITTINGS-AIR BAGS	79.35
						JACOBS UPHOLSTERY 235-DRIVER SEAT	283.25
						PY CLEAN DIESEL SPECIALI 903-DPF GASKETS	79.93
						SMART AND FINAL DISTILLED WATER-BATTERIES	12.51
						VTC FONTANA PARTS 863-DUMP TRUCK-AIR BAGS	673.42
					702-3800-480.41-04	ASSESSOR CLERK RECORDER NOE FOR CITY EV FLEET	50.00
						ASSESSOR/CLERK/RECORDER NOE FOR CITY EV FLEET	1.14
					705-4500-412.23-03	ZOOM.US ANNUAL SUBSCRIPTION	1,289.60
					761-3100-480.36-00	WWW COSTCO COM DEPARTMENT SUPPLIES	203.01
					810-9700-490.90-59	CHARMERS FRESH BURGERS COMMUNITY CLEAN UP	12.71
						DEL TACO COMMUNITY CLEAN UP	16.69
						DOLLAR GENERAL COMMUNITY CLEAN UP	81.97
						EXXON SNACK ATTACK WATER-COMMUNITY CLEAN UP	26.66
						FAST 5 XPRESS BEAUMONT COMM CLEAN UP-AFTER	16.00
						GUS JR NO7 COMMUNITY CLEAN UP	22.63
						JACK IN THE BOX LUNCH FOR OPV CLIENT	8.07
						LA VILLA BURGER COMMUNITY CLEAN UP	41.46
						MCDONALDS COMMUNITY CLEAN UP	33.86
						MCDONALDS LUNCH FOR OPV CLIENT	12.56
						RITE AID GIFT CARDS-OPV CLIENTS	661.40

City of Banning
Warrant List Detail June 2024

Warrant Number	Warrant Date	Vendor Name	Invoice Number	P.O. Number	Account Number	Payment Description	Warrant Amount
9007913	45453	WELLS FARGO CARD SERVICES INC	WELLS ONE MAY24		810-9700-490.90-59	WALGREENS GIFT CARDS-OPV CLIENTS	341.70
						WM SUPERCENTER BEDDING/KIT SUPPLIES-OPV	208.99
						XENIA PACIFIC, INC. OPV STAFF POLO SHIRTS (6)	232.74
						XENIA PACIFIC, INC. OPV STAFF POLO SHIRTS (7)	243.52
9007914	6/12/2024	WINDSTREAM SERVICES, LLC	76444153		001-2200-421.26-05	PHONE SVCS-125 E RAMSEY 04/27/24-05/26/24	978.10
9007915	6/12/2024	WINDSTREAM SERVICES, LLC	76443663		705-4500-412.26-05	PHONE SVCS-176 E LINCOLN 04/27/24-05/26/24	965.31
9007916	6/12/2024	WINDSTREAM SERVICES, LLC	76443643		705-4500-412.26-05	PHONE SVCS-99 E RAMSEY 04/27/24-05/26/24	14,988.68
9007917	6/13/2024	CA. ST. PUBLIC EMPLOYEES	PERS ADJ-CARROL		001-1900-412.15-15	PERS SERVICE CREDIT EE ARREARS-TEMP	1,151.78
						PERS SERVICE CREDIT ER ARREARS-TEMP	1,649.49
9007918	6/14/2024	WELLS FARGO BANK	PPE 06/09/2024		001-0000-204.10-00	PAYROLL PPE 06/09/24 PD 06/14/24	661,479.40
9007919	6/14/2024	CORPORATION SERVICE COMPANY	8345718-061224		001-1400-412.23-07	PROCESSING FEES (1) RIV CO RECORDER OFFICE	7.00
9007920	6/17/2024	CA. ST. EMPLOYMENT DEV. DEPT.	PPE 06/09/2024		001-0000-204.12-00	STATE INCOME TAX PPE 06/09/24 PD 06/14/24	48,723.83
9007921	6/17/2024	INTERNAL REVENUE SERVICE	PPE 06/09/2024		001-0000-204.11-00	FEDERAL INCOME TAX PPE 06/09/24 PD 06/14/24	112,062.81
					001-0000-204.13-00	FICA MEDICARE/REGULAR PPE 06/09/24 PD 06/14/24	155,253.24
9007922	6/18/2024	AMERICAN FIDELITY ASSURANCE	2332405A		001-0000-204.80-04	HEALTH FSA 05/01/24-05/15/24	3,123.75
					001-0000-204.80-05	DEPENDENT CARE 05/01/24-05/15/24	653.33
			2332406A		001-0000-204.80-04	HEALTH FSA 05/16/24-05/31/24	3,123.75
					001-0000-204.80-05	DEPENDENT CARE 05/16/24-05/31/24	653.33
9007923	6/18/2024	WELLS FARGO BANK	PPE 06/09/2024		001-0000-204.80-14	VEBA CONTRIBUTIONS PPE 06/09/24 PD 06/14/24	300.00
9007924	6/18/2024	CA. ST. PUBLIC EMPLOYEES	100000017548704		001-1900-412.23-42	PERS SERVICE CREDIT ARREARS-ADMIN COST	500.00
						PERS SERVICE CREDIT REFUND-ARREARS-ADM CST	(500.00)
			PPE 05/26/2024		001-0000-204.20-00	RETIREMENT BENEFITS PPE 05/26/24 PD 05/31/24	166,550.92
9007925	6/20/2024	WELLS FARGO BANK	PPE 06/20/2024		001-0000-204.10-00	PAYROLL (SUPP) PD 06/20/24 HLTH RETRO	73,513.58
9007926	6/20/2024	TASC	PPE 06/09/2024		001-0000-204.80-15	TASC NESP PPE 06/09/24 PD 06/14/24	1,937.74
9007927	6/21/2024	CA. ST. EMPLOYMENT DEV. DEPT.	PPE 06/20/2024		001-0000-204.12-00	STATE INCOME TAX PD 06/20/24 HLTH RETRO	2,683.32
9007928	6/21/2024	EMPOWER ANNUITY INSURANCE COMPANY	PPE 06/09/2024		001-0000-204.16-00	457 LOAN PAYMENTS PPE 06/09/24 PD 06/14/24	10,416.23
						457 LOAN PAYOFF-STONE PPE 06/09/24 PD 06/14/24	(266.70)
						457 PRE TAX CONTRIBUTIONS PPE 06/09/24 PD 06/14/24	42,868.36
						457 ROTH CONTRIBUTIONS PPE 06/09/24 PD 06/14/24	1,005.00
9007929	6/21/2024	INTERNAL REVENUE SERVICE	PPE 06/20/2024		001-0000-204.11-00	FEDERAL INCOME TAX PD 06/20/24 HLTH RETRO	4,919.62
					001-0000-204.13-00	FICA MEDICARE/REGULAR PD 06/20/24 HLTH RETRO	13,438.76
9007930	6/26/2024	CORPORATION SERVICE COMPANY	8345718-062424		001-2740-442.23-07	PENDENCY NOTICE APN 540-180-006	27.00
9007931	6/28/2024	WELLS FARGO BANK	PPE 06/23/2024		001-0000-204.10-00	PAYROLL PPE 06/23/24 PD 06/28/24	762,429.26
Grand Total							**6,598,069.97**

Less Voided / Reissued Checks from Prior Period	**(2,495.00)**
Less Voided Checks Prior Period	**-**
Add Payroll Checks	**63,946.66**
Total Remittance for Month	**6,659,521.63**

Voided Checks

June 2024

Issue Date	Check (Original)	Vendor #	Reason	Void Amount	Check (Reissue)	Vendor #	Reissued Amount
5/30/2024	191553	8770	LOST IN MAIL	$ 2,495.00	191843	8770	$ 2,495.00
TOTALS				**$ 2,495.00**			**$2,495.00**

Payroll

June 2024

Start	End	Date	Description		Check Total
13520	13541	6/14/2024	Warrant Register	$	9,389.32
13542	13562	6/28/2024	Warrant Register	$	11,623.94
13563	13565	6/29/2024	Warrant Register	$	42,933.40
TOTALS				**$**	**63,946.66**
	CHECKS USED	**46**			

Dept/Div Activity	Check Payee	Social Security	Check Number	Amount
	RIVERSIDE COUNTY SHERIFF - SCS		13520	358.23
1900-412	GERONIMO, ALEJANDRO	2661	13521	.00
1900-412	PHILLIPS, JOYCE Y	6549	13522	.00
	UNITED STATES TREASURY		13523	125.50
	CALIF. STATE DISBURSEMENT UNIT		13524	161.07
	CALIF. STATE DISBURSEMENT UNIT		13525	427.38
	TEXAS CHILD SUPPORT SDU		13526	550.62
4000-461	JOHNSON, KAIANA J	3809	13527	415.87
	CALIF. STATE DISBURSEMENT UNIT		13528	241.15
4000-461	MONTES, ALEXIS D	5374	13529	322.12
4010-461	AVALOS, ALEX M	576	13530	417.32
4010-461	BARON, BYRON	178	13531	1,095.19
4010-461	ECKMAN, GRACE J	2186	13532	681.81
4010-461	FLOYD, ANTHONY P	2394	13533	670.41
4010-461	ODENBAUGH, JONATHAN	6070	13534	691.05
4010-461	SANTOS, ABIEGAIL M	184	13535	374.32
4010-461	SCARRY, COLE	7674	13536	561.36
4010-461	STOKES, AALIYAH M	8186	13537	478.33
4010-461	THOMPSON, TAJA N	8363	13538	794.00
	CALIF. STATE DISBURSEMENT UNIT		13539	255.23
	CALIF. STATE DISBURSEMENT UNIT		13540	80.76
	RIVERSIDE COUNTY SHERIFF - SCS		13541	687.60
	Total Checks -		22	9,389.32

Dept/Div Activity	Check Payee	Social Security	Check Number	Amount

Total Checks - .00

Dept/Div Activity	Check Payee	Social Security	Check Number	Amount
	RIVERSIDE COUNTY SHERIFF - SCS		13542	1,214.12
1900-412	GERONIMO, ALEJANDRO	2661	13543	.00
1900-412	PHILLIPS, JOYCE Y	6549	13544	.00
	CALIF. STATE DISBURSEMENT UNIT		13545	161.07
	CALIF. STATE DISBURSEMENT UNIT		13546	427.38
	TEXAS CHILD SUPPORT SDU		13547	550.62
4000-461	GARCIA, DONNA	2558	13548	377.36
4000-461	JOHNSON, KAIANA J	3809	13549	665.01
	CALIF. STATE DISBURSEMENT UNIT		13550	241.15
4000-461	MONTES, ALEXIS D	5374	13551	722.91
4010-461	AVALOS, ALEX M	576	13552	739.30
4010-461	BARON, BYRON	178	13553	950.78
4010-461	ECKMAN, GRACE J	2186	13554	773.97
4010-461	FLOYD, ANTHONY P	2394	13555	1,093.57
4010-461	ODENBAUGH, JONATHAN	6070	13556	295.98
4010-461	SANTOS, ABIEGAIL M	184	13557	978.45
4010-461	SCARRY, COLE	7674	13558	801.29
4010-461	STOKES, AALIYAH M	8186	13559	915.72
4010-461	TREJO, ADRIAN	186	13560	370.31
	CALIF. STATE DISBURSEMENT UNIT		13561	255.23
	RIVERSIDE COUNTY SHERIFF - SCS		13562	89.72
	Total Checks -		21	11,623.94

Dp/Dv/Act: 27 00 442 BUILDING SAFETY/BUILDING SAFETY/COMMUNITY DEVELOPME

Employee	Employee Number	Check Date	Gross Pay	With Hold	Net Pay	Advance Out	Payed Back	Dir Dep	Check Amount	Check Number
RUSH, ADAM B	7439	6/29/24	22211.79	8748.57	13463.22	.00	.00	.00	13463.22	13563
Manual										
Void		6/29/24	22211.79-	8748.57-	13463.22-	.00	.00	.00	13463.22-	13563
Manual		6/29/24	22348.40	8820.82	13527.58	.00	.00	.00	13527.58	13564
Manual		6/29/24	46126.77	16720.95	29405.82	.00	.00	.00	29405.82	13565
***** Division Totals *****			68475.17	25541.77	42933.40	.00	.00	.00	42933.40	
1 Employees 4 Checks										
**** Department Totals ****			68475.17	25541.77	42933.40	.00	.00	.00	42933.40	
1 Employees 4 Checks										

CITY OF BANNING
STAFF REPORT

TO: **CITY COUNCIL**

FROM: **Douglas Schulze, City Manager**

PREPARED BY: **A'ja Wallace,**
Lincoln Bogard, Administrative Services Director

MEETING DATE: **August 27, 2024**

SUBJECT: **Receive and File Cash and Investments Report for the Month of June 2024**

RECOMMENDATION:

That City Council receive and file Cash and Investment Report for June 2024 on this day, August 27, 2024, in accordance with California Government Code 53646.

BACKGROUND:

The City's investment portfolio is compliant with its Investment Policy and Pooled Cash is expected to meet all disbursement requirements for the next six months.

JUSTIFICATION:

UNRESTRICTED CASH AND INVESTMENTS:

Cash & Investments	May 2024	June 2024
Funds under Control of the City:		
Petty Cash / Cash on Hand	$4,055.00	$4,055.00
Sub-Total	**$4,055.00**	**$4,055.00**
Checking and Savings:		
Wells Fargo - General Account - XXXXX5798	$6,487,224.81	$12,550,500.60
Bank of America - Parking Citations - XXXXXX8776	$144,339.12	$144,614.30
Bank of America - Airport Visa - XXXXXX7548	$588,892.12	$594,899.26
Bank of America - CNG Charge Acct - XXXXXX5594	$79,091.90	$79,091.90
Sub-Total	**$7,299,547.95**	**$13,369,106.06**
See Investment Report for Details of the following investments:		
State of California, Local Agency Investment Fund	**$18,374,566.99**	**$18,374,566.99**
% of Investments in LAIF	**47%**	**47%**
US Bank City of Banning Investment Custody Account XXXXX6000	**$20,979,410.02**	**$21,001,179.74**

Cash and Investments	$46,657,579.96	$52,748,907.79

RESTRICTED CASH AND INVESTMENTS:

Cash & Investments	May 2024	June 2024
Cash with Fiscal Agents		
US Bank		
2015 Water Revenue Bonds-BUA Water Projects - 258228005	$862,485.71	$865,965.66
2015 Water Revenue Bonds-BUA Water Projects - 258228000	$3,693.06	$3,707.96
2019 Wastewater Revenue Bond - 254226002	$117,502.85	$117,503.84
2019 Wastewater Revenue Bonds 254226000	$115,039.98	$115,040.95
2019 Wastewater Revenue Bonds - BUA Water Projects - Previous Balance less amount required for Refunding - 254226006	$2,502,952.75	$2,502,973.93
2015 Electric Revenue Bond-Acquisition & Construction Fund - 262685003	$2,471.18	$2,481.15
2015 Electric Revenue Bond-Acquisition & Construction Fund - 262685000	$1,917,504.64	$10,240.66
Successor Agency of the Dissolved Redevelopment Agency of the City of Banning Tax Allocation Bonds Series 2016 (Taxable) Unexpended Proceeds Fund - 277166005	$7,687,348.06	$7,687,380.71
Successor Agency of the Dissolved Redevelopment Agency of the City of Banning Tax Allocation Bonds Series 2016 (Taxable) Revenue Fund - 277166000	$0.00	$0.00
Improvement Dist No 2004-1 (Fair Oaks Ranch Estates) Limited Obligation Improvement Bonds Series 2005A Principal Acct-789582001	$0.00	$0.00
Improvement Dist No 2004-1 (Fair Oaks Ranch Estates) Limited Obligation Improvement Bonds Series 2005A Reserve Fund-789582003	$186,062.23	$186,063.02
PERMA Member Trust Account xxx-xxxx-101.12-00	$2,945,719.51	$2,678,579.45
CAISO - City of Banning XXXXX6994	$125,274.60	$125,826.43

City of Banning - XXXXX5920 - Riverside Public Utilities (RPU)	$916,443.19	$806,586.83
Cash with Fiscal Agents US Bank	**$17,382,497.76**	**$15,102,350.59**
Restricted Investment in SCPPA Project Stabilization Fund		
Project Stabilization Fund	**$984,936.92**	**$952,200.02**
Total Restricted Cash and Investments	**$18,367,434.68**	**$16,054,550.61**
Grand Total Cash and Investments	**$65,025,014.64**	**$68,803,458.40**

BOND RESERVE INSURANCE POLICIES:

Insurance Policy and Purpose	Market Value
2015 Electric Revenue Bond-Reserve Fund - 262685002 - Market Value	$2,428,543.76
Successor Agency of the Dissolved Redevelopment Agency of the City of Banning Tax Allocation Bonds Series 2016 (Taxable) Reserve Fund- 277166004 Market Value	$2,205,497.50

FISCAL IMPACT:

Not applicable.

I hereby certify that the investment activity for this reporting period conforms with the investment policy adopted by the City of Banning's City Council and the California Government Code Section 53601.

I also certify that there exists adequate pooled cash available to meet the City's disbursement requirements for at least the next six months.

ALTERNATIVES:

Not applicable.

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. Attachment 1-Investment Report June 2024.pdf
2. Attachment 2-City of Banning Broker Report June 2024.pdf
3. Attachment 3-LAIF Market Valution June 2024.pdf
4. Attachment 4-PMIA-LAIF Performance Report June 2024.pdf

City of Banning
Report of Investments
June 2024

Investment Held by	Investment Name	Investment Type	CUSIP Number	Standard & Poors Rating	Moodys Rating	Maturity Duration	Par	Market Yield	Market Price	Market Value/Accrued Int	Percentage of Investments
State of California, Local Agency Investment Fund											
	City of Banning	Pooled Investment	N/A	N/A	N/A		$ 18,374,566.76	4.480	100.41145	$ 18,450,169.54	46.7%
	Successor Agency	Pooled Investment	N/A	N/A	N/A		$ 0.23	4.480	100.41145	$ 0.23	0.0%
							$ 18,374,566.99			**$ 18,450,169.77**	**46.7%**
US Bank- Broker Chandler Asset Management											
Government Agencies											
	Total ABS	Asset-Backed Securities	Various	AAA	Aaa	1.97	$ 540,000.00	5.300	100.512	$ 542,765.04	1.37%
	Total Agency	Federal Agencies	Various	AA+	Aaa	1.3	$ 12,200,000.00	5.210	97.451	$ 11,889,018.09	31.0%
	Total Commercial Paper	Paper	62479LL78	NA	A-1	0.35	$ 300,000.00	5.450	98.043	$ 294,127.50	0.8%
	Total Corporate	Corporate	Various	A+	A1	0.71	$ 3,570,000.00	5.490	98.965	$ 3,533,051.62	9.1%
	Total Money Market	Money Market/Mutual Funds	31846V401	AAA	Aaa	0.00	$ 23,164.82	4.770	100.000	$ 23,164.82	0.1%
	Total Cash	Cash and Equivalents	Various	AAA	Aaa	0.00	$ 183,014.92	0.000	100.000	$ 183,014.92	0.5%
	Total US Treasury	US Treasuries	Various	AA+	Aaa	0.40	$ 4,185,000.00	4.970	98.993	$ 4,142,855.61	10.6%
							$ 21,001,179.74			**$ 20,607,997.59**	**53.3%**
Total Investments							**$ 39,375,746.73**			**$ 39,058,167.36**	**100.0%**

**** See page 7-10 of Broker report for details by category***

CHANDLER ASSET MANAGEMENT

MONTHLY ACCOUNT STATEMENT

City of Banning | Account #11089 | As of June 30, 2024

CHANDLER ASSET MANAGEMENT | chandlerasset.com

Chandler Team:

For questions about your account, please call (800) 317-4747,
or contact clientservice@chandlerasset.com

Custodian:

US Bank

Information contained herein is confidential. We urge you to compare this statement to the one you receive from your qualified custodian. Please see Important Disclosures at the end of the statement.

PORTFOLIO SUMMARY

City of Banning | Account #11089 | As of June 30, 2024

Portfolio Characteristics

Average Modified Duration	0.96
Average Coupon	2.20%
Average Purchase YTM	3.52%
Average Market YTM	5.20%
Average Quality	AA+
Average Final Maturity	1.05
Average Life	1.01

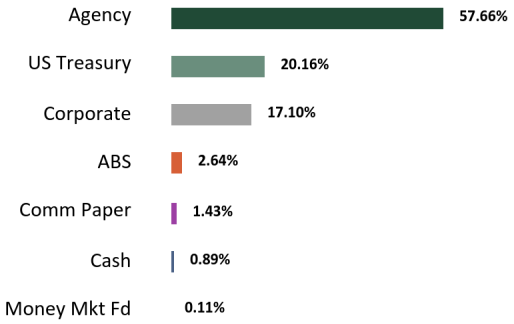
Account Summary

	Beg. Values as of 06/01/2024	End Values as of 06/30/2024
Market Value	20,439,449.36	20,501,414.03
Accrued Interest	76,759.81	106,583.58
Total Market Value	**20,516,209.17**	**20,607,997.60**
Income Earned	64,380.72	61,851.51
Cont/WD	0.00	0.00
Par	20,979,410.02	21,001,179.74
Book Value	20,857,147.62	20,890,632.11
Cost Value	20,791,660.01	20,812,528.48

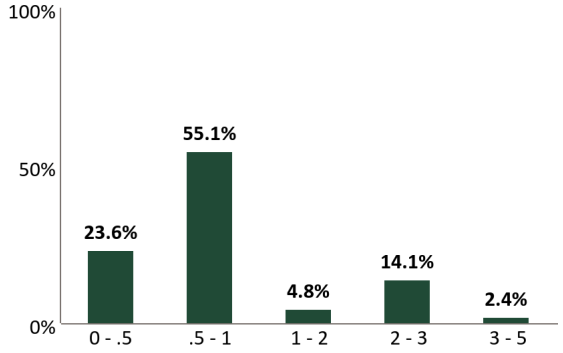
Top Issuers

Federal Home Loan Banks	43.67%
United States	20.16%
FHLMC	13.99%
Amazon.com, Inc.	2.40%
Exxon Mobil Corporation	2.36%
Mitsubishi UFJ Financial Group, Inc.	1.43%
Royal Bank of Canada	1.25%
Realty Income Corporation	1.25%

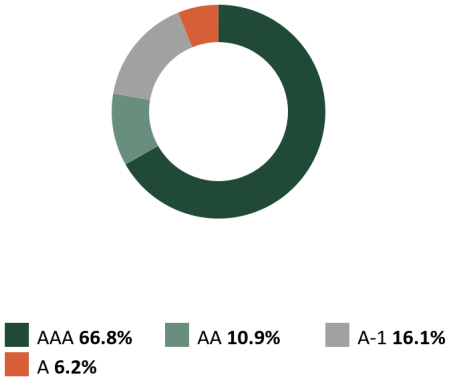
Sector Allocation



Maturity Distribution



Credit Quality



*See Footnote

Performance Review

Total Rate of Return	1M	3M	YTD	1YR	2YRS	3YRS	5YRS	10YRS	Since Inception (07/01/23)
City of Banning	0.45%	1.03%	1.78%	5.24%	--	--	--	--	--
Benchmark Return*	0.41%	1.26%	2.42%	5.16%	--	--	--	--	--

*Periods over 1 year are annualized.
Benchmark: ICE BofA 0-1 Year US Treasury Notes & Bonds Secondary Benchmark:
The credit quality is a weighted average calculation of the highest of S&P, Moody's' and Fitch

STATEMENT OF COMPLIANCE

City of Banning | Account #11089 | As of June 30, 2024

Rules Name	Limit	Actual	Compliance Status	Notes
AGENCY MORTGAGE SECURITIES (CMOS)				
Max % (MV)	100.0	0.0	Compliant	
Max % Issuer (MV)	30.0	0.0	Compliant	
Max Maturity (Years)	5.0	0.0	Compliant	
ASSET-BACKED SECURITIES (ABS)				
Max % (MV; Non Agency ABS & MBS)	20.0	2.6	Compliant	
Max % Issuer (MV)	5.0	1.0	Compliant	
Max Maturity (Years)	5	4	Compliant	
Min Rating (AA- by 1)	0.0	0.0	Compliant	
BANKERS' ACCEPTANCES				
Max % (MV)	40.0	0.0	Compliant	
Max % Issuer (MV)	5.0	0.0	Compliant	
Max Maturity (Days)	180	0.0	Compliant	
Min Rating (A-1 by 1 or A- by 1)	0.0	0.0	Compliant	
CERTIFICATE OF DEPOSIT PLACEMENT SERVICE (CDARS)				
Max % (MV)	30.0	0.0	Compliant	
Max Maturity (Years)	5.0	0.0	Compliant	
COLLATERALIZED BANK DEPOSITS				
Max Maturity (Years)	5.0	0.0	Compliant	
COLLATERALIZED TIME DEPOSITS (NON-NEGOTIABLE CD/TD)				
Max % (MV)	20.0	0.0	Compliant	
Max Maturity (Years)	5.0	0.0	Compliant	
COMMERCIAL PAPER				
Max % (MV)	25.0	1.4	Compliant	
Max % Issuer (MV)	5.0	1.4	Compliant	
Max Maturity (Days)	270	130	Compliant	
Min Rating (A-1 by 1 or A- by 1)	0.0	0.0	Compliant	
CORPORATE MEDIUM TERM NOTES				
Max % (MV)	30.0	17.1	Compliant	
Max % Issuer (MV)	5.0	2.4	Compliant	
Max Maturity (Years)	5	1	Compliant	
Min Rating (A- by 1)	0.0	0.0	Compliant	

STATEMENT OF COMPLIANCE

City of Banning | Account #11089 | As of June 30, 2024

Rules Name	Limit	Actual	Compliance Status	Notes
FDIC INSURED TIME DEPOSITS (NON-NEGOTIABLE CD/ TD)				
Max % (MV)	20.0	0.0	Compliant	
Max Maturity (Years)	5	0.0	Compliant	
FEDERAL AGENCIES				
Max % (MV)	100.0	57.7	Compliant	
Max % Issuer (MV)	30.0	43.8	Not Compliant	Inherited Securities
Max Callables (MV)	20.0	56.7	Not Compliant	Agency Callables; Inherited Securities; Client Directive Approved Strategy Shift
Max Maturity (Years)	5	2	Compliant	
LOCAL AGENCY INVESTMENT FUND (LAIF)				
Max Concentration (MV)	75.0	0.0	Compliant	
MONEY MARKET MUTUAL FUNDS				
Max % (MV)	20.0	0.1	Compliant	
Max % Issuer (MV)	20.0	0.1	Compliant	
Min Rating (AAA by 2)	0.0	0.0	Compliant	
MORTGAGE-BACKED SECURITIES (NON-AGENCY)				
Max % (MV)	20.0	0.0	Compliant	
Max % Issuer (MV)	5.0	0.0	Compliant	
Max Maturity (Years)	5.0	0.0	Compliant	
Min Rating (AA- by 1)	0.0	0.0	Compliant	
MUNICIPAL SECURITIES (CA, LOCAL AGENCY)				
Max % (MV)	30.0	0.0	Compliant	
Max % Issuer (MV)	5.0	0.0	Compliant	
Max Maturity (Years)	5	0.0	Compliant	
Min Rating (A- by 1)	0.0	0.0	Compliant	
MUNICIPAL SECURITIES (CA, OTHER STATES)				
Max % (MV)	30.0	0.0	Compliant	
Max % Issuer (MV)	5.0	0.0	Compliant	
Max Maturity (Years)	5	0.0	Compliant	
Min Rating (A- by 1)	0.0	0.0	Compliant	
MUTUAL FUNDS				
Max % (MV)	20.0	0.0	Compliant	
Max % Issuer (MV)	10.0	0.0	Compliant	

STATEMENT OF COMPLIANCE

City of Banning | Account #11089 | As of June 30, 2024

Rules Name	Limit	Actual	Compliance Status	Notes
Min Rating (AAA by 2)	0.0	0.0	Compliant	
NEGOTIABLE CERTIFICATES OF DEPOSIT (NCD)				
Max % (MV)	30.0	0.0	Compliant	
Max % Issuer (MV)	5.0	0.0	Compliant	
Max Maturity (Years)	5	0.0	Compliant	
Min Rating (A-1 by 1 or A- by 1 if > FDIC Limit)	0.0	0.0	Compliant	
REPURCHASE AGREEMENTS				
Max Maturity (Years)	1.0	0.0	Compliant	
SUPRANATIONAL OBLIGATIONS				
Max % (MV)	30.0	0.0	Compliant	
Max % Issuer (MV)	10.0	0.0	Compliant	
Max Maturity (Years)	5	0.0	Compliant	
Min Rating (AA- by 1)	0.0	0.0	Compliant	
U.S. TREASURIES				
Max % (MV)	100.0	20.1	Compliant	
Max Maturity (Years)	5	1	Compliant	

RECONCILIATION SUMMARY

City of Banning | Account #11089 | As of June 30, 2024

Maturities / Calls

Month to Date	**(580,000.00)**
Fiscal Year to Date	**(8,050,000.00)**

Principal Paydowns

Month to Date	**0.00**
Fiscal Year to Date	**0.00**

Purchases

Month to Date	**897,633.66**
Fiscal Year to Date	**22,879,618.58**

Sales

Month to Date	**(489,286.20)**
Fiscal Year to Date	**(14,516,076.40)**

Interest Received

Month to Date	**9,599.18**
Fiscal Year to Date	**493,624.92**

Purchased / Sold Interest

Month to Date	**(1,251.72)**
Fiscal Year to Date	**(82.74)**

Accrual Activity Summary

	Month to Date	Fiscal Year to Date (07/01/2023)
Beginning Book Value	20,857,147.62	20,208,870.85
Maturities/Calls	(580,000.00)	(8,050,000.00)
Principal Paydowns	0.00	0.00
Purchases	897,633.66	22,879,618.58
Sales	(489,286.20)	(14,516,076.40)
Change in Cash, Payables, Receivables	181,456.74	178,074.12
Amortization/Accretion	23,680.29	174,271.57
Realized Gain (Loss)	0.00	15,873.39
Ending Book Value	20,890,632.11	20,890,632.11

Fair Market Activity Summary

	Month to Date	Fiscal Year to Date (07/01/2023)
Beginning Market Value	20,439,449.36	19,484,866.79
Maturities/Calls	(580,000.00)	(8,050,000.00)
Principal Paydowns	0.00	0.00
Purchases	897,633.66	22,879,618.58
Sales	(489,286.20)	(14,516,076.40)
Change in Cash, Payables, Receivables	181,456.74	178,074.12
Amortization/Accretion	23,680.29	174,271.57
Change in Net Unrealized Gain (Loss)	28,480.18	334,785.98
Realized Gain (Loss)	0.00	15,873.39
Ending Market Value	20,501,414.03	20,501,414.03

Cusip	Security Description	Par Value/ Units	Purchase Date Purchase Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody's/ S&P/ Fitch	Maturity Duration
ABS									
379929AD4	GMALT 2023-3 A3 5.38 11/20/2026	45,000.00	08/08/2023 5.36%	44,994.60 44,996.06	99.93 5.51%	44,967.47 73.98	0.22% (28.60)	NA/AAA AAA	2.39 1.22
05592XAD2	BMWOT 2023-A A3 5.47 02/25/2028	40,000.00	07/12/2023 5.47%	39,992.91 39,994.38	100.31 5.39%	40,125.34 36.47	0.20% 130.96	NA/AAA AAA	3.66 1.96
47787CAC7	JDOT 2023-C A3 5.48 05/15/2028	195,000.00	09/12/2023 5.40%	194,986.60 194,988.85	100.32 5.40%	195,631.04 474.93	0.95% 642.19	Aaa/NA AAA	3.88 2.01
36267KAD9	GMCAR 2023-3 A3 5.45 06/16/2028	45,000.00	07/11/2023 5.66%	44,998.26 44,998.60	100.32 5.38%	45,142.51 102.19	0.22% 143.91	Aaa/AAA NA	3.96 2.29
02582JKD1	AMXCA 2023-3 A 5.23 09/15/2028	215,000.00	09/12/2023 5.29%	214,990.39 214,991.90	100.33 5.14%	215,711.37 499.76	1.05% 719.47	NA/AAA AAA	4.21 2.03
Total ABS		**540,000.00**	**5.38%**	**539,962.76 539,969.79**	**100.29 5.30%**	**541,577.72 1,187.32**	**2.64% 1,607.93**	**Aaa/AAA AAA**	**3.88 1.97**
AGENCY									
313384A58	FEDERAL HOME LOAN BANKS 08/02/2024	200,000.00	01/22/2024 5.10%	194,698.67 199,116.45	99.49 5.67%	198,982.08 0.00	0.97% (134.36)	P-1/A-1+ F1+	0.09 0.09
3130ARFY2	FEDERAL HOME LOAN BANKS 3.0 04/14/2025	3,000,000.00	04/14/2022 3.00%	3,000,000.00 3,000,000.00	98.26 5.27%	2,947,911.90 19,250.00	14.38% (52,088.10)	Aaa/AA+ AA+	0.79 0.76
3130ARGD7	FEDERAL HOME LOAN BANKS 4.0 04/14/2025	3,000,000.00	04/14/2022 3.00%	3,000,000.00 3,000,000.00	98.95 5.37%	2,968,359.51 25,666.67	14.48% (31,640.49)	Aaa/AA+ AA+	0.79 0.76
3134GW6Z4	FEDERAL HOME LOAN MORTGAGE CORP 0.48 05/29/2025	3,000,000.00	10/30/2020 0.48%	3,000,000.00 3,000,000.00	95.62 5.45%	2,868,687.84 2,480.00	13.99% (131,312.16)	Aaa/AA+ AA+	0.91 0.89
3130ARF55	FEDERAL HOME LOAN BANKS 2.6 03/30/2027	3,000,000.00	03/30/2022 2.60%	3,000,000.00 3,000,000.00	94.60 4.72%	2,837,963.43 19,716.67	13.84% (162,036.57)	Aaa/AA+ AA+	2.75 2.59
Total Agency		**12,200,000.00**	**2.33%**	**12,194,698.67 12,199,116.45**	**96.93 5.21%**	**11,821,904.76 67,113.33**	**57.66% (377,211.68)**	**Aaa/AA+ AA+**	**1.28 1.22**
CASH									
CCYUSD	Receivable	183,014.92	-- 0.00%	183,014.92 183,014.92	1.00 0.00%	183,014.92 0.00	0.89% 0.00	Aaa/AAA AAA	0.00 0.00
Total Cash		**183,014.92**	**0.00%**	**183,014.92 183,014.92**	**1.00 0.00%**	**183,014.92 0.00**	**0.89% 0.00**	**Aaa/AAA AAA**	**0.00 0.00**

Cusip	Security Description	Par Value/ Units	Purchase Date Purchase Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody's/ S&P/ Fitch	Maturity Duration
COMMERCIAL PAPER									
62479LL78	MUFG Bank, Ltd. - New York Branch 11/07/2024	300,000.00	05/07/2024 5.50%	291,796.67 294,248.75	98.04 5.45%	294,127.50 0.00	1.43% (121.25)	P-1/A-1 NA	0.36 0.35
Total Commercial Paper		**300,000.00**	**5.50%**	**291,796.67 294,248.75**	**98.04 5.45%**	**294,127.50 0.00**	**1.43% (121.25)**	**P-1/A-1 NA**	**0.36 0.35**
CORPORATE									
89115A2J0	TORONTO-DOMINION BANK 4.285 09/13/2024	250,000.00	04/22/2024 5.59%	248,742.50 249,344.68	99.67 5.85%	249,180.19 3,213.75	1.22% (164.50)	A1/A AA-	0.21 0.20
78015K7C2	ROYAL BANK OF CANADA 2.25 11/01/2024	260,000.00	04/30/2024 5.63%	255,754.20 257,146.27	98.87 5.65%	257,065.92 975.00	1.25% (80.34)	A1/A AA-	0.34 0.33
857477AN3	STATE STREET CORP 3.3 12/16/2024	250,000.00	06/08/2023 5.30%	242,822.50 247,819.49	98.98 5.56%	247,448.35 343.75	1.21% (371.15)	A1/A AA-	0.46 0.45
06368FAE9	BANK OF MONTREAL 1.5 01/10/2025	260,000.00	04/30/2024 5.62%	252,847.40 254,543.67	97.85 5.69%	254,415.10 1,852.50	1.24% (128.57)	A2/A- AA-	0.53 0.51
02665WEA5	AMERICAN HONDA FINANCE CORP 1.5 01/13/2025	260,000.00	04/30/2024 5.58%	252,844.80 254,521.80	97.90 5.54%	254,529.57 1,820.00	1.24% 7.77	A3/A- A	0.54 0.52
63743HFC1	NATIONAL RURAL UTILITIES COOPERATIVE FINANCE CORP 1.875 02/07/2025	260,000.00	05/07/2024 5.53%	253,151.60 254,476.29	97.80 5.64%	254,272.34 1,950.00	1.24% (203.95)	A2/A- A	0.61 0.58
06406HDA4	BANK OF NEW YORK MELLON CORP 3.0 02/24/2025	260,000.00	04/30/2024 5.47%	254,958.60 255,973.65	98.45 5.46%	255,960.43 2,751.67	1.25% (13.21)	A1/A AA-	0.65 0.63
00440EAS6	CHUBB INA HOLDINGS LLC 3.15 03/15/2025	250,000.00	04/22/2024 5.44%	245,082.50 246,111.39	98.43 5.44%	246,064.20 2,318.75	1.20% (47.20)	A3/A A	0.71 0.68
89236TGX7	TOYOTA MOTOR CREDIT CORP 3.0 04/01/2025	260,000.00	04/30/2024 5.53%	254,217.60 255,256.35	98.23 5.42%	255,397.42 1,950.00	1.25% 141.06	A1/A+ A+	0.75 0.73
023135CE4	AMAZON.COM INC 3.0 04/13/2025	500,000.00	06/08/2023 4.67%	485,440.00 493,794.10	98.21 5.35%	491,049.61 3,250.00	2.40% (2,744.49)	A1/AA AA-	0.79 0.76
756109AV6	REALTY INCOME CORP 3.875 04/15/2025	260,000.00	05/14/2024 5.57%	256,105.20 256,641.61	98.63 5.66%	256,446.62 2,126.94	1.25% (194.99)	A3/A- WR	0.79 0.76
30231GAT9	EXXON MOBIL CORP 3.043 03/01/2026	500,000.00	06/08/2023 4.53%	481,105.00 488,430.86	96.72 5.12%	483,597.86 5,071.67	2.36% (4,833.00)	Aa2/AA- NA	1.67 1.58
Total Corporate		**3,570,000.00**	**5.27%**	**3,483,071.90 3,514,060.16**	**98.20 5.49%**	**3,505,427.59 27,624.03**	**17.10% (8,632.57)**	**A1/A A+**	**0.74 0.71**

Cusip	Security Description	Par Value/ Units	Purchase Date Purchase Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody's/ S&P/ Fitch	Maturity Duration
MONEY MARKET FUND									
31846V401	FIRST AMER:GVT OBLG D	23,164.82	-- 4.77%	23,164.82 23,164.82	1.00 4.77%	23,164.82 0.00	0.11% 0.00	Aaa/ AAAm AAA	0.00 0.00
Total Money Market Fund		**23,164.82**	**4.77%**	**23,164.82** **23,164.82**	**1.00** **4.77%**	**23,164.82** **0.00**	**0.11%** **0.00**	**Aaa/** **AAAm** **AAA**	**0.00** **0.00**
US TREASURY									
912796Y52	UNITED STATES TREASURY 07/05/2024	350,000.00	02/22/2024 5.33%	343,353.70 349,800.12	99.94 4.29%	349,794.92 0.00	1.71% (5.19)	P-1/A-1+ F1+	0.01 0.01
912797GB7	UNITED STATES TREASURY 07/11/2024	200,000.00	12/04/2023 5.13%	194,020.08 199,726.94	99.85 4.86%	199,708.24 0.00	0.97% (18.70)	P-1/A-1+ F1+	0.03 0.03
912797JU2	UNITED STATES TREASURY 08/01/2024	285,000.00	03/18/2024 5.32%	279,517.31 283,741.01	99.55 5.20%	283,711.07 0.00	1.38% (29.94)	P-1/A-1+ F1+	0.09 0.09
912797GK7	UNITED STATES TREASURY 08/08/2024	250,000.00	05/07/2024 5.39%	246,655.42 248,618.54	99.45 5.22%	248,616.56 0.00	1.21% (1.98)	P-1/A-1+ F1+	0.11 0.11
912797GL5	UNITED STATES TREASURY 09/05/2024	300,000.00	03/11/2024 5.32%	292,473.81 297,193.62	99.04 5.28%	297,129.48 0.00	1.45% (64.14)	P-1/A-1+ F1+	0.18 0.18
912797KL0	UNITED STATES TREASURY 09/19/2024	400,000.00	04/16/2024 5.36%	391,091.80 395,402.22	98.84 5.28%	395,365.56 0.00	1.93% (36.66)	P-1/A-1+ F1+	0.22 0.22
912797KT3	UNITED STATES TREASURY 10/10/2024	300,000.00	05/23/2024 5.38%	293,981.01 295,626.49	98.54 5.29%	295,627.54 0.00	1.44% 1.05	P-1/A-1+ F1+	0.28 0.28
912797KU0	UNITED STATES TREASURY 10/17/2024	500,000.00	-- 5.38%	487,730.19 492,232.25	98.44 5.31%	492,192.50 0.00	2.40% (39.75)	P-1/A-1+ F1+	0.30 0.29
91282CDH1	UNITED STATES TREASURY 0.75 11/15/2024	300,000.00	04/30/2024 5.40%	292,699.22 294,948.45	98.31 5.35%	294,919.92 287.36	1.44% (28.53)	Aaa/AA+ AA+	0.38 0.37
91282CDN8	UNITED STATES TREASURY 1.0 12/15/2024	300,000.00	04/30/2024 5.34%	292,125.00 294,231.91	98.08 5.29%	294,225.59 131.15	1.44% (6.32)	Aaa/AA+ AA+	0.46 0.45
912797LQ8	UNITED STATES TREASURY 12/19/2024	250,000.00	06/24/2024 5.35%	243,679.01 243,893.28	97.57 5.28%	243,925.34 0.00	1.19% 32.06	P-1/A-1+ F1+	0.47 0.46
91282CDS7	UNITED STATES TREASURY 1.125 01/15/2025	250,000.00	06/24/2024 5.31%	244,355.47 244,521.49	97.80 5.30%	244,499.51 1,298.08	1.19% (21.97)	Aaa/AA+ AA+	0.54 0.52
91282CGE5	UNITED STATES TREASURY 3.875 01/15/2026	500,000.00	06/08/2023 4.27%	495,136.72 497,120.89	98.50 4.90%	492,480.47 8,942.31	2.40% (4,640.42)	Aaa/AA+ AA+	1.54 1.45

HOLDINGS REPORT

City of Banning | Account #11089 | As of June 30, 2024

Cusip	Security Description	Par Value/ Units	Purchase Date Purchase Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody's/ S&P/ Fitch	Maturity Duration
				4,096,818.74	98.74	4,132,196.71	20.16%	Aaa/AAA	0.41
Total US Treasury		4,185,000.00	5.21%	4,137,057.22	5.13%	10,658.90	(4,860.51)	AAA	0.39
				20,812,528.48	96.65	20,501,414.03	100.00%	Aa2/AA	1.05
Total Portfolio		21,001,179.74	3.52%	20,890,632.11	5.20%	106,583.58	(389,218.08)	AA	0.96
Total Market Value + Accrued						20,607,997.60			

TRANSACTION LEDGER

City of Banning | Account #11089 | As of June 30, 2024

Transaction Type	Settlement Date	CUSIP	Quantity	Security Description	Price	Acq/Disp Yield	Amount	Interest Pur/ Sold	Total Amount	Gain/Loss
ACQUISITIONS										
Purchase	06/03/2024	31846V401	1,558.18	FIRST AMER:GVT OBLG D	1.000	4.78%	(1,558.18)	0.00	(1,558.18)	0.00
Purchase	06/06/2024	31846V401	200,000.00	FIRST AMER:GVT OBLG D	1.000	4.76%	(200,000.00)	0.00	(200,000.00)	0.00
Purchase	06/11/2024	31846V401	200,000.00	FIRST AMER:GVT OBLG D	1.000	4.76%	(200,000.00)	0.00	(200,000.00)	0.00
Purchase	06/17/2024	31846V401	2,031.92	FIRST AMER:GVT OBLG D	1.000	4.76%	(2,031.92)	0.00	(2,031.92)	0.00
Purchase	06/17/2024	31846V401	1,500.00	FIRST AMER:GVT OBLG D	1.000	4.76%	(1,500.00)	0.00	(1,500.00)	0.00
Purchase	06/17/2024	31846V401	4,125.00	FIRST AMER:GVT OBLG D	1.000	4.76%	(4,125.00)	0.00	(4,125.00)	0.00
Purchase	06/20/2024	31846V401	201.75	FIRST AMER:GVT OBLG D	1.000	4.77%	(201.75)	0.00	(201.75)	0.00
Purchase	06/25/2024	31846V401	182.33	FIRST AMER:GVT OBLG D	1.000	4.77%	(182.33)	0.00	(182.33)	0.00
Purchase	06/25/2024	91282CDS7	250,000.00	UNITED STATES TREASURY 1.125 01/15/2025	97.742	5.31%	(244,355.47)	(1,251.72)	(245,607.19)	0.00
Purchase	06/25/2024	912797LQ8	250,000.00	UNITED STATES TREASURY 12/19/2024	97.472	5.35%	(243,679.01)	0.00	(243,679.01)	0.00
Total Purchase			**909,599.18**				**(897,633.66)**	**(1,251.72)**	**(898,885.38)**	**0.00**
TOTAL ACQUISITIONS			**909,599.18**				**(897,633.66)**	**(1,251.72)**	**(898,885.38)**	**0.00**
DISPOSITIONS										
Maturity	06/06/2024	912797HT7	(200,000.00)	UNITED STATES TREASURY 06/06/2024	100.000	0.00%	200,000.00	0.00	200,000.00	0.00
Maturity	06/11/2024	912797KE6	(200,000.00)	UNITED STATES TREASURY 06/11/2024	100.000	0.00%	200,000.00	0.00	200,000.00	0.00
Maturity	06/30/2024	912828XX3	(180,000.00)	UNITED STATES TREASURY 2.0 06/30/2024	100.000	2.00%	180,000.00	0.00	180,000.00	0.00
Total Maturity			**(580,000.00)**				**580,000.00**	**0.00**	**580,000.00**	**0.00**
Sale	06/25/2024	31846V401	(489,286.20)	FIRST AMER:GVT OBLG D	1.000	4.77%	489,286.20	0.00	489,286.20	0.00
Total Sale			**(489,286.20)**				**489,286.20**	**0.00**	**489,286.20**	**0.00**
TOTAL DISPOSITIONS			**(1,069,286.20)**				**1,069,286.20**	**0.00**	**1,069,286.20**	**0.00**
OTHER										

TRANSACTION LEDGER

City of Banning | Account #11089 | As of June 30, 2024

Transaction Type	Settlement Date	CUSIP	Quantity	Security Description	Price	Acq/Disp Yield	Amount	Interest Pur/ Sold	Total Amount	Gain/Loss
Coupon	06/15/2024	91282CDN8	0.00	UNITED STATES TREASURY 1.0 12/15/2024		5.34%	1,500.00	0.00	1,500.00	0.00
Coupon	06/15/2024	47787CAC7	0.00	JDOT 2023-C A3 5.48 05/15/2028		5.55%	890.50	0.00	890.50	0.00
Coupon	06/15/2024	02582JKD1	0.00	AMXCA 2023-3 A 5.23 09/15/2028		5.29%	937.04	0.00	937.04	0.00
Coupon	06/16/2024	857477AN3	0.00	STATE STREET CORP 3.3 12/16/2024		5.30%	4,125.00	0.00	4,125.00	0.00
Coupon	06/16/2024	36267KAD9	0.00	GMCAR 2023-3 A3 5.45 06/16/2028		5.51%	204.38	0.00	204.38	0.00
Coupon	06/20/2024	379929AD4	0.00	GMALT 2023-3 A3 5.38 11/20/2026		5.45%	201.75	0.00	201.75	0.00
Coupon	06/25/2024	05592XAD2	0.00	BMWOT 2023-A A3 5.47 02/25/2028		5.54%	182.33	0.00	182.33	0.00
Coupon	06/30/2024	912828XX3	0.00	UNITED STATES TREASURY 2.0 06/30/2024		2.00%	1,800.00	0.00	1,800.00	0.00
Total Coupon			**0.00**				**9,841.00**	**0.00**	**9,841.00**	**0.00**
Dividend	06/30/2024	31846V401	0.00	FIRST AMER:GVT OBLG D		4.77%	1,214.92	0.00	1,214.92	0.00
Total Dividend			**0.00**				**1,214.92**	**0.00**	**1,214.92**	**0.00**
TOTAL OTHER TRANSACTIONS			**0.00**				**11,055.92**	**0.00**	**11,055.92**	**0.00**

INCOME EARNED

City of Banning | Account #11089 | As of June 30, 2024

Cusip	Security Description	Trade Date Settle Date Units	Book Value: Begin Book Value: Acq Book Value: Disp Book Value: End	Prior Accrued Inc. Received Ending Accrued Total Interest	Accr. Of Discount Amort. Of Premium Net Accret/Amort Income Earned	Total Income
CASH & EQUIVALENTS						
31846V401	FIRST AMER:GVT OBLG D	23,164.82	102,851.84 409,599.18 (489,286.20) 23,164.82	0.00 1,558.18 0.00 1,558.18	0.00 0.00 0.00 1,558.18	1,558.18
CCYUSD	Receivable	183,014.92	1,558.18 0.00 0.00 183,014.92	0.00 0.00 0.00 0.00	0.00 0.00 0.00 0.00	0.00
Total Cash & Equivalents		**206,179.74**	**104,410.02** **409,599.18** **(489,286.20)** **206,179.74**	**0.00** **1,558.18** **0.00** **1,558.18**	**0.00** **0.00** **0.00** **1,558.18**	**1,558.18**
FIXED INCOME						
00440EAS6	CHUBB INA HOLDINGS LLC 3.15 03/15/2025	04/22/2024 04/24/2024 250,000.00	245,657.47 0.00 0.00 246,111.39	1,662.50 0.00 2,318.75 656.25	453.92 0.00 453.92 1,110.17	1,110.17
023135CE4	AMAZON.COM INC 3.0 04/13/2025	06/08/2023 06/12/2023 500,000.00	493,143.13 0.00 0.00 493,794.10	2,000.00 0.00 3,250.00 1,250.00	650.97 0.00 650.97 1,900.97	1,900.97
02582JKD1	AMXCA 2023-3 A 5.23 09/15/2028	09/12/2023 09/19/2023 215,000.00	214,991.74 0.00 0.00 214,991.90	499.76 937.04 499.76 937.04	0.16 0.00 0.16 937.20	937.20
02665WEA5	AMERICAN HONDA FINANCE CORP 1.5 01/13/2025	04/30/2024 05/02/2024 260,000.00	253,683.30 0.00 0.00 254,521.80	1,495.00 0.00 1,820.00 325.00	838.50 0.00 838.50 1,163.50	1,163.50
05592XAD2	BMWOT 2023-A A3 5.47 02/25/2028	07/12/2023 07/18/2023 40,000.00	39,994.25 0.00 0.00 39,994.38	36.47 182.33 36.47 182.33	0.13 0.00 0.13 182.46	182.46

INCOME EARNED

City of Banning | Account #11089 | As of June 30, 2024

Cusip	Security Description	Trade Date Settle Date Units	Book Value: Begin Book Value: Acq Book Value: Disp Book Value: End	Prior Accrued Inc. Received Ending Accrued Total Interest	Accr. Of Discount Amort. Of Premium Net Accret/Amort Income Earned	Total Income
06368FAE9	BANK OF MONTREAL 1.5 01/10/2025	04/30/2024 05/02/2024 260,000.00	253,695.53 0.00 0.00 254,543.67	1,527.50 0.00 1,852.50 325.00	848.13 0.00 848.13 1,173.13	1,173.13
06406HDA4	BANK OF NEW YORK MELLON CORP 3.0 02/24/2025	04/30/2024 05/02/2024 260,000.00	255,466.12 0.00 0.00 255,973.65	2,101.67 0.00 2,751.67 650.00	507.52 0.00 507.52 1,157.52	1,157.52
30231GAT9	EXXON MOBIL CORP 3.043 03/01/2026	06/08/2023 06/12/2023 500,000.00	487,860.01 0.00 0.00 488,430.86	3,803.75 0.00 5,071.67 1,267.92	570.85 0.00 570.85 1,838.76	1,838.76
3130ARF55	FEDERAL HOME LOAN BANKS 2.6 03/30/2027	03/30/2022 03/30/2022 3,000,000.00	3,000,000.00 0.00 0.00 3,000,000.00	13,216.67 0.00 19,716.67 6,500.00	0.00 0.00 0.00 6,500.00	6,500.00
3130ARFY2	FEDERAL HOME LOAN BANKS 3.0 04/14/2025	04/14/2022 04/14/2022 3,000,000.00	3,000,000.00 0.00 0.00 3,000,000.00	11,750.00 0.00 19,250.00 7,500.00	0.00 0.00 0.00 7,500.00	7,500.00
3130ARGD7	FEDERAL HOME LOAN BANKS 4.0 04/14/2025	04/14/2022 04/14/2022 3,000,000.00	3,000,000.00 0.00 0.00 3,000,000.00	15,666.67 0.00 25,666.67 10,000.00	0.00 0.00 0.00 10,000.00	10,000.00
313384A58	FEDERAL HOME LOAN BANKS 08/02/2024	01/22/2024 01/23/2024 200,000.00	198,288.11 0.00 0.00 199,116.45	0.00 0.00 0.00 0.00	828.33 0.00 828.33 828.33	828.33
3134GW6Z4	FEDERAL HOME LOAN MORTGAGE CORP 0.48 05/29/2025	10/30/2020 10/30/2020 3,000,000.00	3,000,000.00 0.00 0.00 3,000,000.00	1,280.00 0.00 2,480.00 1,200.00	0.00 0.00 0.00 1,200.00	1,200.00
36267KAD9	GMCAR 2023-3 A3 5.45 06/16/2028	07/11/2023 07/19/2023 45,000.00	44,998.57 0.00 0.00 44,998.60	102.19 204.38 102.19 204.38	0.03 0.00 0.03 204.41	204.41

INCOME EARNED

City of Banning | Account #11089 | As of June 30, 2024

Cusip	Security Description	Trade Date Settle Date Units	Book Value: Begin Book Value: Acq Book Value: Disp Book Value: End	Prior Accrued Inc. Received Ending Accrued Total Interest	Accr. Of Discount Amort. Of Premium Net Accret/Amort Income Earned	Total Income
379929AD4	GMALT 2023-3 A3 5.38 11/20/2026	08/08/2023 08/11/2023 45,000.00	44,995.93 0.00 0.00 44,996.06	73.98 201.75 73.98 201.75	0.14 0.00 0.14 201.89	201.89
47787CAC7	JDOT 2023-C A3 5.48 05/15/2028	09/12/2023 09/19/2023 195,000.00	194,988.62 0.00 0.00 194,988.85	474.93 890.50 474.93 890.50	0.24 0.00 0.24 890.74	890.74
62479LL78	MUFG Bank, Ltd. - New York Branch 11/07/2024	05/07/2024 05/07/2024 300,000.00	292,911.25 0.00 0.00 294,248.75	0.00 0.00 0.00 0.00	1,337.50 0.00 1,337.50 1,337.50	1,337.50
63743HFC1	NATIONAL RURAL UTILITIES COOPERATIVE FINANCE CORP 1.875 02/07/2025	05/07/2024 05/09/2024 260,000.00	253,726.47 0.00 0.00 254,476.29	1,543.75 0.00 1,950.00 406.25	749.82 0.00 749.82 1,156.07	1,156.07
756109AV6	REALTY INCOME CORP 3.875 04/15/2025	05/14/2024 05/16/2024 260,000.00	256,291.78 0.00 0.00 256,641.61	1,287.36 0.00 2,126.94 839.58	349.83 0.00 349.83 1,189.42	1,189.42
78015K7C2	ROYAL BANK OF CANADA 2.25 11/01/2024	04/30/2024 05/02/2024 260,000.00	256,450.23 0.00 0.00 257,146.27	487.50 0.00 975.00 487.50	696.03 0.00 696.03 1,183.53	1,183.53
857477AN3	STATE STREET CORP 3.3 12/16/2024	06/08/2023 06/12/2023 250,000.00	247,430.12 0.00 0.00 247,819.49	3,781.25 4,125.00 343.75 687.50	389.38 0.00 389.38 1,076.88	1,076.88
89115A2J0	TORONTO-DOMINION BANK 4.285 09/13/2024	04/22/2024 04/24/2024 250,000.00	249,079.01 0.00 0.00 249,344.68	2,321.04 0.00 3,213.75 892.71	265.67 0.00 265.67 1,158.38	1,158.38
89236TGX7	TOYOTA MOTOR CREDIT CORP 3.0 04/01/2025	04/30/2024 05/02/2024 260,000.00	254,736.98 0.00 0.00 255,256.35	1,300.00 0.00 1,950.00 650.00	519.38 0.00 519.38 1,169.38	1,169.38

INCOME EARNED

City of Banning | Account #11089 | As of June 30, 2024

Cusip	Security Description	Trade Date Settle Date Units	Book Value: Begin Book Value: Acq Book Value: Disp Book Value: End	Prior Accrued Inc. Received Ending Accrued Total Interest	Accr. Of Discount Amort. Of Premium Net Accret/Amort Income Earned	Total Income
912796Y52	UNITED STATES TREASURY 07/05/2024	02/22/2024 02/23/2024 350,000.00	348,300.95 0.00 0.00 349,800.12	0.00 0.00 0.00 0.00	1,499.17 0.00 1,499.17 1,499.17	1,499.17
912797GB7	UNITED STATES TREASURY 07/11/2024	12/04/2023 12/05/2023 200,000.00	198,907.78 0.00 0.00 199,726.94	0.00 0.00 0.00 0.00	819.17 0.00 819.17 819.17	819.17
912797GK7	UNITED STATES TREASURY 08/08/2024	05/07/2024 05/08/2024 250,000.00	247,527.92 0.00 0.00 248,618.54	0.00 0.00 0.00 0.00	1,090.62 0.00 1,090.62 1,090.62	1,090.62
912797GL5	UNITED STATES TREASURY 09/05/2024	03/11/2024 03/12/2024 300,000.00	295,918.00 0.00 0.00 297,193.62	0.00 0.00 0.00 0.00	1,275.63 0.00 1,275.63 1,275.63	1,275.63
912797HT7	UNITED STATES TREASURY 06/06/2024	01/22/2024 01/23/2024 0.00	199,857.78 0.00 (200,000.00) 0.00	0.00 0.00 0.00 0.00	142.22 0.00 142.22 142.22	142.22
912797JU2	UNITED STATES TREASURY 08/01/2024	03/18/2024 03/19/2024 285,000.00	282,522.64 0.00 0.00 283,741.01	0.00 0.00 0.00 0.00	1,218.38 0.00 1,218.38 1,218.38	1,218.38
912797KE6	UNITED STATES TREASURY 06/11/2024	02/13/2024 02/14/2024 0.00	199,710.14 0.00 (200,000.00) 0.00	0.00 0.00 0.00 0.00	289.86 0.00 289.86 289.86	289.86
912797KL0	UNITED STATES TREASURY 09/19/2024	04/16/2024 04/17/2024 400,000.00	393,678.05 0.00 0.00 395,402.22	0.00 0.00 0.00 0.00	1,724.17 0.00 1,724.17 1,724.17	1,724.17
912797KT3	UNITED STATES TREASURY 10/10/2024	05/23/2024 05/24/2024 300,000.00	294,327.43 0.00 0.00 295,626.49	0.00 0.00 0.00 0.00	1,299.06 0.00 1,299.06 1,299.06	1,299.06

INCOME EARNED

City of Banning | Account #11089 | As of June 30, 2024

Cusip	Security Description	Trade Date Settle Date Units	Book Value: Begin Book Value: Acq Book Value: Disp Book Value: End	Prior Accrued Inc. Received Ending Accrued Total Interest	Accr. Of Discount Amort. Of Premium Net Accret/Amort Income Earned	Total Income
912797KU0	UNITED STATES TREASURY 10/17/2024	 500,000.00	490,074.54 0.00 0.00 492,232.25	0.00 0.00 0.00 0.00	2,157.71 0.00 2,157.71 2,157.71	2,157.71
912797LQ8	UNITED STATES TREASURY 12/19/2024	06/24/2024 06/25/2024 250,000.00	0.00 243,679.01 0.00 243,893.28	0.00 0.00 0.00 0.00	214.27 0.00 214.27 214.27	214.27
912828XX3	UNITED STATES TREASURY 2.0 06/30/2024	11/13/2023 11/14/2023 0.00	179,518.28 0.00 (180,000.00) 0.00	1,513.19 0.00 0.00 (1,513.19)	481.72 0.00 481.72 (1,031.47)	(1,031.47)
91282CDH1	UNITED STATES TREASURY 0.75 11/15/2024	04/30/2024 05/01/2024 300,000.00	293,842.27 0.00 0.00 294,948.45	103.94 0.00 287.36 183.42	1,106.18 0.00 1,106.18 1,289.60	1,289.60
91282CDN8	UNITED STATES TREASURY 1.0 12/15/2024	04/30/2024 05/01/2024 300,000.00	293,195.72 0.00 0.00 294,231.91	1,385.25 1,500.00 131.15 245.90	1,036.18 0.00 1,036.18 1,282.09	1,282.09
91282CDS7	UNITED STATES TREASURY 1.125 01/15/2025	06/24/2024 06/25/2024 250,000.00	0.00 244,355.47 0.00 244,521.49	0.00 (1,251.72) 1,298.08 46.36	166.02 0.00 166.02 212.37	212.37
91282CGE5	UNITED STATES TREASURY 3.875 01/15/2026	06/08/2023 06/09/2023 500,000.00	496,967.48 0.00 0.00 497,120.89	7,345.47 0.00 8,942.31 1,596.84	153.42 0.00 153.42 1,750.26	1,750.26
Total Fixed Income		**20,795,000.00**	**20,752,737.60** **488,034.48** **(580,000.00)** **20,684,452.37**	**76,759.81** **6,789.28** **106,583.58** **36,613.04**	**23,680.29** **0.00** **23,680.29** **60,293.33**	**60,293.33**
TOTAL PORTFOLIO		**21,001,179.74**	**20,857,147.62** **897,633.66** **(1,069,286.20)** **20,890,632.11**	**76,759.81** **8,347.46** **106,583.58** **38,171.22**	**23,680.29** **0.00** **23,680.29** **61,851.51**	**61,851.51**

Payment Date	Transaction Type	CUSIP	Quantity	Security Description	Principal Amount	Income	Total Amount
JULY 2024							
07/01/2024	Dividend	31846V401	0.00		1,214.92		1,214.92
07/01/2024	Coupon	912828XX3	0.00	UNITED STATES TREASURY 2.0 06/30/2024		1,800.00	1,800.00
07/01/2024	Maturity	912828XX3	(180,000.00)	UNITED STATES TREASURY 2.0 06/30/2024	180,000.00		180,000.00
07/05/2024	Final Maturity	912796Y52	350,000.00	UNITED STATES TREASURY 07/05/2024	350,000.00		350,000.00
07/10/2024	Coupon	06368FAE9	260,000.00	BANK OF MONTREAL 1.5 01/10/2025		1,950.00	1,950.00
07/11/2024	Final Maturity	912797GB7	200,000.00	UNITED STATES TREASURY 07/11/2024	200,000.00		200,000.00
07/15/2024	Coupon	02582JKD1	215,000.00	AMXCA 2023-3 A 5.23 09/15/2028		937.04	937.04
07/15/2024	Coupon	02665WEA5	260,000.00	AMERICAN HONDA FINANCE CORP 1.5 01/13/2025		1,950.00	1,950.00
07/15/2024	Coupon	47787CAC7	195,000.00	JDOT 2023-C A3 5.48 05/15/2028		890.50	890.50
07/15/2024	Coupon	91282CDS7	250,000.00	UNITED STATES TREASURY 1.125 01/15/2025		1,406.25	1,406.25
07/15/2024	Coupon	91282CGE5	500,000.00	UNITED STATES TREASURY 3.875 01/15/2026		9,687.50	9,687.50
07/16/2024	Coupon	36267KAD9	45,000.00	GMCAR 2023-3 A3 5.45 06/16/2028		204.38	204.38
07/22/2024	Coupon	379929AD4	45,000.00	GMALT 2023-3 A3 5.38 11/20/2026		201.75	201.75
07/25/2024	Coupon	05592XAD2	40,000.00	BMWOT 2023-A A3 5.47 02/25/2028		182.33	182.33
July 2024 Total					**731,214.92**	**19,209.75**	**750,424.67**
AUGUST 2024							
08/01/2024	Final Maturity	912797JU2	285,000.00	UNITED STATES TREASURY 08/01/2024	285,000.00		285,000.00
08/02/2024	Final Maturity	313384A58	200,000.00	FEDERAL HOME LOAN BANKS 08/02/2024	200,000.00		200,000.00
08/07/2024	Coupon	63743HFC1	260,000.00	NATIONAL RURAL UTILITIES COOPERATIVE FINANCE CORP 1.875 02/07/2025		2,437.50	2,437.50
08/08/2024	Final Maturity	912797GK7	250,000.00	UNITED STATES TREASURY 08/08/2024	250,000.00		250,000.00
08/15/2024	Coupon	02582JKD1	215,000.00	AMXCA 2023-3 A 5.23 09/15/2028		937.04	937.04
08/15/2024	Coupon	47787CAC7	195,000.00	JDOT 2023-C A3 5.48 05/15/2028		890.50	890.50
08/16/2024	Coupon	36267KAD9	45,000.00	GMCAR 2023-3 A3 5.45 06/16/2028		204.38	204.38
08/20/2024	Coupon	379929AD4	45,000.00	GMALT 2023-3 A3 5.38 11/20/2026		201.75	201.75
08/26/2024	Coupon	05592XAD2	40,000.00	BMWOT 2023-A A3 5.47 02/25/2028		182.33	182.33
08/26/2024	Coupon	06406HDA4	260,000.00	BANK OF NEW YORK MELLON CORP 3.0 02/24/2025		3,900.00	3,900.00
August 2024 Total					**735,000.00**	**8,753.50**	**743,753.50**
SEPTEMBER 2024							

Payment Date	Transaction Type	CUSIP	Quantity	Security Description	Principal Amount	Income	Total Amount
09/03/2024	Coupon	30231GAT9	500,000.00	EXXON MOBIL CORP 3.043 03/01/2026		7,607.50	7,607.50
09/05/2024	Final Maturity	912797GL5	300,000.00	UNITED STATES TREASURY 09/05/2024	300,000.00		300,000.00
09/13/2024	Coupon	89115A2J0	250,000.00	TORONTO-DOMINION BANK 4.285 09/13/2024		5,356.25	5,356.25
09/13/2024	Final Maturity	89115A2J0	250,000.00	TORONTO-DOMINION BANK 4.285 09/13/2024	250,000.00		250,000.00
09/16/2024	Coupon	00440EAS6	250,000.00	CHUBB INA HOLDINGS LLC 3.15 03/15/2025		3,937.50	3,937.50
09/16/2024	Coupon	02582JKD1	215,000.00	AMXCA 2023-3 A 5.23 09/15/2028		937.04	937.04
09/16/2024	Coupon	36267KAD9	45,000.00	GMCAR 2023-3 A3 5.45 06/16/2028		204.38	204.38
09/16/2024	Coupon	47787CAC7	195,000.00	JDOT 2023-C A3 5.48 05/15/2028		890.50	890.50
09/19/2024	Final Maturity	912797KL0	400,000.00	UNITED STATES TREASURY 09/19/2024	400,000.00		400,000.00
09/20/2024	Coupon	379929AD4	45,000.00	GMALT 2023-3 A3 5.38 11/20/2026		201.75	201.75
09/25/2024	Coupon	05592XAD2	40,000.00	BMWOT 2023-A A3 5.47 02/25/2028		182.33	182.33
09/30/2024	Coupon	3130ARF55	3,000,000.00	FEDERAL HOME LOAN BANKS 2.6 03/30/2027		39,000.00	39,000.00
September 2024 Total					**950,000.00**	**58,317.25**	**1,008,317.25**
OCTOBER 2024							
10/01/2024	Coupon	89236TGX7	260,000.00	TOYOTA MOTOR CREDIT CORP 3.0 04/01/2025		3,900.00	3,900.00
10/10/2024	Final Maturity	912797KT3	300,000.00	UNITED STATES TREASURY 10/10/2024	300,000.00		300,000.00
10/15/2024	Coupon	023135CE4	500,000.00	AMAZON.COM INC 3.0 04/13/2025		7,500.00	7,500.00
10/15/2024	Coupon	02582JKD1	215,000.00	AMXCA 2023-3 A 5.23 09/15/2028		937.04	937.04
10/15/2024	Coupon	3130ARFY2	3,000,000.00	FEDERAL HOME LOAN BANKS 3.0 04/14/2025		45,000.00	45,000.00
10/15/2024	Coupon	3130ARGD7	3,000,000.00	FEDERAL HOME LOAN BANKS 4.0 04/14/2025		60,000.00	60,000.00
10/15/2024	Coupon	47787CAC7	195,000.00	JDOT 2023-C A3 5.48 05/15/2028		890.50	890.50
10/15/2024	Coupon	756109AV6	260,000.00	REALTY INCOME CORP 3.875 04/15/2025		5,037.50	5,037.50
10/16/2024	Coupon	36267KAD9	45,000.00	GMCAR 2023-3 A3 5.45 06/16/2028		204.38	204.38
10/17/2024	Final Maturity	912797KU0	500,000.00	UNITED STATES TREASURY 10/17/2024	500,000.00		500,000.00
10/21/2024	Coupon	379929AD4	45,000.00	GMALT 2023-3 A3 5.38 11/20/2026		201.75	201.75
10/25/2024	Coupon	05592XAD2	40,000.00	BMWOT 2023-A A3 5.47 02/25/2028		182.33	182.33
10/29/2024	Coupon	3134GW6Z4	3,000,000.00	FEDERAL HOME LOAN MORTGAGE CORP 0.48 05/29/2025		7,200.00	7,200.00
October 2024 Total					**800,000.00**	**131,053.50**	**931,053.50**
NOVEMBER 2024							

Payment Date	Transaction Type	CUSIP	Quantity	Security Description	Principal Amount	Income	Total Amount
11/01/2024	Coupon	78015K7C2	260,000.00	ROYAL BANK OF CANADA 2.25 11/01/2024		2,925.00	2,925.00
11/01/2024	Final Maturity	78015K7C2	260,000.00	ROYAL BANK OF CANADA 2.25 11/01/2024	260,000.00		260,000.00
11/07/2024	Final Maturity	62479LL78	300,000.00	MUFG Bank, Ltd. - New York Branch 11/07/2024	300,000.00		300,000.00
11/15/2024	Coupon	02582JKD1	215,000.00	AMXCA 2023-3 A 5.23 09/15/2028		937.04	937.04
11/15/2024	Coupon	47787CAC7	195,000.00	JDOT 2023-C A3 5.48 05/15/2028		890.50	890.50
11/15/2024	Coupon	91282CDH1	300,000.00	UNITED STATES TREASURY 0.75 11/15/2024		1,125.00	1,125.00
11/15/2024	Final Maturity	91282CDH1	300,000.00	UNITED STATES TREASURY 0.75 11/15/2024	300,000.00		300,000.00
11/18/2024	Coupon	36267KAD9	45,000.00	GMCAR 2023-3 A3 5.45 06/16/2028		204.38	204.38
11/20/2024	Coupon	379929AD4	45,000.00	GMALT 2023-3 A3 5.38 11/20/2026		201.75	201.75
11/25/2024	Coupon	05592XAD2	40,000.00	BMWOT 2023-A A3 5.47 02/25/2028		182.33	182.33
November 2024 Total					**860,000.00**	**6,466.00**	**866,466.00**
DECEMBER 2024							
12/16/2024	Coupon	02582JKD1	215,000.00	AMXCA 2023-3 A 5.23 09/15/2028		937.04	937.04
12/16/2024	Coupon	36267KAD9	45,000.00	GMCAR 2023-3 A3 5.45 06/16/2028		204.38	204.38
12/16/2024	Coupon	47787CAC7	195,000.00	JDOT 2023-C A3 5.48 05/15/2028		890.50	890.50
12/16/2024	Coupon	857477AN3	250,000.00	STATE STREET CORP 3.3 12/16/2024		4,125.00	4,125.00
12/16/2024	Final Maturity	857477AN3	250,000.00	STATE STREET CORP 3.3 12/16/2024	250,000.00		250,000.00
12/16/2024	Coupon	91282CDN8	300,000.00	UNITED STATES TREASURY 1.0 12/15/2024		1,500.00	1,500.00
12/16/2024	Final Maturity	91282CDN8	300,000.00	UNITED STATES TREASURY 1.0 12/15/2024	300,000.00		300,000.00
12/19/2024	Final Maturity	912797LQ8	250,000.00	UNITED STATES TREASURY 12/19/2024	250,000.00		250,000.00
12/20/2024	Coupon	379929AD4	45,000.00	GMALT 2023-3 A3 5.38 11/20/2026		201.75	201.75
12/25/2024	Coupon	05592XAD2	40,000.00	BMWOT 2023-A A3 5.47 02/25/2028		182.33	182.33
December 2024 Total					**800,000.00**	**8,041.00**	**808,041.00**
JANUARY 2025							
01/10/2025	Coupon	06368FAE9	260,000.00	BANK OF MONTREAL 1.5 01/10/2025		1,950.00	1,950.00
01/10/2025	Final Maturity	06368FAE9	260,000.00	BANK OF MONTREAL 1.5 01/10/2025	260,000.00		260,000.00
01/13/2025	Coupon	02665WEA5	260,000.00	AMERICAN HONDA FINANCE CORP 1.5 01/13/2025		1,950.00	1,950.00
01/13/2025	Final Maturity	02665WEA5	260,000.00	AMERICAN HONDA FINANCE CORP 1.5 01/13/2025	260,000.00		260,000.00

Payment Date	Transaction Type	CUSIP	Quantity	Security Description	Principal Amount	Income	Total Amount
01/15/2025	Coupon	02582JKD1	215,000.00	AMXCA 2023-3 A 5.23 09/15/2028		937.04	937.04
01/15/2025	Coupon	47787CAC7	195,000.00	JDOT 2023-C A3 5.48 05/15/2028		890.50	890.50
01/15/2025	Coupon	91282CDS7	250,000.00	UNITED STATES TREASURY 1.125 01/15/2025		1,406.25	1,406.25
01/15/2025	Final Maturity	91282CDS7	250,000.00	UNITED STATES TREASURY 1.125 01/15/2025	250,000.00		250,000.00
01/15/2025	Coupon	91282CGE5	500,000.00	UNITED STATES TREASURY 3.875 01/15/2026		9,687.50	9,687.50
01/16/2025	Coupon	36267KAD9	45,000.00	GMCAR 2023-3 A3 5.45 06/16/2028		204.38	204.38
01/20/2025	Coupon	379929AD4	45,000.00	GMALT 2023-3 A3 5.38 11/20/2026		201.75	201.75
01/27/2025	Coupon	05592XAD2	40,000.00	BMWOT 2023-A A3 5.47 02/25/2028		182.33	182.33
January 2025 Total					**770,000.00**	**17,409.75**	**787,409.75**
FEBRUARY 2025							
02/07/2025	Coupon	63743HFC1	260,000.00	NATIONAL RURAL UTILITIES COOPERATIVE FINANCE CORP 1.875 02/07/2025		2,437.50	2,437.50
02/07/2025	Final Maturity	63743HFC1	260,000.00	NATIONAL RURAL UTILITIES COOPERATIVE FINANCE CORP 1.875 02/07/2025	260,000.00		260,000.00
02/17/2025	Coupon	36267KAD9	45,000.00	GMCAR 2023-3 A3 5.45 06/16/2028		204.38	204.38
02/17/2025	Coupon	47787CAC7	195,000.00	JDOT 2023-C A3 5.48 05/15/2028		890.50	890.50
02/18/2025	Coupon	02582JKD1	215,000.00	AMXCA 2023-3 A 5.23 09/15/2028		937.04	937.04
02/20/2025	Coupon	379929AD4	45,000.00	GMALT 2023-3 A3 5.38 11/20/2026		201.75	201.75
02/20/2025	Principal Paydown	379929AD4	45,000.00	GMALT 2023-3 A3 5.38 11/20/2026	2,342.36		2,342.36
02/24/2025	Coupon	06406HDA4	260,000.00	BANK OF NEW YORK MELLON CORP 3.0 02/24/2025		3,900.00	3,900.00
02/24/2025	Final Maturity	06406HDA4	260,000.00	BANK OF NEW YORK MELLON CORP 3.0 02/24/2025	260,000.00		260,000.00
02/25/2025	Coupon	05592XAD2	40,000.00	BMWOT 2023-A A3 5.47 02/25/2028		182.33	182.33
February 2025 Total					**522,342.36**	**8,753.50**	**531,095.86**
MARCH 2025							
03/03/2025	Coupon	30231GAT9	500,000.00	EXXON MOBIL CORP 3.043 03/01/2026		7,607.50	7,607.50
03/17/2025	Coupon	00440EAS6	250,000.00	CHUBB INA HOLDINGS LLC 3.15 03/15/2025		3,937.50	3,937.50
03/17/2025	Final Maturity	00440EAS6	250,000.00	CHUBB INA HOLDINGS LLC 3.15 03/15/2025	250,000.00		250,000.00
03/17/2025	Coupon	02582JKD1	215,000.00	AMXCA 2023-3 A 5.23 09/15/2028		937.04	937.04
03/17/2025	Coupon	36267KAD9	45,000.00	GMCAR 2023-3 A3 5.45 06/16/2028		204.38	204.38
03/17/2025	Coupon	47787CAC7	195,000.00	JDOT 2023-C A3 5.48 05/15/2028		890.50	890.50

Payment Date	Transaction Type	CUSIP	Quantity	Security Description	Principal Amount	Income	Total Amount
03/20/2025	Coupon	379929AD4	45,000.00	GMALT 2023-3 A3 5.38 11/20/2026		191.25	191.25
03/20/2025	Principal Paydown	379929AD4	45,000.00	GMALT 2023-3 A3 5.38 11/20/2026	3,551.52		3,551.52
03/25/2025	Coupon	05592XAD2	40,000.00	BMWOT 2023-A A3 5.47 02/25/2028		182.33	182.33
03/25/2025	Principal Paydown	05592XAD2	40,000.00	BMWOT 2023-A A3 5.47 02/25/2028	882.88		882.88
03/31/2025	Coupon	3130ARF55	3,000,000.00	FEDERAL HOME LOAN BANKS 2.6 03/30/2027		39,000.00	39,000.00
March 2025 Total					**254,434.40**	**52,950.50**	**307,384.90**
APRIL 2025							
04/01/2025	Coupon	89236TGX7	260,000.00	TOYOTA MOTOR CREDIT CORP 3.0 04/01/2025		3,900.00	3,900.00
04/01/2025	Final Maturity	89236TGX7	260,000.00	TOYOTA MOTOR CREDIT CORP 3.0 04/01/2025	260,000.00		260,000.00
04/14/2025	Coupon	023135CE4	500,000.00	AMAZON.COM INC 3.0 04/13/2025		7,500.00	7,500.00
04/14/2025	Final Maturity	023135CE4	500,000.00	AMAZON.COM INC 3.0 04/13/2025	500,000.00		500,000.00
04/14/2025	Coupon	3130ARFY2	3,000,000.00	FEDERAL HOME LOAN BANKS 3.0 04/14/2025		45,000.00	45,000.00
04/14/2025	Final Maturity	3130ARFY2	3,000,000.00	FEDERAL HOME LOAN BANKS 3.0 04/14/2025	3,000,000.00		3,000,000.00
04/14/2025	Coupon	3130ARGD7	3,000,000.00	FEDERAL HOME LOAN BANKS 4.0 04/14/2025		60,000.00	60,000.00
04/14/2025	Final Maturity	3130ARGD7	3,000,000.00	FEDERAL HOME LOAN BANKS 4.0 04/14/2025	3,000,000.00		3,000,000.00
04/15/2025	Coupon	02582JKD1	215,000.00	AMXCA 2023-3 A 5.23 09/15/2028		937.04	937.04
04/15/2025	Coupon	47787CAC7	195,000.00	JDOT 2023-C A3 5.48 05/15/2028		890.50	890.50
04/15/2025	Coupon	756109AV6	260,000.00	REALTY INCOME CORP 3.875 04/15/2025		5,037.50	5,037.50
04/15/2025	Final Maturity	756109AV6	260,000.00	REALTY INCOME CORP 3.875 04/15/2025	260,000.00		260,000.00
04/16/2025	Coupon	36267KAD9	45,000.00	GMCAR 2023-3 A3 5.45 06/16/2028		204.38	204.38
04/21/2025	Coupon	379929AD4	45,000.00	GMALT 2023-3 A3 5.38 11/20/2026		175.33	175.33
04/21/2025	Principal Paydown	379929AD4	45,000.00	GMALT 2023-3 A3 5.38 11/20/2026	6,016.18		6,016.18
04/25/2025	Coupon	05592XAD2	40,000.00	BMWOT 2023-A A3 5.47 02/25/2028		178.31	178.31
04/25/2025	Principal Paydown	05592XAD2	40,000.00	BMWOT 2023-A A3 5.47 02/25/2028	2,384.46		2,384.46
04/29/2025	Coupon	3134GW6Z4	3,000,000.00	FEDERAL HOME LOAN MORTGAGE CORP 0.48 05/29/2025		7,200.00	7,200.00
April 2025 Total					**7,028,400.64**	**131,023.05**	**7,159,423.69**
MAY 2025							
05/15/2025	Coupon	02582JKD1	215,000.00	AMXCA 2023-3 A 5.23 09/15/2028		937.04	937.04
05/15/2025	Coupon	47787CAC7	195,000.00	JDOT 2023-C A3 5.48 05/15/2028		890.50	890.50
05/16/2025	Coupon	36267KAD9	45,000.00	GMCAR 2023-3 A3 5.45 06/16/2028		204.38	204.38
05/16/2025	Principal Paydown	36267KAD9	45,000.00	GMCAR 2023-3 A3 5.45 06/16/2028	551.57		551.57

Payment Date	Transaction Type	CUSIP	Quantity	Security Description	Principal Amount	Income	Total Amount
05/20/2025	Coupon	379929AD4	45,000.00	GMALT 2023-3 A3 5.38 11/20/2026		148.35	148.35
05/20/2025	Principal Paydown	379929AD4	45,000.00	GMALT 2023-3 A3 5.38 11/20/2026	5,677.69		5,677.69
05/26/2025	Coupon	05592XAD2	40,000.00	BMWOT 2023-A A3 5.47 02/25/2028		167.44	167.44
05/26/2025	Principal Paydown	05592XAD2	40,000.00	BMWOT 2023-A A3 5.47 02/25/2028	2,265.89		2,265.89
05/29/2025	Coupon	3134GW6Z4	3,000,000.00	FEDERAL HOME LOAN MORTGAGE CORP 0.48 05/29/2025		1,200.00	1,200.00
05/29/2025	Final Maturity	3134GW6Z4	3,000,000.00	FEDERAL HOME LOAN MORTGAGE CORP 0.48 05/29/2025	3,000,000.00		3,000,000.00
May 2025 Total					**3,008,495.14**	**3,547.71**	**3,012,042.85**
Grand Total			**57,840,000.00**		**16,459,887.46**	**445,525.51**	**16,905,412.97**

IMPORTANT DISCLOSURES

City of Banning | Account #11089 | As of June 30, 2024

Chandler Asset Management, Inc. ("Chandler") is an SEC registered investment adviser. For additional information about our firm, please see our current disclosures (Form ADV). To obtain a copy of our current disclosures, you may contact your client service representative by calling the number on the front of this statement or you may visit our website at www.chandlerasset.com.

Information contained in this monthly statement is confidential and is provided for informational purposes only and should not be construed as specific investment or legal advice. The information contained herein was obtained from sources believed to be reliable as of the date of this statement, but may become outdated or superseded at any time without notice.

Custody: Your qualified custodian bank maintains control of all assets reflected in this statement and we urge you to compare this statement to the one you receive from your qualified custodian. Chandler does not have any authority to withdraw or deposit funds from/to the custodian account.

Valuation: Prices are provided by IDC, an independent pricing source. In the event IDC does not provide a price or if the price provided is not reflective of fair market value, Chandler will obtain pricing from an alternative approved third party pricing source in accordance with our written valuation policy and procedures. Our valuation procedures are also disclosed in Item 5 of our Form ADV Part 2A.

Performance: Performance results are presented gross-of-advisory fees and represent the client's Total Return. The deduction of advisory fees lowers performance results. These results include the reinvestment of dividends and other earnings. Past performance may not be indicative of future results. Therefore, clients should not assume that future performance of any specific investment or investment strategy will be profitable or equal to past performance levels. All investment strategies have the potential for profit or loss. Economic factors, market conditions or changes in investment strategies, contributions or withdrawals may materially alter the performance and results of your portfolio.

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Index returns assume reinvestment of all distributions. Historical performance results for investment indexes generally do not reflect the deduction of transaction and/or custodial charges or the deduction of an investment management fee, the incurrence of which would have the effect of decreasing historical performance results. It is not possible to invest directly in an index.

Ratings: Ratings information have been provided by Moody's, S&P and Fitch through data feeds we believe to be reliable as of the date of this statement, however we cannot guarantee its accuracy.

Security level ratings for U.S. Agency issued mortgage-backed securities ("MBS") reflect the issuer rating because the securities themselves are not rated. The issuing U.S. Agency guarantees the full and timely payment of both principal and interest and carries a AA+/Aaa/AAA by S&P, Moody's and Fitch respectively.

BENCHMARK INDEX & DISCLOSURES

City of Banning | Account #11089 | As of June 30, 2024

Benchmark	Disclosure
ICE BofA 0-1 Yr US Treasury Index	The ICE BAML 0-1 Year US Treasury Index tracks the performance of US Dollar denominated Sovereign debt publically issued by the US government in its domestic market with maturities less than two years. Qualifying securities must haveat least one month and less than one years remaining term to final maturity, a fixed coupon schedule and a minimum amount outstanding of $1 billion. (Index: G0QA. Please visit www.mlindex.ml.com for more information)

State of California
Pooled Money Investment Account
Market Valuation
6/30/2023

Description	Carrying Cost Plus Accrued Interest Purch.	Amortized Cost	Fair Value	Accrued Interest
United States Treasury:				
Bills	$ 26,007,755,477.17	$ 26,399,578,085.33	$ 26,373,531,500.00	NA
Notes	$ 86,519,529,543.76	$ 86,509,828,710.82	$ 84,164,502,000.00	$ 284,909,808.50
Federal Agency:				
SBA	$ 304,224,258.70	$ 304,224,258.70	$ 303,681,095.57	$ 1,346,489.58
MBS-REMICs	$ 2,861,107.99	$ 2,861,107.99	$ 2,796,239.71	$ 12,733.34
Debentures	$ 8,945,771,764.62	$ 8,944,151,139.64	$ 8,759,821,400.00	$ 55,422,809.00
Debentures FR	$ -	$ -	$ -	$ -
Debentures CL	$ 1,700,000,000.00	$ 1,700,000,000.00	$ 1,647,748,000.00	$ 10,856,492.50
Discount Notes	$ 24,944,635,104.19	$ 25,263,483,034.62	$ 25,266,731,500.00	NA
Supranational Debentures	$ 2,922,770,687.63	$ 2,922,770,687.63	$ 2,850,780,700.00	$ 18,059,340.40
Supranational Debentures FR	$ -	$ -	$ -	$ -
CDs and YCDs FR	$ -	$ -	$ -	$ -
Bank Notes	$ 200,000,000.00	$ 200,000,000.00	$ 199,864,525.38	$ 4,632,083.33
CDs and YCDs	$ 13,200,000,000.00	$ 13,200,000,000.00	$ 13,189,091,719.79	$ 224,912,305.57
Commercial Paper	$ 7,730,447,541.69	$ 7,808,541,430.55	$ 7,803,585,652.74	NA
Corporate:				
Bonds FR	$ -	$ -	$ -	$ -
Bonds	$ 463,858,804.42	$ 463,789,526.64	$ 438,964,830.00	$ 3,327,576.53
Repurchase Agreements	$ -	$ -	$ -	$ -
Reverse Repurchase	$ -	$ -	$ -	$ -
Time Deposits	$ 5,082,000,000.00	$ 5,082,000,000.00	$ 5,082,000,000.00	NA
PMIA & GF Loans	$ 358,954,000.00	$ 358,954,000.00	$ 358,954,000.00	NA
TOTAL	$ 178,382,808,290.17	$ 179,160,181,981.92	$ 176,442,053,163.19	$ 603,479,638.75

Fair Value Including Accrued Interest $ 177,045,532,801.94

Repurchase Agreements, Time Deposits, PMIA & General Fund loans, and
Reverse Repurchase agreements are carried at portfolio book value (carrying cost).

The value of each participating dollar equals the fair value divided by the amortized cost (0.984828499).
As an example: if an agency has an account balance of $20,000,000.00, then the agency would report its participation in the LAIF valued at $19,696,569.99 or $20,000,000.00 x 0.984828499.

PMIA/LAIF Performance Report as of 7/17/24

Quarterly Performance Quarter Ended 06/30/24

LAIF Apportionment Rate[2]:	4.55
LAIF Earnings Ratio[2]:	0.00012419067099490
LAIF Administrative Cost[1]*:	TBD
LAIF Fair Value Factor[1]:	0.996316042
PMIA Daily[1]:	4.52
PMIA Quarter to Date[1]:	4.36
PMIA Average Life[1]:	217

PMIA Average Monthly Effective Yields[1]

June	**4.480**
May	4.332
April	4.272
March	4.232
February	4.122
January	4.012

Pooled Money Investment Account Monthly Portfolio Composition [1] 5/31/24 $162.3 billion

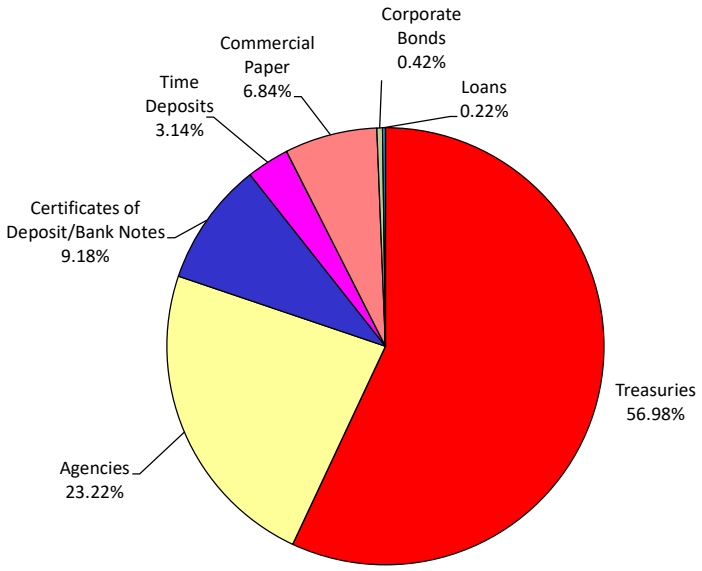

Chart does not include $1,943,000.00 in mortgages, which equates to 0.001%. Percentages may not total 100% due to rounding.

Daily rates are now available here. **View PMIA Daily Rates**

Notes: The apportionment rate includes interest earned on the CalPERS Supplemental Pension Payment pursuant to Government Code 20825 (c)(1) and interest earned on the Wildfire Fund loan pursuant to Public Utility Code 3288 (a).

**The percentage of administrative cost equals the total administrative cost divided by the quarterly interest earnings. The l aw provides that administrative costs are not to exceed 5% of quarterly EARNINGS of the fund. However, if the 13 -week Daily Treasury Bill Rate on the last day of the fiscal year is below 1%, then administrative costs shall not exceed 8% of quarterly EARNINGS of the fund for the subseque nt fiscal year.*

Source:
[1] State of California, Office of the Treasurer
[2] State of Calfiornia, Office of the Controller

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Lincoln Bogard, Administrative Services Director** **Lincoln Bogard, Administrative Services Director**
MEETING DATE:	**August 27, 2024**
SUBJECT:	**Receipts, Disbursements, & Fund Balances Reporting for Fiscal Year 2023-24, Period 12, June 2024, and Fiscal Year 2024-25, Period 1, July 2024**

RECOMMENDATION:

Receive and file.

BACKGROUND:

Per Government Code Section 41004, Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. The city treasurer shall file a copy with the legislative body.

JUSTIFICATION:

Reporting mandated by Government Code Section 41001.

FISCAL IMPACT:

None. This report only shows the results of operations.

ALTERNATIVES:

Not Applicable.

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. Receipts and Disbursements FY2024 AP12.pdf
2. Vendor Detail FY2024 AP12-13.pdf
3. Cash Balances FY2024 AP12.pdf
4. FY 2023-24 Preliminary June Fund Balances - OpenGov.pdf
5. Receipts and Disbursements FY2025 AP01.pdf
6. Vendor Detail FY2025 AP01.pdf

7. Cash Balances FY2025 AP01.pdf
8. FY 2024-25 Preliminary July Fund Balances - OpenGov.pdf

Receipts, Disbursements, and Net Cash Flows

		FY	Period	Values
		24		
		12		
Fund	Fund Description	Receipts	Disbursements	Net Cash Flow
001	GENERAL FUND	13,400,489.13	5,561,546.34	7,838,942.79
002	DEVELOPER DEPOSIT FUND	255,897.48	52,809.17	203,088.31
005	ADMIN ALLOWANCE FUND	0.00	1,940.61	(1,940.61)
100	GAS TAX STREET FUND	162,347.27	621,591.10	(459,243.83)
101	MEASURE A STREET FUND	185,282.47	5,847.87	179,434.60
102	RMRA (SB1) GAS TAX FUND	73,011.31	1,679.54	71,331.77
110	CDBG FUND	30,335.60	750.96	29,584.64
111	LANDSCAPE MAINTENANCE FD	0.00	15,101.36	(15,101.36)
132	AIR QUALITY IMPROVEMT FD	10,853.51	86.87	10,766.64
150	STATE PARK BOND ACT FUND	0.00	7.13	(7.13)
200	SPECIAL DONATION FUND	1,003.00	326.49	676.51
201	SENIOR CTR ACTIVITIES FD	721.00	416.61	304.39
202	ANIMAL CONTROL RESERVE FD	0.00	7.13	(7.13)
203	POLICE VOLUNTEER FUND	0.00	49.84	(49.84)
222	ARPA-AMERICA RESCUE PLAN	0.00	59,686.17	(59,686.17)
370	AREA POLICE COMPUTER FUND	0.00	193.81	(193.81)
375	FAIR OAKS AD #2004-1 DEBT	0.00	537.60	(537.60)
376	CAMEO HOMES FUND	0.00	554.54	(554.54)
400	P/FACILITIES DVLP FUND	0.00	48.47	(48.47)
410	F/FACILITY DEVELOPMENT FD	0.00	52.74	(52.74)
420	TRAFFIC CONTROL FACIL FD	0.00	173.89	(173.89)
430	GENERAL FACILITIES FUND	0.00	49.89	(49.89)
444	WILSON MEDIAN FUND	0.00	34.21	(34.21)
451	PARK DEVELOPMENT FUND	177,952.00	219.78	177,732.22
470	CAPITAL IMPROVEMENT FUND	0.00	22.10	(22.10)
600	AIRPORT FUND	7,734.99	44,327.78	(36,592.79)
610	TRANSIT FUND	315,348.22	638,902.78	(323,554.56)
660	WATER FUND	1,210,759.78	1,024,608.43	186,151.35
661	WATER CAPITAL FACIL FUND	9,744.00	4,212.50	5,531.50
670	ELECTRIC FUND	3,468,200.60	5,056,927.13	(1,588,726.53)
673	ELECTRIC IMPROVEMENT FUND	0.00	67,892.93	(67,892.93)
675	PUBLIC BENEFIT FUND	60,003.62	50,835.75	9,167.87
678	07 ELEC REV BDS DEBT SVC	1,987,814.53	250.00	1,987,564.53
680	WASTEWATER FUND	846,839.53	712,599.18	134,240.35
681	WASTEWATER CAP FACIL FUND	5,061.00	19,196.09	(14,135.09)
682	WWTR TERTIARY FUND	32,114.64	0.00	32,114.64
690	REFUSE FUND	10,684.53	6,214,824.91	(6,204,140.38)

Receipts, Disbursements, and Net Cash Flows

		FY	Period	Values
		24		
		12		
700	RISK MANAGEMENT FUND	858,180.74	168,392.85	689,787.89
702	FLEET MAINTENANCE FUND	593,999.43	193,886.81	400,112.62
703	INFORMAT'N SYSTEMS SVC FD	169,189.32	197,290.96	(28,101.64)
704	BUILDING MAINTENANCE	413,231.66	46,521.74	366,709.92
705	SUPPORT SERVICES	388,521.06	345,838.50	42,682.56
761	UTL BILL, ACCT & COLL SVC	648,221.97	291,320.34	356,901.63
805	REDEV OBLIGAT'N RETIRE FD	1,902,420.00	18.53	1,902,401.47
810	SA-LOW/MOD FUND	0.00	69,636.90	(69,636.90)
830	SA-DEBT SERVICE FUND	0.00	99.40	(99.40)
840	BEA CAPITAL PROJECTS FUND	0.00	8,748.98	(8,748.98)
841	BEA L/M CAP PROJECTS FUND	0.00	11.40	(11.40)
850	SA-ADMIN FUND	0.00	1,283.00	(1,283.00)
Grand Total		27,225,962.39	21,481,361.11	5,744,601.28

Payments Per Fund June 2024

Sum of Tran Amt	Column Labels
Row Labels	24
001	3,540,328.24
002	62,345.17
100	42,618.54
101	166,351.34
111	4,439.14
201	169.78
222	28,727.83
430	7,264.48
600	13,989.14
610	5,074.70
660	742,263.71
661	2,072.50
670	1,510,148.74
673	187,306.25
675	24,545.78
678	250.00
680	444,001.80
681	12,413.68
690	737.22
700	84,729.71
702	58,951.40
703	17,448.22
704	27,913.57
705	31,533.95
761	8,880.98
810	65,323.11
Grand Total	7,089,828.98

Vendor Total June 2024

Sum of Tran Amt		FY
Vendor Name	Vendor No	24
908 DEVICES INC	8776	76,299.23
A.Y. NURSERY INC	8782	12,121.88
ABBOTT, CELIA	7508	195.00
ADVANCED WORKPLACE STRATEGIES INC	4781	234.35
AED ENERGY SERVICES LLC	8694	8,172.50
ALBERT A. WEBB ASSOCIATES	3065	178,245.52
ALL STAR ELITE SPORTS	7098	1,952.17
ALLISON MECHANICAL INC	7545	1,098.98
ALTA LANGUAGE SERVICES INC	8714	66.00
AMAZON BUSINESS	7468	2,675.56
AMERICAN FIDELITY ASSURANCE	8584	25,491.14
AMERICAN FORENSIC NURSES	4265	1,978.39
ARCE, PAUL	8331	168.00
ARIAS DE RAMIREZ, LEONILA	8509	195.00
ARTISTIC MAINTENANCE, INC.	5946	4,439.14
AT&T CALNET 2	6175	1,728.48
AT&T MOBILITY LLC	8147	3,004.54
ATBACKGROUNDS	7667	259.11
ATWORK PERSONNEL SERVICES	7937	3,822.16
AURIGA CORPORATION	8259	1,750.00
BABCOCK LABORATORIES, INC	6774	3,827.21
BANNING POLICE OFFICERS ASSOC.	7990	2,760.30
BARBARA SINATRA CHILDREN'S CENTER	4178	306.00
BARR DOOR, INC	6710	2,651.07
BASTIN, RYAN	8778	215.50
BATDORF, JACQUELINE	8650	195.00
BEAUMONT CHERRY VALLEY WATER	3674	1,959.54
BEAUMONT DO IT BEST HOME CENTER	6091	2,482.20
BEAUMONT SAFE & LOCK	951	109.00
BECERRA, ELADIO	6575	195.00
BENAVIDES, SUSIE	8773	183.32
BENHAR, DIANA T	7099	742.00
BIG TEX TRAILER WORLD	2643	11,953.79
BIO-TOX LABORATORIES	2051	478.00
BLAIS & ASSOCIATES, LLC	7612	21,067.50
BLAISDELL'S BUSINESS PRODUCTS	8271	1,835.05

Vendor Total June 2024

908 DEVICES INC	8776	76,299.23
BLEIER, TODD	7816	300.00
BLOOMHUFF, NINA	5704	255.00
BOGARD, LINCOLN	8420	44.82
BOOTH, CATHY	7085	195.00
BOSTON, LINDA	6362	195.00
BOUSLOG, STACY	6498	300.00
BRAVO, ARLYN	8484	230.45
BUDD-FALEN LAW OFFICES, LLC.	7651	7,350.00
BURKE, WILLIAMS & SORENSON LLP	3991	1,240.00
BUSINESS TELECOMMUNICATION	6702	1,549.57
CA. ST. DEPT. OF FORESTRY	3220	1,135.40
CA. ST. EMPLOYMENT DEV. DEPT.	985	93,380.33
CA. ST. PUBLIC EMPLOYEES	997	522,714.50
CALIFORNIA DEPT OF TAX AND FEE ADMN	1756	9,604.00
CALIFORNIA LAW ENFORCE ASSN	3780	1,088.00
CALIFORNIA WATER ENVIRONMENT	4042	540.00
CALIFORNIA-NEVADA J.A.T.C.	3958	32,000.00
CAMPA, ERIC	7287	195.00
CANALES, SILVERIO	7796	195.00
CANO, ALONDRA	8800	97.50
CANON FINANCIAL SERVICES, INC	7078	2,053.53
CARLOS, MARIO	8753	72.42
CASC ENGINEERING AND CONSULTING INC	6874	18,050.00
CASTANEDA, SANDRA	6396	250.00
CDW GOVERNMENT, LLC	4253	5,574.52
CEDILLO, CHANTAL	8795	2,400.00
CELL BUSINESS EQUIPMENT (CBE)	7033	2,119.23
CENTER ELECTRIC SERVICES, INC	5307	2,942.88
CHANDLER ASSET MANAGEMENT INC	8471	4,074.67
CHARTER COMMUNICATIONS	8150	449.70
CICCS	8578	1,097.50
CINTAS CORPORATION	7061	6,577.04
CITY OF BANNING (BNG)	8274	964.23
CITY OF BANNING PUBLIC WORKS	8781	16,000.00
CITY OF BANNING UTILITIES OPV	7992	1,698.72
CLAYTON, NETA	8798	65.00
COLLINS, ELIZABETH	5468	195.00

Vendor Total June 2024

908 DEVICES INC	8776	76,299.23
CONCENTRA MEDICAL CENTERS	8153	922.00
CORE & MAIN, LP	7772	13,181.86
CORE-ROSION PRODUCTS	5735	23,968.98
CORNELL, JOE	8380	195.00
CORNERSTONE DEVELOPMENT CO.	8000	63,610.00
CORPORATION SERVICE COMPANY	8102	82.00
COUNSELING TEAM INTERNATIONAL, THE	2232	700.00
COUNTY OF RIVERSIDE DOEH	1901	1,892.00
COUTS HEATING & COOLING, INC	5345	2,457.80
CRABTREE, JEFFREY	7626	195.00
CRAIN, MARK	8385	195.00
CRIME SCENE STERI-CLEAN, LLC	6507	1,599.00
CTC TECHNOLOGY AND ENERGY	8661	76,803.25
CURRY, ANITA	8742	317.00
CYBERTIME NETWORK COMMUNICATIONS	6189	4,504.00
D&M JOB INC.	7696	53.88
DATUIN JR, CORNELIO	5335	300.00
DE LA HOYA, JUAN	8651	32.50
DELL MARKETING LP	3787	4,981.70
DELTA DENTAL INSURANCE COMPANY	8123	955.92
DELTA DENTAL OF CALIFORNIA	8108	7,614.07
DEPT. OF INDUSTRIAL RELATIONS	2492	682.50
DEUSENBERRY, DANIEL	7070	129.00
DEWALT, RICK	8663	195.00
DIAMOND ENVIRONMENTAL SERVICES	6517	358.89
DIAMOND HILLS CHEVROLET BUICK GMC	7082	53.75
DLT SOLUTIONS, LLC	5302	16,345.47
DOBBINS, DEANN LOUISE	7512	117.60
DUDEK	7112	141,121.14
ECCLESTONE, CHERYL	7195	195.00
EIDE BAILLY LLP	8531	8,066.75
ELECTRIC POWER SYSTEMS INT, INC.	7380	45,143.00
ELLIOTT, PATRICIA	8144	195.00
EMPOWER ANNUITY INSURANCE COMPANY	8702	77,338.06
ENGINEERING RESOURCES OF SO CA	7565	145,302.26
ENTERPRISE FM TRUST	7536	27,560.88
ENTERPRISE RENT-A-CAR	2753	752.57

Vendor Total June 2024

908 DEVICES INC	8776	76,299.23
EPSILON ENGINEERING, INC	8540	7,264.48
ESTERSON, LORI	7969	195.00
ETHIER, GREG	8302	195.00
EXECUTIVE FACILTIES SERVICES INC	8518	15,187.69
FALTO, CONSTANCE	7102	195.00
FAST LUBE & TUNE	6794	671.64
FLETCHER, CORAL	8535	195.00
FLETCHER, TERRI	5651	195.00
FLORES, IRMA	8803	65.00
FRANCO, JUAN	7218	250.00
FRONTIER COMMUNICATIONS	7053	5,986.36
FUN EXPRESS	7117	244.12
G & G ENVIRONMENTAL COMPLIANCE, INC	5602	13,945.00
GAS COMPANY, THE	1375	3,963.42
GERARD DANIEL WORLDWIDE	8767	453.62
GRAINGER	448	1,033.55
GREEN DREAM INTERNATIONAL LLC	8536	1,367.63
GREYBAR PRINTING	2470	193.14
GUZMAN, SUSANA	7288	195.00
H & L CHARTER CO, INC	6308	4,201.50
HAAKER EQUIPMENT COMPANY	205	2,109.25
HALLOCK, DENNIS	6232	195.00
HARDEE, TIMOTHY	8665	195.00
HARDING, JOHN & ANN	7002	84.93
HARDY & HARPER, INC	6817	28,920.00
HARGROVE, JOHN	7777	75.25
HARRIS, ANNE	8796	65.00
HAZEN AND SAWYER	6977	442.50
HEISS, SUZANNA	7987	195.00
HEMET VALLEY TOOL, INC	7766	117.78
HERC RENTALS INC.	6746	701.58
HERNANDEZ, CARLA	7557	875.00
HERRERA, SANDRA	8036	195.00
HOME DEPOT #8987	5365	1,200.36
HOPKINS, VICKI	7624	195.00
HUERTA JR., GILBERT	7697	420.00
HUERTA LOPEZ, TUNNIA A	8736	280.00

Vendor Total June 2024

908 DEVICES INC	8776	76,299.23
I.B.E.W. LOCAL 47	1146	10,837.30
I.B.E.W. LOCAL 47 (PAC)	4086	40.00
IBEW LOCAL 47 RETIREE MEDICAL TRUST	5217	6,100.44
IMEG CONSULTANTS CORP	8667	17,675.00
IMPERIAL SUPPLIES, LLC	7970	172.89
IN GEAR TECHNOLOGY	8637	4,171.76
INDEPENDENT REVIEW INVESTIGATIONS	8761	5,700.00
INFOSEND, INC	6490	6,420.60
INNOVATIVE EMERGENCY EQUIPMENT	7066	308.03
INNOVATIVE FEDERAL STRATEGIES	6624	4,500.00
INTERNAL REVENUE SERVICE	2484	516,272.82
INTERNATIONAL CODE COUNCIL, INC	1158	5,716.00
IRON MOUNTAIN INFORMATION MGMT, LLC	6816	142.27
JACKSON, JENNIFER	7746	79.50
JEWS, NICOLE	8232	160.00
JNE POLYGRAPH LLC	8039	425.00
JOE A GONSALVES & SON	5701	7,700.00
JOHNSON, VIVETTE	7929	195.00
KAKISH, BISHARA	8195	195.00
KEMIRA WATER SOLUTIONS INC	5794	4,736.02
KEN GRODY FORD REDLANDS	7850	4,614.62
KIMLEY-HORN AND ASSOCIATES, INC	8101	47,705.00
KOLLER, MARIE	7103	207.60
LAND ENGINEERING CONSULTANTS, INC	6632	6,000.00
LARA, TORIBIO	6856	195.00
LEXISNEXIS RISK SOLUTIONS	6618	112.55
LIEBERT CASSIDY WHITMORE	4249	20,484.50
LINCOLN FINANCIAL GROUP	8577	11,746.91
LIVINGSTON, TODD	7873	250.00
LOFTIS, MILDRED	6345	195.00
LOPEZ, ZAREK	8788	212.07
MACIEL, JOSE	6330	195.00
MANCIA, CLAUDIA	8790	40.87
MARIPOSA ECO CONSULTING, INC	7808	1,425.00
MARIPOSA LANDSCAPES, INC	8055	27,235.74
MARTINEZ, MATTHEW	6889	250.00
MASON, BARBARA	8498	3,345.24

Vendor Total June 2024

908 DEVICES INC	8776	76,299.23
MASTEN, STAR	7104	195.00
MC ARRON, SUSAN	7962	195.00
MC AVOY & MARKHAM	287	609.00
MCCLUNE, DEVIN	6890	250.00
MCFARLAND, DARLENE	7489	195.00
MERAS, DAVID	8797	195.00
MERCFUEL, INC	7980	12,624.56
MERLIN JOHNSON CONSTRUCTION, INC	3577	3,024.00
MEZA, TOMMY & GLORIA	7126	195.00
MICHAEL BAKER INTERNATIONAL, INC	7379	29,190.00
MIDDLETON, SHARON	7458	195.00
MIKE ROQUET CONSTRUCTION, INC.	8020	3,287.75
MIKULIAN, GEORGE & MARINKA	8811	896.86
MILLER, NINA	6344	195.00
MILSOFT UTILITY SOLUTIONS, INC	7548	1,929.00
MISC VENDOR	99001	5,529.05
MITCHELL, BLAKE	8466	114.22
MITSUBISHI ELECTRIC & ELECTRONICS	6402	353.87
MNS ENGINEERS INC	8768	1,240.00
MOLINA, GUILLERMO	8780	48.44
MOLINA, JUANA	8513	195.00
MORENO, ANGELA	6741	195.00
MORENO, MELBA	8801	195.00
MULLEN, CAROLYN & CHARLES	8810	1,053.38
MY COI LLC	8322	800.00
MYERING, NEAL	8301	195.00
MYERS & SONS HI-WAY SAFETY INC.	3909	257.52
N2W ENGINEERING, INC	8001	141,496.25
NHA ADVISORS, LLC	8350	2,243.75
NIETO, FRANCISCO	7563	185.00
ONESOURCE DISTRIBUTORS	5076	46,375.60
ORACLE AMERICA INC	8458	28,727.83
PACKHAM & TOOMEY, INC	7787	530.00
PALENCIA, JUSTIN	8467	136.86
PARKHOUSE TIRE, INC.	2487	3,592.73
PARS	5191	4,082.52
PARTS AUTHORITY	7789	3,036.35

Vendor Total June 2024

908 DEVICES INC	8776	76,299.23
PATTON, CAROLINE	8138	258.54
PAYPRO ADMINISTRATORS	5752	230.00
PETRUCCI, TERESA	8111	195.00
PETTY CASH CUSTODIAN - CITY YARDS	870	49.93
PETTY CASH CUSTODIAN - POLICE	2430	91.26
PETTY CASH CUSTODIAN-COMM SVCS	1974	14.07
PETTY CASH CUSTODIAN-SR CENTER	3015	27.71
PITTMAN, DAVID	7506	195.00
PLAYHOUSE BOWL ASSOCIATION, INC.	3560	2,500.00
POULIN, RICHARD	8775	1,200.00
POULTER, HANNAH	8226	1,875.50
POWER MONITORS, INC	6636	995.00
PRATT, EDWARD	6875	195.00
PRE-PAID LEGAL SERVICES, INC	4411	313.91
PROLE CITY PRODUCTIONS LLC	8777	800.00
PRUITT, CARMEN	8293	195.00
PUBLIC AGENCY RETIREMENT SERVICES	5242	300.00
PULVER, JODEANE V	8168	175.00
PYRO SPECTACULARS, INC	3111	16,000.00
QUINN COMPANY	7271	7,656.28
R&R ROOFING & WATERPROOFING INC	8747	164,673.00
RACEWAY FORD INC	4759	62.78
RDO EQUIPMENT CO	444	1,746.57
RECORD GAZETTE, THE	1555	3,108.84
REPPENHAGEN, JANE MARIE	8792	2,400.00
REZENDES, DILLON	8243	99.00
RICHARDS WATSON GERSHON	7337	88,455.88
RICK ENGINEERING COMPANY	8632	13,296.40
RILEY, ANTHONY	8615	4.29
RINALDI, LORETTA	5424	195.00
RINCON CONSULTANTS, INC.	8003	4,204.00
RIOS, MARIA FRANCISCO	8802	97.50
RISCHARD, ROBERT	8512	195.00
RIV. CO. HEALTH SVCS AGENCY	2526	207.00
RIV. CO. REGIONAL PARK & OPEN SPACE	8521	196.00
RIVCO EMD	8335	11,250.00
RIVERA, KATHLEEN	7529	195.00

Vendor Total June 2024

908 DEVICES INC	8776	76,299.23
RIVERSIDE COUNTY SHERIFF-PSEC	2938	9,730.58
RIVERSIDE PUBLIC UTILITIES	4433	1,362,985.43
RIVERSIDE UNIVERSITY HEALTH SYSTEM	7998	1,200.00
RIVERSIDE, COUNTY OF	1317	330.50
ROBERT HALF INTERNATIONAL	5151	4,868.64
ROBINSON, BRANDON A	6532	300.00
ROCHA, MARGARET	8511	195.00
RODRIGUEZ, SANDRA	8655	65.00
SAN BERNARDINO PUBLIC EMPLOYEES	5998	2,824.86
SAN GORGONIO PASS WATER AGENCY	3125	399,000.00
SATELLITE PHONE STORE	8235	307.95
SC FUELS	7727	27,178.39
SCA OF CA, LLC	8231	10,080.00
SERVIAM BY WRIGHT LLP	7131	4,754.50
SGP DESIGN AND PRINT	5901	338.25
SHRED-IT USA, LLC	6993	327.01
SIQUEIROS, JUANA	8415	195.00
SITEONE LANDSCAPE SUPPLY	7095	889.27
SKILLS, INC	7470	8,400.00
SKINNER, DEBORAH & ROY	7199	255.00
SMART & FINAL	1561	1,957.23
SMITH, FRED	8510	195.00
SO CAL JOINT POLE COMMITTEE	1373	1,090.30
SOFTWARE ONE, INC	7083	7,030.12
SONSRAY FLEET SERVICES	4753	1,625.23
SOUTH COAST AIR QUALITY	1370	5,826.57
SOUTHERN CALIFORNIA EDISON	1371	4,035.17
SOUTHERN CALIFORNIA EDISON COMPANY	2535	119.00
STAFFORD, CHERYL	7246	30.45
STAPLES BUSINESS ADVANTAGE	7084	2,622.04
STATE OF CALIFORNIA DOJ	4000	2,834.00
STOCKMAN, JULIA	8735	490.00
STOCKTON CONSULTING	6222	1,237.50
STONE, IDA	7264	195.00
TAPIA, SALOMON	8538	195.00
TASC	5885	6,098.80
TELEPACIFIC COMMUNICATIONS	6583	1,559.92

Vendor Total June 2024

908 DEVICES INC	8776	76,299.23
TEXAS LIFE INSURANCE COMPANY	8576	6,324.36
THOMPSON COBURN, LLP	6895	4,028.47
TIME WARNER CABLE	4412	1,975.70
TKE ENGINEERING, INC	6861	29,302.00
TOP-LINE INDUSTRIAL SUPPLY, LCC	7976	287.87
TRENCH SHORING COMPANY	4540	1,272.41
TRILLIUM SOLUTIONS, INC	7941	3,000.00
TURBO DATA SYSTEMS INC	2403	155.56
ULTRA ENGINEERING CONTRACTORS, INC.	8648	2,592.00
UNDERGROUND SERVICE ALERT	871	174.78
UNITED WATER WORKS, INC	6925	7,092.61
VALDEZ JR, MARY ALICE & ANTONIO	8534	195.00
VALENCIA, MARIBEL	7503	195.00
VCS ENVIRONMENTAL	8296	1,110.00
VELA, ARTURO M	7159	195.00
VEOLIA WATER CONTRACT OPERATIONS US	7007	73,434.00
VERIZON WIRELESS SERVICES, LLC	5369	9,577.42
VESTIS SERVICES LLC	7743	1,087.42
VIGILANT LLC	8631	8,388.98
VILLEGAS, JOSE	7042	315.00
VISION SECURITY SYSTEMS	6143	1,970.00
VISTA PAINT	1890	541.44
VULCAN MATERIALS	6650	2,589.45
WALKER, LORRAINE	8449	163.32
WALLACE, COLLEEN	7576	60.57
WALTER STANLEY COS, LLC	7282	407.86
WATERLINE TECHNOLOGIES, INC	6918	1,883.88
WELDOR'S SUPPLY AND STEEL	7249	49.49
WELLS FARGO BANK	2256	1,497,422.24
	4228	600.00
WELLS FARGO CARD SERVICES INC	4821	44,215.31
WESTERN RIVERSIDE COUNTY	5026	1,153.96
WESTERN WATER WORKS SUPPLY CO	464	9,781.44
WESTRUX INTERNATIONAL INC	143	443.78
WILBUR'S POWER EQUIPMENT	466	978.32
WILDLIFE CONTROL SERVICE INC	7605	1,250.00
WILLDAN ENGINEERING	6184	248,376.25

Vendor Total June 2024

908 DEVICES INC	8776	76,299.23
WILLDAN FINANCIAL SERVICES	2971	250.00
WILLIAMS SCOTSMAN, INC	1357	1,611.94
WITTMAN ENTERPRISES, LLC	8022	3,301.50
XENIA PACIFIC, INC	6662	1,757.40
XYLEM WATER SOLUTIONS USA, INC	8071	23,782.67
YOUNG, CHRISTY	8656	195.00
YUNEX, LLC	8096	16,819.44
ZENNER PERFORMANCE METERS, INC	6499	2,349.43
ZOELLER, SUSAN	5471	195.00
Grand Total		7,089,828.98

Vendor By Fund June 2024

Sum of Tran Amt			FY
Vendor Name	Vendor No	Fund	24
ABBOTT, CELIA	7508	675	195.00
ADVANCED WORKPLACE STRATEGIES INC	4781	001	234.35
ALBERT A. WEBB ASSOCIATES	3065	002	0.00
		101	163,759.34
		661	2,072.50
		681	12,413.68
ALL STAR ELITE SPORTS	7098	001	1,952.17
ALLISON MECHANICAL INC	7545	704	1,098.98
AMAZON BUSINESS	7468	001	1,274.46
		201	0.00
		660	47.95
		670	93.01
		675	1,180.71
		705	24.76
		761	124.70
		810	(70.03)
AMERICAN FIDELITY ASSURANCE	8584	001	25,491.14
AMERICAN FORENSIC NURSES	4265	001	1,978.39
ARCE, PAUL	8331	001	168.00
ARIAS DE RAMIREZ, LEONILA	8509	675	195.00
ARTISTIC MAINTENANCE, INC.	5946	111	4,439.14
AT&T CALNET 2	6175	001	1,728.48
AT&T MOBILITY LLC	8147	001	3,004.54
ATBACKGROUNDS	7667	001	259.11
ATWORK PERSONNEL SERVICES	7937	001	1,762.39
		660	772.41
		680	772.41
		702	514.95
AURIGA CORPORATION	8259	673	1,750.00
BABCOCK LABORATORIES, INC	6774	660	2,258.00
		680	1,569.21
BANNING POLICE OFFICERS ASSOC.	7990	001	2,760.30
BARR DOOR, INC	6710	704	2,651.07
BATDORF, JACQUELINE	8650	675	195.00
BEAUMONT CHERRY VALLEY WATER	3674	660	1,959.54
BEAUMONT DO IT BEST HOME CENTER	6091	001	368.54
		100	222.18
		660	0.00
		702	0.00

Vendor By Fund June 2024

Vendor Name	Vendor No	Fund	24
ABBOTT, CELIA	7508	675	195.00
BEAUMONT DO IT BEST HOME CENTER	6091	704	1,398.95
		810	492.53
BEAUMONT SAFE & LOCK	951	704	109.00
BECERRA, ELADIO	6575	675	195.00
BENHAR, DIANA T	7099	001	742.00
BIG TEX TRAILER WORLD	2643	100	0.00
		702	0.00
		810	11,953.79
BIO-TOX LABORATORIES	2051	001	478.00
BLAIS & ASSOCIATES, LLC	7612	001	0.00
		100	0.00
		660	4,200.00
		670	0.00
		680	0.00
		690	0.00
		702	0.00
		705	16,867.50
BLAISDELL'S BUSINESS PRODUCTS	8271	001	755.61
		705	1,079.44
BLEIER, TODD	7816	670	120.00
		675	180.00
BLOOMHUFF, NINA	5704	670	60.00
		675	195.00
BOGARD, LINCOLN	8420	001	44.82
BOOTH, CATHY	7085	675	195.00
BOSTON, LINDA	6362	675	195.00
BRAVO, ARLYN	8484	670	230.45
BUSINESS TELECOMMUNICATION	6702	001	1,549.57
CA. ST. DEPT. OF FORESTRY	3220	001	1,135.40
CA. ST. EMPLOYMENT DEV. DEPT.	985	001	93,380.33
CA. ST. PUBLIC EMPLOYEES	997	001	522,714.50
CALIFORNIA DEPT OF TAX AND FEE ADMN	1756	670	9,604.00
CALIFORNIA LAW ENFORCE ASSN	3780	001	1,088.00
CALIFORNIA WATER ENVIRONMENT	4042	660	540.00
CALIFORNIA-NEVADA J.A.T.C.	3958	670	32,000.00
CAMPA, ERIC	7287	001	195.00
CANALES, SILVERIO	7796	675	195.00
CANON FINANCIAL SERVICES, INC	7078	001	510.61
		660	178.45

Vendor By Fund June 2024

Vendor Name	Vendor No	Fund	24
ABBOTT, CELIA	7508	675	195.00
CANON FINANCIAL SERVICES, INC	7078	670	712.01
		705	524.76
		761	127.70
CASC ENGINEERING AND CONSULTING INC	6874	001	12,522.50
		100	5,527.50
CASTANEDA, SANDRA	6396	001	250.00
CELL BUSINESS EQUIPMENT (CBE)	7033	001	684.78
		660	60.80
		670	196.43
		705	1,007.25
		761	169.97
CENTER ELECTRIC SERVICES, INC	5307	660	0.00
		680	2,942.88
CHANDLER ASSET MANAGEMENT INC	8471	001	4,074.67
CICCS	8578	001	1,097.50
CINTAS CORPORATION	7061	001	326.19
		100	377.02
		610	523.68
		660	792.77
		670	4,025.33
		680	235.59
		702	253.34
		704	43.12
CITY OF BANNING (BNG)	8274	001	778.34
		705	185.89
COLLINS, ELIZABETH	5468	675	195.00
CONCENTRA MEDICAL CENTERS	8153	001	922.00
CORE & MAIN, LP	7772	001	0.00
		660	13,181.86
CORNELL, JOE	8380	675	195.00
CORNERSTONE DEVELOPMENT CO.	8000	673	63,610.00
CORPORATION SERVICE COMPANY	8102	001	82.00
COUNSELING TEAM INTERNATIONAL, THE	2232	700	700.00
COUNTY OF RIVERSIDE DOEH	1901	680	1,892.00
COUTS HEATING & COOLING, INC	5345	001	0.00
		704	2,457.80
CRABTREE, JEFFREY	7626	675	195.00
CRAIN, MARK	8385	675	195.00
CRIME SCENE STERI-CLEAN, LLC	6507	001	1,599.00

Vendor By Fund June 2024

Vendor Name	Vendor No	Fund	24
ABBOTT, CELIA	7508	675	195.00
CYBERTIME NETWORK COMMUNICATIONS	6189	660	3,305.00
		703	699.00
		810	500.00
D&M JOB INC.	7696	001	53.88
		690	0.00
DATUIN JR, CORNELIO	5335	001	300.00
DE LA HOYA, JUAN	8651	675	32.50
DELL MARKETING LP	3787	001	4,981.70
DELTA DENTAL INSURANCE COMPANY	8123	001	955.92
DELTA DENTAL OF CALIFORNIA	8108	001	7,614.07
DEPT. OF INDUSTRIAL RELATIONS	2492	001	682.50
DEUSENBERRY, DANIEL	7070	001	129.00
DEWALT, RICK	8663	675	195.00
DIAMOND ENVIRONMENTAL SERVICES	6517	001	358.89
		690	0.00
		810	0.00
DIAMOND HILLS CHEVROLET BUICK GMC	7082	702	53.75
DLT SOLUTIONS, LLC	5302	670	16,345.47
DOBBINS, DEANN LOUISE	7512	001	117.60
DUDEK	7112	660	141,121.14
ECCLESTONE, CHERYL	7195	675	195.00
EIDE BAILLY LLP	8531	001	8,066.75
ELECTRIC POWER SYSTEMS INT, INC.	7380	673	45,143.00
ELLIOTT, PATRICIA	8144	675	195.00
ENGINEERING RESOURCES OF SO CA	7565	001	126,162.26
		660	13,398.00
		680	5,742.00
ENTERPRISE FM TRUST	7536	001	11,220.79
		100	3,514.47
		660	8,612.23
		670	3,495.95
		702	275.79
		761	441.65
ENTERPRISE RENT-A-CAR	2753	001	752.57
EPSILON ENGINEERING, INC	8540	430	7,264.48
ESTERSON, LORI	7969	675	195.00
ETHIER, GREG	8302	675	195.00
EXECUTIVE FACILTIES SERVICES INC	8518	704	15,187.69
FALTO, CONSTANCE	7102	675	195.00

Vendor By Fund June 2024

Vendor Name	Vendor No	Fund	24
ABBOTT, CELIA	7508	675	195.00
FAST LUBE & TUNE	6794	702	671.64
FLETCHER, CORAL	8535	675	195.00
FLETCHER, TERRI	5651	675	195.00
FRANCO, JUAN	7218	670	250.00
FRONTIER COMMUNICATIONS	7053	001	2,915.57
		610	390.97
		660	461.44
		670	1,304.22
		703	473.74
		705	440.42
FUN EXPRESS	7117	001	244.12
G & G ENVIRONMENTAL COMPLIANCE, INC	5602	660	1,530.00
		680	12,415.00
GAS COMPANY, THE	1375	001	3,713.42
		100	26.31
		600	28.72
		660	58.69
		670	58.69
		702	58.69
		704	15.88
		705	3.02
GRAINGER	448	680	138.82
		702	15.20
		704	879.53
GREEN DREAM INTERNATIONAL LLC	8536	660	1,367.63
GREYBAR PRINTING	2470	001	193.14
GUZMAN, SUSANA	7288	675	195.00
H & L CHARTER CO, INC	6308	001	4,201.50
HAAKER EQUIPMENT COMPANY	205	680	2,109.25
HALLOCK, DENNIS	6232	675	195.00
HARDEE, TIMOTHY	8665	675	195.00
HARDING, JOHN & ANN	7002	670	84.93
HARDY & HARPER, INC	6817	660	28,920.00
HARGROVE, JOHN	7777	761	75.25
HAZEN AND SAWYER	6977	660	442.50
HEISS, SUZANNA	7987	675	195.00
HEMET VALLEY TOOL, INC	7766	660	117.78
HERC RENTALS INC.	6746	100	701.58
HERNANDEZ, CARLA	7557	001	875.00

Vendor By Fund June 2024

Vendor Name	Vendor No	Fund	24
ABBOTT, CELIA	7508	675	195.00
HERRERA, SANDRA	8036	675	195.00
HOME DEPOT #8987	5365	001	295.52
		660	795.37
		670	13.77
		704	95.70
HOPKINS, VICKI	7624	675	195.00
HUERTA JR., GILBERT	7697	001	420.00
I.B.E.W. LOCAL 47	1146	001	10,837.30
I.B.E.W. LOCAL 47 (PAC)	4086	001	40.00
IBEW LOCAL 47 RETIREE MEDICAL TRUST	5217	001	6,100.44
IMEG CONSULTANTS CORP	8667	810	17,675.00
IMPERIAL SUPPLIES, LLC	7970	702	172.89
INFOSEND, INC	6490	660	0.00
		690	0.00
		761	6,420.60
INNOVATIVE EMERGENCY EQUIPMENT	7066	001	0.00
		702	308.03
INNOVATIVE FEDERAL STRATEGIES	6624	001	0.00
		660	0.00
		670	0.00
		680	0.00
		705	4,500.00
INTERNAL REVENUE SERVICE	2484	001	516,272.82
IRON MOUNTAIN INFORMATION MGMT, LLC	6816	670	142.27
JACKSON, JENNIFER	7746	001	79.50
JEWS, NICOLE	8232	001	160.00
JNE POLYGRAPH LLC	8039	001	425.00
JOE A GONSALVES & SON	5701	001	3,850.00
		705	3,850.00
JOHNSON, VIVETTE	7929	675	195.00
KAKISH, BISHARA	8195	675	195.00
KEMIRA WATER SOLUTIONS INC	5794	680	4,736.02
KEN GRODY FORD REDLANDS	7850	702	4,614.62
KIMLEY-HORN AND ASSOCIATES, INC	8101	001	47,705.00
KOLLER, MARIE	7103	001	12.60
		675	195.00
LARA, TORIBIO	6856	675	195.00
LEXISNEXIS RISK SOLUTIONS	6618	001	112.55
LIEBERT CASSIDY WHITMORE	4249	700	20,484.50

Vendor By Fund June 2024

Vendor Name	Vendor No	Fund	24
ABBOTT, CELIA	7508	675	195.00
LINCOLN FINANCIAL GROUP	8577	001	11,746.91
LIVINGSTON, TODD	7873	670	250.00
LOFTIS, MILDRED	6345	675	195.00
MACIEL, JOSE	6330	675	195.00
MARIPOSA ECO CONSULTING, INC	7808	001	1,425.00
MARIPOSA LANDSCAPES, INC	8055	001	20,077.40
		100	2,918.10
		660	1,908.11
		704	2,332.13
		810	0.00
MARTINEZ, MATTHEW	6889	670	250.00
MASON, BARBARA	8498	001	3,345.24
MASTEN, STAR	7104	675	195.00
MC ARRON, SUSAN	7962	675	195.00
MC AVOY & MARKHAM	287	670	609.00
MCCLUNE, DEVIN	6890	670	250.00
MCFARLAND, DARLENE	7489	675	195.00
MERCFUEL, INC	7980	600	12,624.56
MERLIN JOHNSON CONSTRUCTION, INC	3577	660	3,024.00
MEZA, TOMMY & GLORIA	7126	675	195.00
MICHAEL BAKER INTERNATIONAL, INC	7379	002	29,190.00
MIDDLETON, SHARON	7458	675	195.00
MIKE ROQUET CONSTRUCTION, INC.	8020	660	3,287.75
MILLER, NINA	6344	675	195.00
MILSOFT UTILITY SOLUTIONS, INC	7548	670	1,929.00
MISC VENDOR	99001	001	4,588.19
		600	940.86
MITCHELL, BLAKE	8466	670	114.22
MITSUBISHI ELECTRIC & ELECTRONICS	6402	704	353.87
MOLINA, JUANA	8513	675	195.00
MORENO, ANGELA	6741	675	195.00
MY COI LLC	8322	705	800.00
MYERING, NEAL	8301	675	195.00
MYERS & SONS HI-WAY SAFETY INC.	3909	100	257.52
N2W ENGINEERING, INC	8001	680	141,496.25
NHA ADVISORS, LLC	8350	680	2,243.75
NIETO, FRANCISCO	7563	001	185.00
ONESOURCE DISTRIBUTORS	5076	670	46,375.60
ORACLE AMERICA INC	8458	222	28,727.83

Vendor By Fund June 2024

Vendor Name	Vendor No	Fund	24
ABBOTT, CELIA	7508	675	195.00
PACKHAM & TOOMEY, INC	7787	600	395.00
		702	135.00
PALENCIA, JUSTIN	8467	670	136.86
PARKHOUSE TIRE, INC.	2487	702	3,592.73
PARS	5191	001	4,082.52
PARTS AUTHORITY	7789	702	3,036.35
PATTON, CAROLINE	8138	001	258.54
PAYPRO ADMINISTRATORS	5752	001	230.00
PETRUCCI, TERESA	8111	675	195.00
PETTY CASH CUSTODIAN - CITY YARDS	870	670	18.76
		675	31.17
PETTY CASH CUSTODIAN - POLICE	2430	001	91.26
PETTY CASH CUSTODIAN-COMM SVCS	1974	001	14.07
PETTY CASH CUSTODIAN-SR CENTER	3015	001	27.71
PITTMAN, DAVID	7506	675	195.00
PLAYHOUSE BOWL ASSOCIATION, INC.	3560	675	2,500.00
POULTER, HANNAH	8226	001	1,875.50
POWER MONITORS, INC	6636	670	995.00
PRATT, EDWARD	6875	675	195.00
PRE-PAID LEGAL SERVICES, INC	4411	001	313.91
PRUITT, CARMEN	8293	675	195.00
PUBLIC AGENCY RETIREMENT SERVICES	5242	001	300.00
PULVER, JODEANE V	8168	001	175.00
PYRO SPECTACULARS, INC	3111	001	16,000.00
QUINN COMPANY	7271	660	1,301.04
		670	6,355.24
RACEWAY FORD INC	4759	702	62.78
RDO EQUIPMENT CO	444	100	0.00
		702	1,746.57
RECORD GAZETTE, THE	1555	001	2,241.09
		111	0.00
		670	130.53
		690	737.22
REZENDES, DILLON	8243	001	99.00
RICHARDS WATSON GERSHON	7337	002	33,155.17
		700	55,300.71
RICK ENGINEERING COMPANY	8632	660	13,296.40
RINALDI, LORETTA	5424	675	195.00
RINCON CONSULTANTS, INC.	8003	001	4,204.00

Vendor By Fund June 2024

Vendor Name	Vendor No	Fund	24
ABBOTT, CELIA	7508	675	195.00
RINCON CONSULTANTS, INC.	8003	420	0.00
RISCHARD, ROBERT	8512	675	195.00
RIV. CO. HEALTH SVCS AGENCY	2526	001	207.00
RIV. CO. REGIONAL PARK & OPEN SPACE	8521	001	196.00
RIVCO EMD	8335	001	11,250.00
RIVERA, KATHLEEN	7529	675	195.00
RIVERSIDE COUNTY SHERIFF-PSEC	2938	001	9,730.58
RIVERSIDE PUBLIC UTILITIES	4433	670	1,362,985.43
RIVERSIDE UNIVERSITY HEALTH SYSTEM	7998	001	1,200.00
RIVERSIDE, COUNTY OF	1317	001	330.50
ROBERT HALF INTERNATIONAL	5151	001	4,868.64
ROBINSON, BRANDON A	6532	670	300.00
ROCHA, MARGARET	8511	675	195.00
RODRIGUEZ, SANDRA	8655	675	65.00
SAN BERNARDINO PUBLIC EMPLOYEES	5998	001	2,824.86
SAN GORGONIO PASS WATER AGENCY	3125	660	399,000.00
SATELLITE PHONE STORE	8235	703	307.95
SC FUELS	7727	702	27,178.39
SCA OF CA, LLC	8231	100	10,080.00
SGP DESIGN AND PRINT	5901	610	338.25
SHRED-IT USA, LLC	6993	001	0.00
		705	327.01
SIQUEIROS, JUANA	8415	675	195.00
SITEONE LANDSCAPE SUPPLY	7095	001	746.95
		100	142.32
SKILLS, INC	7470	670	8,400.00
SKINNER, DEBORAH & ROY	7199	670	60.00
		675	195.00
SMART & FINAL	1561	001	1,787.45
		201	169.78
SMITH, FRED	8510	675	195.00
SO CAL JOINT POLE COMMITTEE	1373	670	1,090.30
SOFTWARE ONE, INC	7083	001	0.00
		703	7,030.12
SONSRAY FLEET SERVICES	4753	702	1,625.23
SOUTH COAST AIR QUALITY	1370	001	161.81
		680	5,664.76
SOUTHERN CALIFORNIA EDISON	1371	660	3,942.28
		670	92.89

Vendor By Fund June 2024

Vendor Name	Vendor No	Fund	24
ABBOTT, CELIA	7508	675	195.00
SOUTHERN CALIFORNIA EDISON COMPANY	2535	670	119.00
STAFFORD, CHERYL	7246	001	30.45
STAPLES BUSINESS ADVANTAGE	7084	001	1,388.15
		610	0.00
		660	0.00
		670	37.79
		702	0.00
		704	832.12
		705	363.98
STATE OF CALIFORNIA DOJ	4000	001	2,834.00
STONE, IDA	7264	675	195.00
TAPIA, SALOMON	8538	675	195.00
TASC	5885	001	6,098.80
TELEPACIFIC COMMUNICATIONS	6583	705	1,559.92
TEXAS LIFE INSURANCE COMPANY	8576	001	6,324.36
TIME WARNER CABLE	4412	670	1,975.70
TKE ENGINEERING, INC	6861	660	29,302.00
TOP-LINE INDUSTRIAL SUPPLY, LCC	7976	702	287.87
TRENCH SHORING COMPANY	4540	660	1,272.41
TRILLIUM SOLUTIONS, INC	7941	610	3,000.00
TURBO DATA SYSTEMS INC	2403	001	155.56
ULTRA ENGINEERING CONTRACTORS, INC.	8648	101	2,592.00
UNDERGROUND SERVICE ALERT	871	100	58.25
		660	58.27
		670	58.26
UNITED WATER WORKS, INC	6925	660	7,092.61
VALDEZ JR, MARY ALICE & ANTONIO	8534	675	195.00
VALENCIA, MARIBEL	7503	675	195.00
VCS ENVIRONMENTAL	8296	001	1,110.00
VELA, ARTURO M	7159	675	195.00
VEOLIA WATER CONTRACT OPERATIONS US	7007	680	73,434.00
VERIZON WIRELESS SERVICES, LLC	5369	001	4,931.79
		100	305.90
		610	821.80
		660	877.37
		670	1,939.07
		680	154.19
		702	81.59
		703	186.04

Vendor By Fund June 2024

Vendor Name	Vendor No	Fund	24
ABBOTT, CELIA	7508	675	195.00
VERIZON WIRELESS SERVICES, LLC	5369	761	279.67
VIGILANT LLC	8631	703	8,388.98
VILLEGAS, JOSE	7042	670	120.00
		675	195.00
VISION SECURITY SYSTEMS	6143	100	0.00
		660	0.00
		670	0.00
		810	1,970.00
VISTA PAINT	1890	001	541.44
		200	0.00
VULCAN MATERIALS	6650	660	2,589.45
WALKER, LORRAINE	8449	001	163.32
WALLACE, COLLEEN	7576	001	60.57
WALTER STANLEY COS, LLC	7282	704	407.86
WATERLINE TECHNOLOGIES, INC	6918	001	1,883.88
WELDOR'S SUPPLY AND STEEL	7249	660	49.49
WELLS FARGO BANK	2256	001	1,497,422.24
	4228	001	600.00
WELLS FARGO CARD SERVICES INC	4821	001	38,591.22
		670	2,173.52
		675	126.16
		702	1,477.95
		703	362.39
		761	235.65
		810	1,248.42
WESTERN RIVERSIDE COUNTY	5026	001	1,153.96
WESTERN WATER WORKS SUPPLY CO	464	660	9,781.44
WESTRUX INTERNATIONAL INC	143	702	443.78
WILBUR'S POWER EQUIPMENT	466	100	978.32
WILLDAN ENGINEERING	6184	001	248,376.25
		100	0.00
		660	0.00
		680	0.00
		690	0.00
		702	0.00
WILLDAN FINANCIAL SERVICES	2971	678	250.00
WILLIAMS SCOTSMAN, INC	1357	810	1,611.94
WITTMAN ENTERPRISES, LLC	8022	001	3,301.50
XENIA PACIFIC, INC	6662	001	1,757.40

Vendor By Fund June 2024

Vendor Name	Vendor No	Fund	24
ABBOTT, CELIA	7508	675	195.00
XYLEM WATER SOLUTIONS USA, INC	8071	680	23,782.67
YOUNG, CHRISTY	8656	675	195.00
YUNEX, LLC	8096	100	16,819.44
ZENNER PERFORMANCE METERS, INC	6499	660	2,349.43
ZOELLER, SUSAN	5471	675	195.00
EMPOWER ANNUITY INSURANCE COMPANY	8702	001	77,338.06
AED ENERGY SERVICES LLC	8694	702	8,172.50
ALTA LANGUAGE SERVICES INC	8714	001	66.00
CTC TECHNOLOGY AND ENERGY	8661	673	76,803.25
LAND ENGINEERING CONSULTANTS, INC	6632	660	6,000.00
SERVIAM BY WRIGHT LLP	7131	700	4,754.50
WILDLIFE CONTROL SERVICE INC	7605	001	1,250.00
BOUSLOG, STACY	6498	761	300.00
BUDD-FALEN LAW OFFICES, LLC.	7651	660	7,350.00
INTERNATIONAL CODE COUNCIL, INC	1158	001	5,716.00
THOMPSON COBURN, LLP	6895	670	4,028.47
BURKE, WILLIAMS & SORENSON LLP	3991	700	1,240.00
CARLOS, MARIO	8753	810	72.42
HUERTA LOPEZ, TUNNIA A	8736	001	280.00
STOCKMAN, JULIA	8735	001	490.00
BENAVIDES, SUSIE	8773	001	183.32
CITY OF BANNING UTILITIES OPV	7992	810	1,698.72
CORE-ROSION PRODUCTS	5735	660	23,968.98
GERARD DANIEL WORLDWIDE	8767	660	453.62
R&R ROOFING & WATERPROOFING INC	8747	680	164,673.00
A.Y. NURSERY INC	8782	810	12,121.88
BARBARA SINATRA CHILDREN'S CENTER	4178	001	306.00
BASTIN, RYAN	8778	670	215.50
CANO, ALONDRA	8800	675	97.50
CDW GOVERNMENT, LLC	4253	001	5,384.52
		660	0.00
		670	190.00
		680	0.00
		703	0.00
CEDILLO, CHANTAL	8795	675	2,400.00
CHARTER COMMUNICATIONS	8150	001	449.70
CITY OF BANNING PUBLIC WORKS	8781	810	16,000.00
CLAYTON, NETA	8798	675	65.00
CURRY, ANITA	8742	761	317.00

Vendor By Fund June 2024

Vendor Name	Vendor No	Fund	24
ABBOTT, CELIA	7508	675	195.00
FLORES, IRMA	8803	675	65.00
HARRIS, ANNE	8796	675	65.00
IN GEAR TECHNOLOGY	8637	702	4,171.76
INDEPENDENT REVIEW INVESTIGATIONS	8761	001	3,450.00
		700	2,250.00
LOPEZ, ZAREK	8788	670	212.07
MANCIA, CLAUDIA	8790	761	40.87
MERAS, DAVID	8797	675	195.00
MIKULIAN, GEORGE & MARINKA	8811	675	896.86
MNS ENGINEERS INC	8768	001	1,240.00
MOLINA, GUILLERMO	8780	810	48.44
MORENO, MELBA	8801	675	195.00
MULLEN, CAROLYN & CHARLES	8810	675	1,053.38
POULIN, RICHARD	8775	675	1,200.00
PROLE CITY PRODUCTIONS LLC	8777	001	800.00
REPPENHAGEN, JANE MARIE	8792	675	2,400.00
RILEY, ANTHONY	8615	001	4.29
RIOS, MARIA FRANCISCO	8802	675	97.50
STOCKTON CONSULTING	6222	660	1,237.50
VESTIS SERVICES LLC	7743	100	689.63
		610	0.00
		702	0.00
		704	49.87
		761	347.92
908 DEVICES INC	8776	001	76,299.23
Grand Total			7,089,828.98

Cash Balances By Fund Type

Fund Type	Balance
001 - GENERAL FUND	8,362,672.44
100 - SPECIAL REVENUE FUNDS	5,734,010.00
300 - FIDUCIARY FUNDS	313,043.42
400 - CAPITAL IMPROVEMENT FUNDS	1,481,724.02
600 - AIRPORT FUND	(404,772.26)
610 - TRANSIT FUND	(3,739,065.24)
660 - WATER ENTERPRISE	29,105,404.41
670 - ELECTRIC ENTERPRISE	(9,248,093.51)
680 - WASTEWATER ENTERPRISE	24,458,656.91
700 - INTERNAL SERVICE FUNDS	(5,834,653.62)
800 - SUCCESSOR AGENCY FUNDS	104,615.84
GRAND TOTAL	**50,333,542.41**

Cash Balances By Fund

Fund	Fund Name	Fund Type	Balance
001	GENERAL FUND	001 - GENERAL FUND	7,297,360.84
002	DEVELOPER DEPOSIT FUND	001 - GENERAL FUND	(952,322.86)
005	ADMIN ALLOWANCE FUND	001 - GENERAL FUND	2,011,524.69
300	CITY ADMINISTRATION DEBT SVC FUND	001 - GENERAL FUND	6,109.77
690	REFUSE FUND	690 - REFUSE FUND	(31,204.36)
100	GAS TAX STREET FUND	100 - SPECIAL REVENUE FUNDS	(968,388.61)
101	MEASURE A STREET FUND	100 - SPECIAL REVENUE FUNDS	979,024.29
102	RMRA (SB1) GAS TAX FUND	100 - SPECIAL REVENUE FUNDS	680,535.84
110	CDBG FUND	100 - SPECIAL REVENUE FUNDS	(84,854.62)
111	LANDSCAPE MAINTENANCE FUND	100 - SPECIAL REVENUE FUNDS	81,263.12
132	AIR QUALITY IMPROVEMENT FUND	100 - SPECIAL REVENUE FUNDS	314,765.91
140	ASSET FORFEIT-POLICE FUND	100 - SPECIAL REVENUE FUNDS	1,905.90
148	SUPPLEMENTAL LAW ENFORCEMENT FUND	100 - SPECIAL REVENUE FUNDS	184,426.54
150	STATE PARK BOND ACT FUND	100 - SPECIAL REVENUE FUNDS	(117.84)
200	SPECIAL DONATION FUND	100 - SPECIAL REVENUE FUNDS	46,948.83
201	SENIOR CENTER ACTIVITIES FUND	100 - SPECIAL REVENUE FUNDS	63,269.19
202	ANIMAL CONTROL RESERVE FUND	100 - SPECIAL REVENUE FUNDS	(114.96)
203	POLICE VOLUNTEER FUND	100 - SPECIAL REVENUE FUNDS	6,664.16
221	CSCDA-CFD 2020-02 ATWELL	100 - SPECIAL REVENUE FUNDS	590,693.33
222	ARPA-AMERICA RESCUE PLAN	100 - SPECIAL REVENUE FUNDS	1,776,599.02
360	SUN LAKES CFD #86-1 FUND	300 - FIDUCIARY FUNDS	37,929.07
365	WILSON ST #91-1 ASSMT DBT FUND	300 - FIDUCIARY FUNDS	78,425.64
370	AREA POLICE OCMPUTER FUND	300 - FIDUCIARY FUNDS	
375	FAIR OAKS AD #2004-1 DEBT FUND	300 - FIDUCIARY FUNDS	196,688.71
376	CAMEO HOMES FUND	300 - FIDUCIARY FUNDS	
400	POLICE FACILITIES DVLP FUND	400 - CAPITAL IMPROVEMENT FUNDS	302,544.59
410	FIRE FACILITIES DEVELOPMENT FUND	400 - CAPITAL IMPROVEMENT FUNDS	1,428,083.97
420	TRAFFIC CONTROL FUND	400 - CAPITAL IMPROVEMENT FUNDS	2,122,569.63
430	GENERAL FACILITIES FUND	400 - CAPITAL IMPROVEMENT FUNDS	501,596.67
444	WILSON MEDIAN FUND	400 - CAPITAL IMPROVEMENT FUNDS	408,443.78
451	PARK DEVELOPMENT FUND	400 - CAPITAL IMPROVEMENT FUNDS	300,063.98
470	CAPITAL IMPROVEMENT FUND	400 - CAPITAL IMPROVEMENT FUNDS	(48,317.87)
600	AIRPORT FUND	600 - AIRPORT FUND	(404,772.26)
610	TRANSIT FUND	610 - TRANSIT FUND	(3,739,065.24)
660	WATER FUND	660 - WATER ENTERPRISE	23,513,454.01
661	WATER CAPITAL FACILITIES FUND	660 - WATER ENTERPRISE	3,249,388.99
662	IRRIGATION WATER FUND	660 - WATER ENTERPRISE	1,384,747.98
663	BUA WATER CAPITAL PROJECT FUND	660 - WATER ENTERPRISE	1,462,304.90
669	BUA WATER DEBT SERVICE FUND	660 - WATER ENTERPRISE	(504,491.47)
670	ELECTRIC FUND	670 - ELECTRIC ENTERPRISE	(2,913,104.20)
672	RATE STABILITY FUND	670 - ELECTRIC ENTERPRISE	6,739,037.87
673	ELECTRIC IMPROVEMENT FUND	670 - ELECTRIC ENTERPRISE	(14,881,593.68)
674	ELECTRIC REVENUE BOND PROJECT FUND	670 - ELECTRIC ENTERPRISE	696,122.98
675	PUBLIC BENEFIT FUND	670 - ELECTRIC ENTERPRISE	1,122,004.52
678	ELECTRIC REVENUE BOND DEBT SERVICE FUND	670 - ELECTRIC ENTERPRISE	(10,561.00)
680	WASTEWATER FUND	680 - WASTEWATER ENTERPRISE	5,425,181.33
681	WASTEWATER CAPITAL FACILITY FUND	680 - WASTEWATER ENTERPRISE	10,913,997.01
682	WASTEWATER TERTIARY FUND	680 - WASTEWATER ENTERPRISE	8,061,382.59
683	BUA WASTEWATER CAPITAL PROJECT FUND	680 - WASTEWATER ENTERPRISE	(316,283.37)
685	STATE REVOLVING LOAN FUND	680 - WASTEWATER ENTERPRISE	533,951.34

Cash Balances By Fund

689	BUA WASTEWATER DEBT SERVICE FUND	680 - WASTEWATER ENTERPRISE	(159,571.99)
700	RISK MANAGEMENT FUND	700 - INTERNAL SERVICE FUNDS	(6,579,377.62)
702	FLEET MAINTENANCE FUND	700 - INTERNAL SERVICE FUNDS	1,123,589.64
703	INFORMATION SYSTEMS SERVICE FUND	700 - INTERNAL SERVICE FUNDS	(1,404,669.91)
704	BUILDING MAINTENANCE	700 - INTERNAL SERVICE FUNDS	1,170,302.74
705	SUPPORT SERVICES	700 - INTERNAL SERVICE FUNDS	(297,893.30)
761	UTILITY BILLING ADMINISTRATION FUND	700 - INTERNAL SERVICE FUNDS	153,394.83
805	REDEVELOPMENT OBLIGATION RETIREMENT FUND	800 - SUCCESSOR AGENCY FUNDS	1,903,029.06
810	SUCCESSOR AGENCY LOW/MOD FUND (HOUSING AGENCY)	100 - SPECIAL REVENUE FUNDS	2,061,389.90
830	SUCCESSOR AGENCY DEBT SERVICE FUND	800 - SUCCESSOR AGENCY FUNDS	1,030,742.12
840	BEA CAPITAL PROJECTS FUND	400 - CAPITAL IMPROVEMENT FUNDS	(4,078,920.26)
841	BEA LOW/MOD CAPITAL PROJECTS FUND	400 - CAPITAL IMPROVEMENT FUNDS	545,659.53
850	SUCCESSOR AGENCY ADMIN FUND	800 - SUCCESSOR AGENCY FUNDS	(2,829,155.34)
		GRAND TOTAL	**50,302,338.05**

Estimated Fund Balance By Fund
June 2024

Fund Balance Row Labels	Grand Total
GOVERNMENTAL FUNDS	**13,521,686.46**
CAPITAL IMPROVEMENT FUNDS	**5,717,814.40**
(400) POLICE FACILITIES DVLP FUND	302,547.55
(410) FIRE FACILITIES DEVELOPMENT FUND	1,428,085.27
(420) TRAFFIC CONTROL FUND	2,122,569.06
(421) RAMSEY/HIGHLAND HOMES SIG FUND	0.00
(430) GENERAL FACILITIES FUND	494,332.69
(441) SUNSET GRADE SEPARATION FUND	0.00
(444) WILSON MEDIAN FUND	408,442.65
(451) PARK DEVELOPMENT FUND	300,061.53
(470) CAPITAL IMPROVEMENT FUND	661,775.65
(480) BOND EXPENDITURE AGREEMENT (BEA) PROJ FUND	0.00
(481) BOND EXPENDITURE AGREEMENT (BEA) LOW/MOD FUND	0.00
ENTERPRISE FUNDS	**4,184,829.39**
(690) REFUSE FUND	4,184,829.39
GENERAL FUND	**2,673,080.23**
(001) GENERAL FUND	966,508.77
(002) DEVELOPER DEPOSIT FUND	(311,060.92)
(005) ADMIN ALLOWANCE FUND	2,011,522.69
(300) CITY ADMINISTRATION DEBT SVC FUND	6,109.69
SPECIAL REVENUE FUNDS	**945,962.44**
(003) RIVERSIDE COUNTY MOU FUND	0.00
(100) GAS TAX STREET FUND	(1,091,987.36)
(101) MEASURE A STREET FUND	665,291.84
(102) RMRA (SB1) GAS TAX FUND	441,892.80
(103) SB 300 STREET FUND	0.00
(104) ARTICLE 3 SIDEWALK FUND	0.00
(110) CDBG FUND	(84,854.13)
(111) LANDSCAPE MAINTENANCE FUND	78,734.50
(132) AIR QUALITY IMPROVEMENT FUND	314,767.66
(140) ASSET FORFEIT-POLICE FUND	1,906.38
(148) SUPPLEMENTAL LAW ENFORCEMENT FUND	(1,953.05)
(150) STATE PARK BOND ACT FUND	(116.00)
(190) BANNING HOUSING AUTHORITY	0.00
(200) SPECIAL DONATION FUND	39,426.30
(201) SENIOR CENTER ACTIVITIES FUND	63,351.75

Estimated Fund Balance By Fund
June 2024

Fund Balance Row Labels	Grand Total
(202) ANIMAL CONTROL RESERVE FUND	(116.00)
(203) POLICE VOLUNTEER FUND	6,663.45
(221) CSCDA-CFD 2020-02 ATWELL	590,693.30
(222) ARPA-AMERICA RESCUE PLAN	(77,739.00)
PROPRIETARY FUNDS	**139,078,231.40**
ENTERPRISE - BANNING UTILITY AUTHORITY FUNDS	**103,559,019.46**
(660) WATER FUND	79,543,301.22
(661) WATER CAPITAL FACILITIES FUND	3,290,345.96
(662) IRRIGATION WATER FUND	1,382,275.71
(663) BUA WATER CAPITAL PROJECT FUND	1,587,697.93
(669) BUA WATER DEBT SERVICE FUND	(19,801,880.01)
(680) WASTEWATER FUND	19,249,591.96
(681) WASTEWATER CAPITAL FACILITY FUND	10,901,582.13
(682) WASTEWATER TERTIARY FUND	8,061,385.86
(683) BUA WASTEWATER CAPITAL PROJECT FUND	2,180,031.88
(685) STATE REVOLVING LOAN FUND	533,951.43
(689) BUA WASTEWATER DEBT SERVICE FUND	(3,369,264.61)
ENTERPRISE FUNDS	**44,823,466.65**
(600) AIRPORT FUND	2,236,280.12
(610) TRANSIT FUND	(5,052,937.08)
(670) ELECTRIC FUND	77,032,065.60
(672) RATE STABILITY FUND	6,739,037.15
(673) ELECTRIC IMPROVEMENT FUND	(15,169,475.68)
(674) ELECTRIC REVENUE BOND PROJECT FUND	654,741.94
(675) PUBLIC BENEFIT FUND	1,206,466.42
(678) ELECTRIC REVENUE BOND DEBT SERVICE FUND	(22,822,711.82)
INTERNAL SERVICE FUNDS	**(9,304,254.71)**
(700) RISK MANAGEMENT FUND	(6,563,231.02)
(702) FLEET MAINTENANCE FUND	907,296.52
(703) INFORMATION SYSTEMS SERVICE FUND	(1,926,195.15)
(705) SUPPORT SERVICES	(311,518.00)
(761) UTILITY BILLING ADMINISTRATION FUND	(1,410,607.06)
Grand Total	**152,599,917.86**

Receipts, Disbursements, and Net Cash Flows

		FY	Period	Values
		25		
		1		
Fund	Fund Description	Receipts	Disbursements	Net Cash Flow
001	GENERAL FUND	3,203,879.59	1,152,885.38	2,050,994.21
002	DEVELOPER DEPOSIT FUND	0.00	62,345.17	(62,345.17)
100	GAS TAX STREET FUND	7,516.00	65,514.92	(57,998.92)
102	RMRA (SB1) GAS TAX FUND	58,822.00	0.00	58,822.00
111	LANDSCAPE MAINTENANCE FD	0.00	4,170.19	(4,170.19)
201	SENIOR CTR ACTIVITIES FD	271.00	0.00	271.00
375	FAIR OAKS AD #2004-1 DEBT	0.00	3,757.50	(3,757.50)
600	AIRPORT FUND	17,749.87	6,969.07	10,780.80
610	TRANSIT FUND	1,981.45	52,997.43	(51,015.98)
660	WATER FUND	1,589,900.12	872,823.94	717,076.18
661	WATER CAPITAL FACIL FUND	229,959.00	0.00	229,959.00
670	ELECTRIC FUND	2,900,762.58	491,730.11	2,409,032.47
673	ELECTRIC IMPROVEMENT FUND	0.00	187,306.25	(187,306.25)
675	PUBLIC BENEFIT FUND	68,726.48	57,135.56	11,590.92
680	WASTEWATER FUND	904,617.05	308,010.27	596,606.78
681	WASTEWATER CAP FACIL FUND	65,793.00	0.00	65,793.00
682	WWTR TERTIARY FUND	41,463.04	0.00	41,463.04
690	REFUSE FUND	531.64	22.96	508.68
700	RISK MANAGEMENT FUND	56,983.09	3,622,092.78	(3,565,109.69)
702	FLEET MAINTENANCE FUND	16,596.34	42,445.78	(25,849.44)
703	INFORMAT'N SYSTEMS SVC FD	0.00	25,493.40	(25,493.40)
704	BUILDING MAINTENANCE	0.00	4,453.61	(4,453.61)
705	SUPPORT SERVICES	0.00	20,525.38	(20,525.38)
761	UTL BILL, ACCT & COLL SVC	30,234.89	68,402.01	(38,167.12)
810	SA-LOW/MOD FUND	1,400.00	18,220.85	(16,820.85)
Grand Total		9,197,187.14	7,067,302.56	2,129,884.58

Payments Per Fund July 2024

Sum of Tran Amt	Column Labels
Row Labels	25
001	261,244.20
100	1,306.43
222	40,963.23
375	4,555.42
600	342.57
610	1,538.54
660	206,584.85
670	67,241.04
675	1,593.58
680	2,072.10
700	3,533,134.00
702	1,214.97
703	9,342.48
704	6,708.54
705	17,834.96
761	7,997.77
810	4,349.52
Grand Total	4,168,024.20

Vendor Total July 2024

Sum of Tran Amt		FY
Vendor Name	Vendor No	25
ALLGOOD DRIVING SCHOOL, INC	7979	109.20
ALLIANT INSURANCE SERVICES, INC	6775	10,371.00
ALTAIR ENGINEERING INC	8311	23,165.00
AMAZON BUSINESS	7468	5,729.89
AMERICAN FORENSIC NURSES	4265	1,021.02
AT&T CALNET 2	6175	197.93
AT&T MOBILITY LLC	8147	1,737.14
ATWORK PERSONNEL SERVICES	7937	4,054.29
BABCOCK LABORATORIES, INC	6774	974.00
BANNING POLICE OFFICERS ASSOC.	7990	2,910.30
BEAUMONT BASIN WATERMASTER	4972	16,427.00
BEAUMONT DO IT BEST HOME CENTER	6091	2,871.69
BENHAR, DIANA T	7099	1,025.50
BLAIS & ASSOCIATES, LLC	7612	6,221.75
CALIFORNIA LAW ENFORCE ASSN	3780	1,056.00
CAMPA, ERIC	7287	851.00
CANON FINANCIAL SERVICES, INC	7078	2,053.53
CASTILLO, JORGE IVAN	8078	287.39
CELL BUSINESS EQUIPMENT (CBE)	7033	1,554.79
CHARTER COMMUNICATIONS	8150	2,404.76
CINTAS CORPORATION	7061	1,072.88
CITY OF BANNING (BNG)	8274	964.23
CITY OF BANNING UTILITIES OPV	7992	1,458.66
CM LANDSCAPE	8756	3,588.75
COMCATE SOFTWARE, INC	6863	11,263.97
COUNSELING TEAM INTERNATIONAL, THE	2232	910.00
COUTS HEATING & COOLING, INC	5345	3,326.24
D&M JOB INC.	7696	215.50
DELTA DENTAL INSURANCE COMPANY	8123	814.89
DELTA DENTAL OF CALIFORNIA	8108	7,581.00
DEUSENBERRY, DANIEL	7070	15.75
DIAMOND HILLS CHEVROLET BUICK GMC	7082	54,005.38
DLT SOLUTIONS, LLC	5302	1,910.56
DOBBINS, DEANN LOUISE	7512	218.40
EIDE BAILLY LLP	8531	4,304.00
ENTERPRISE RENT-A-CAR	2753	190.70

Vendor Total July 2024

ALLGOOD DRIVING SCHOOL, INC	7979	109.20
FEDEX	1078	43.07
FLYNN, SHERI	7486	60.00
FRONTIER COMMUNICATIONS	7053	2,713.10
GAS COMPANY, THE	1375	1,858.94
GRAYBAR ELECTRIC COMPANY, INC.	203	2,844.60
HARGROVE, JOHN	7777	16.76
HERNANDEZ, CARLA	7557	70.00
HOME DEPOT #8987	5365	386.94
HUERTA JR., GILBERT	7697	420.00
HUERTA LOPEZ, TUNNIA A	8736	245.00
I.B.E.W. LOCAL 47	1146	10,960.34
I.B.E.W. LOCAL 47 (PAC)	4086	40.00
IBEW LOCAL 47 RETIREE MEDICAL TRUST	5217	6,094.03
INFOSEND, INC	6490	6,151.59
INNER-TITE CORP	3748	2,918.80
IRON MOUNTAIN INFORMATION MGMT, LLC	6816	141.66
JOE A GONSALVES & SON	5701	3,850.00
KOLLER, MARIE	7103	21.00
LEADSONLINE, LLC.	8011	3,886.00
MISC VENDOR	99001	2,363.48
MIXON, FRANKLEN	8493	17.25
NEXTREQUEST	7519	7,019.55
OERTEL, ERICH	5811	17.25
ORACLE AMERICA INC	8458	40,963.23
PARS	5191	4,910.37
PLAYHOUSE BOWL ASSOCIATION, INC.	3560	12,500.00
POULTER, HANNAH	8226	17.25
PRESCOTT, KEVIN	8324	17.25
PRESS-ENTERPRISE, THE	1295	126.17
PUBLIC ENTITY RISK MANAGEMENT	978	3,521,853.00
PULVER, JODEANE V	8168	248.50
QUADIENT POSTAGE FUNDING	8211	5,000.00
RACEWAY FORD INC	4759	131.85
REAVIS CODE UTILITY SOLUTIONS, LLC	7648	51,300.00
RECORD GAZETTE, THE	1555	368.58
RILEY, ANTHONY	8615	86.64
RIV. CO. SHERIFF'S DEPARTMENT	1642	31,250.00

Vendor Total July 2024

ALLGOOD DRIVING SCHOOL, INC	7979	109.20
ROBERT HALF INTERNATIONAL	5151	4,216.59
SAN BERNARDINO PUBLIC EMPLOYEES	5998	2,769.17
SATELLITE PHONE STORE	8235	307.95
SOCAL PROPANE LLC	8625	80.00
SOUTH COAST AIR QUALITY	1370	(251.11)
SOUTHERN CALIF ASSN OF GOVERNMENTS	1346	4,600.00
SOUTHERN CALIFORNIA EDISON	1371	5,095.99
SOUTHERN CALIFORNIA WEST COAST ELEC	1377	628.25
SOUTHWEST POWER POOL, INC	7488	312.79
STAGECOACH DAYS ASSOCIATION	6989	30,500.00
STAPLES BUSINESS ADVANTAGE	7084	746.29
STATE WATER RESOURCES CONTROL	6849	105.00
STOCKMAN, JULIA	8735	542.50
TASC	5885	1,569.60
TELEPACIFIC COMMUNICATIONS	6583	1,560.86
TRANSWEST TRUCK CENTER, LLC	420	180,783.75
U.S. BANK	3590	3,757.50
UNDERGROUND SERVICE ALERT	871	248.28
VERIZON WIRELESS SERVICES, LLC	5369	13,729.09
VESTIS SERVICES LLC	7743	92.49
VIGILANT LLC	8631	8,379.53
WALLACE, COLLEEN	7576	54.61
WALTER STANLEY COS, LLC	7282	1,903.67
WELDOR'S SUPPLY AND STEEL	7249	4,500.00
WILDLIFE CONTROL SERVICE INC	7605	1,250.00
WILLDAN FINANCIAL SERVICES	2971	797.92
WILLIAMS SCOTSMAN, INC	1357	1,611.94
YARYAN, MARY	8738	355.25
Grand Total		4,168,024.20

Vendor By Fund July 2024

Sum of Tran Amt			FY
Vendor Name	Vendor No	Fund	25
AMAZON BUSINESS	7468	001	872.19
		222	0.00
		670	1,324.95
		675	1,593.58
		705	0.00
		761	660.25
		810	1,278.92
AMERICAN FORENSIC NURSES	4265	001	1,021.02
AT&T CALNET 2	6175	001	197.93
AT&T MOBILITY LLC	8147	001	1,737.14
ATWORK PERSONNEL SERVICES	7937	001	810.87
		660	1,216.28
		680	1,216.28
		702	810.86
BABCOCK LABORATORIES, INC	6774	660	866.00
		680	108.00
BANNING POLICE OFFICERS ASSOC.	7990	001	2,910.30
BEAUMONT DO IT BEST HOME CENTER	6091	001	1,858.10
		100	288.14
		704	725.45
		810	0.00
BENHAR, DIANA T	7099	001	1,025.50
BLAIS & ASSOCIATES, LLC	7612	001	6,221.75
		660	0.00
		705	0.00
CALIFORNIA LAW ENFORCE ASSN	3780	001	1,056.00
CAMPA, ERIC	7287	001	851.00
CANON FINANCIAL SERVICES, INC	7078	001	510.61
		660	178.45
		670	572.03
		705	613.99
		761	178.45
CELL BUSINESS EQUIPMENT (CBE)	7033	001	298.06
		660	66.34
		670	145.14
		705	801.58
		761	243.67
CINTAS CORPORATION	7061	100	155.84
		610	261.84

Vendor By Fund July 2024

Vendor Name	Vendor No	Fund	25
AMAZON BUSINESS	7468	001	872.19
CINTAS CORPORATION	7061	660	395.28
		680	118.94
		702	119.42
		704	21.56
CITY OF BANNING (BNG)	8274	001	778.34
		705	185.89
COMCATE SOFTWARE, INC	6863	001	11,263.97
COUNSELING TEAM INTERNATIONAL, THE	2232	700	910.00
COUTS HEATING & COOLING, INC	5345	001	0.00
		670	0.00
		704	3,326.24
D&M JOB INC.	7696	001	215.50
DELTA DENTAL INSURANCE COMPANY	8123	001	814.89
DELTA DENTAL OF CALIFORNIA	8108	001	7,581.00
DEUSENBERRY, DANIEL	7070	001	15.75
DIAMOND HILLS CHEVROLET BUICK GMC	7082	001	53,984.26
		702	21.12
DLT SOLUTIONS, LLC	5302	001	477.64
		100	477.64
		660	477.64
		680	477.64
DOBBINS, DEANN LOUISE	7512	001	218.40
EIDE BAILLY LLP	8531	001	4,304.00
		705	0.00
ENTERPRISE RENT-A-CAR	2753	001	190.70
FRONTIER COMMUNICATIONS	7053	001	1,920.01
		703	468.88
		705	324.21
GAS COMPANY, THE	1375	001	1,834.70
		704	15.00
		705	9.24
HARGROVE, JOHN	7777	761	16.76
HERNANDEZ, CARLA	7557	001	70.00
HOME DEPOT #8987	5365	001	0.00
		110	0.00
		660	0.00
		704	8.37
		761	378.57
HUERTA JR., GILBERT	7697	001	420.00

Vendor By Fund July 2024

Vendor Name	Vendor No	Fund	25
AMAZON BUSINESS	7468	001	872.19
I.B.E.W. LOCAL 47	1146	001	10,960.34
I.B.E.W. LOCAL 47 (PAC)	4086	001	40.00
IBEW LOCAL 47 RETIREE MEDICAL TRUST	5217	001	6,094.03
INFOSEND, INC	6490	001	0.00
		100	0.00
		610	0.00
		660	0.00
		670	0.00
		675	0.00
		680	0.00
		690	0.00
		761	6,151.59
IRON MOUNTAIN INFORMATION MGMT, LLC	6816	670	141.66
JOE A GONSALVES & SON	5701	001	1,925.00
		705	1,925.00
KOLLER, MARIE	7103	001	21.00
LEADSONLINE, LLC.	8011	001	3,886.00
MISC VENDOR	99001	001	2,020.91
		600	342.57
NEXTREQUEST	7519	705	7,019.55
ORACLE AMERICA INC	8458	222	40,963.23
PARS	5191	001	4,910.37
PLAYHOUSE BOWL ASSOCIATION, INC.	3560	001	12,500.00
POULTER, HANNAH	8226	001	17.25
PULVER, JODEANE V	8168	001	248.50
RACEWAY FORD INC	4759	702	131.85
REAVIS CODE UTILITY SOLUTIONS, LLC	7648	670	51,300.00
RECORD GAZETTE, THE	1555	001	368.58
ROBERT HALF INTERNATIONAL	5151	001	4,216.59
SAN BERNARDINO PUBLIC EMPLOYEES	5998	001	2,769.17
SATELLITE PHONE STORE	8235	703	307.95
SOUTH COAST AIR QUALITY	1370	001	(251.11)
SOUTHERN CALIFORNIA EDISON	1371	660	5,095.99
STAPLES BUSINESS ADVANTAGE	7084	001	351.65
		610	0.00
		704	0.00
		705	394.64
		761	0.00
TASC	5885	001	1,569.60

Vendor By Fund July 2024

Vendor Name	Vendor No	Fund	25
AMAZON BUSINESS	7468	001	872.19
TELEPACIFIC COMMUNICATIONS	6583	705	1,560.86
UNDERGROUND SERVICE ALERT	871	100	82.76
		660	82.77
		670	82.75
VERIZON WIRELESS SERVICES, LLC	5369	001	5,061.54
		100	302.05
		610	1,276.70
		660	890.35
		670	5,496.45
		680	151.24
		702	88.65
		703	186.12
		761	275.99
VIGILANT LLC	8631	703	8,379.53
WALLACE, COLLEEN	7576	001	54.61
WALTER STANLEY COS, LLC	7282	704	1,903.67
WELDOR'S SUPPLY AND STEEL	7249	001	4,500.00
WILLDAN FINANCIAL SERVICES	2971	375	797.92
		689	0.00
WILLIAMS SCOTSMAN, INC	1357	810	1,611.94
WILDLIFE CONTROL SERVICE INC	7605	001	1,250.00
HUERTA LOPEZ, TUNNIA A	8736	001	245.00
STOCKMAN, JULIA	8735	001	542.50
CITY OF BANNING UTILITIES OPV	7992	810	1,458.66
CHARTER COMMUNICATIONS	8150	001	429.06
		670	1,975.70
RILEY, ANTHONY	8615	001	86.64
VESTIS SERVICES LLC	7743	100	0.00
		610	0.00
		704	0.00
		761	92.49
ALLGOOD DRIVING SCHOOL, INC	7979	001	109.20
ALLIANT INSURANCE SERVICES, INC	6775	700	10,371.00
ALTAIR ENGINEERING INC	8311	001	23,165.00
BEAUMONT BASIN WATERMASTER	4972	660	16,427.00
CASTILLO, JORGE IVAN	8078	001	287.39
CM LANDSCAPE	8756	001	3,588.75
FEDEX	1078	702	43.07
FLYNN, SHERI	7486	001	60.00

Vendor By Fund July 2024

Vendor Name	Vendor No	Fund	25
AMAZON BUSINESS	7468	001	872.19
GRAYBAR ELECTRIC COMPANY, INC.	203	670	2,844.60
INNER-TITE CORP	3748	670	2,918.80
MIXON, FRANKLEN	8493	001	17.25
OERTEL, ERICH	5811	001	17.25
PRESCOTT, KEVIN	8324	001	17.25
PRESS-ENTERPRISE, THE	1295	670	126.17
PUBLIC ENTITY RISK MANAGEMENT	978	700	3,521,853.00
QUADIENT POSTAGE FUNDING	8211	705	5,000.00
RIV. CO. SHERIFF'S DEPARTMENT	1642	001	31,250.00
SOCAL PROPANE LLC	8625	001	0.00
		704	80.00
SOUTHERN CALIF ASSN OF GOVERNMENTS	1346	001	4,600.00
SOUTHERN CALIFORNIA WEST COAST ELEC	1377	704	628.25
SOUTHWEST POWER POOL, INC	7488	670	312.79
STAGECOACH DAYS ASSOCIATION	6989	001	30,500.00
STATE WATER RESOURCES CONTROL	6849	660	105.00
TRANSWEST TRUCK CENTER, LLC	420	660	180,783.75
U.S. BANK	3590	375	3,757.50
YARYAN, MARY	8738	001	355.25
Grand Total			4,168,024.20

Cash Balances By Fund Type

Fund Type	Balance
001 - GENERAL FUND	10,590,918.17
100 - SPECIAL REVENUE FUNDS	5,455,734.27
300 - FIDUCIARY FUNDS	308,488.00
400 - CAPITAL IMPROVEMENT FUNDS	1,474,459.54
600 - AIRPORT FUND	(397,171.85)
610 - TRANSIT FUND	(3,893,190.09)
660 - WATER ENTERPRISE	30,035,273.12
670 - ELECTRIC ENTERPRISE	(6,385,978.31)
680 - WASTEWATER ENTERPRISE	25,327,223.37
700 - INTERNAL SERVICE FUNDS	(9,735,068.45)
800 - SUCCESSOR AGENCY FUNDS	104,615.84
GRAND TOTAL	**52,885,303.61**

Cash Balances By Fund

Fund	Fund Name	Fund Type	Balance
001	GENERAL FUND	001 - GENERAL FUND	9,587,951.74
002	DEVELOPER DEPOSIT FUND	001 - GENERAL FUND	(1,014,668.03)
005	ADMIN ALLOWANCE FUND	001 - GENERAL FUND	2,011,524.69
300	CITY ADMINISTRATION DEBT SVC FUND	001 - GENERAL FUND	6,109.77
690	REFUSE FUND	690 - REFUSE FUND	(30,285.93)
100	GAS TAX STREET FUND	100 - SPECIAL REVENUE FUNDS	(1,055,930.13)
101	MEASURE A STREET FUND	100 - SPECIAL REVENUE FUNDS	812,672.95
102	RMRA (SB1) GAS TAX FUND	100 - SPECIAL REVENUE FUNDS	739,357.84
110	CDBG FUND	100 - SPECIAL REVENUE FUNDS	(84,854.62)
111	LANDSCAPE MAINTENANCE FUND	100 - SPECIAL REVENUE FUNDS	72,030.27
132	AIR QUALITY IMPROVEMENT FUND	100 - SPECIAL REVENUE FUNDS	314,765.91
140	ASSET FORFEIT-POLICE FUND	100 - SPECIAL REVENUE FUNDS	1,905.90
148	SUPPLEMENTAL LAW ENFORCEMENT FUND	100 - SPECIAL REVENUE FUNDS	184,426.54
150	STATE PARK BOND ACT FUND	100 - SPECIAL REVENUE FUNDS	(117.84)
200	SPECIAL DONATION FUND	100 - SPECIAL REVENUE FUNDS	46,948.83
201	SENIOR CENTER ACTIVITIES FUND	100 - SPECIAL REVENUE FUNDS	63,685.19
202	ANIMAL CONTROL RESERVE FUND	100 - SPECIAL REVENUE FUNDS	(114.96)
203	POLICE VOLUNTEER FUND	100 - SPECIAL REVENUE FUNDS	6,664.16
221	CSCDA-CFD 2020-02 ATWELL	100 - SPECIAL REVENUE FUNDS	590,693.33
222	ARPA-AMERICA RESCUE PLAN	100 - SPECIAL REVENUE FUNDS	1,735,635.79
360	SUN LAKES CFD #86-1 FUND	300 - FIDUCIARY FUNDS	37,929.07
365	WILSON ST #91-1 ASSMT DBT FUND	300 - FIDUCIARY FUNDS	78,425.64
370	AREA POLICE OCMPUTER FUND	300 - FIDUCIARY FUNDS	-
375	FAIR OAKS AD #2004-1 DEBT FUND	300 - FIDUCIARY FUNDS	192,133.29
376	CAMEO HOMES FUND	300 - FIDUCIARY FUNDS	-
400	POLICE FACILITIES DVLP FUND	400 - CAPITAL IMPROVEMENT FUNDS	302,544.59
410	FIRE FACILITIES DEVELOPMENT FUND	400 - CAPITAL IMPROVEMENT FUNDS	1,428,083.97
420	TRAFFIC CONTROL FUND	400 - CAPITAL IMPROVEMENT FUNDS	2,122,569.63
430	GENERAL FACILITIES FUND	400 - CAPITAL IMPROVEMENT FUNDS	494,332.19
444	WILSON MEDIAN FUND	400 - CAPITAL IMPROVEMENT FUNDS	408,443.78
451	PARK DEVELOPMENT FUND	400 - CAPITAL IMPROVEMENT FUNDS	300,063.98
470	CAPITAL IMPROVEMENT FUND	400 - CAPITAL IMPROVEMENT FUNDS	(48,317.87)
600	AIRPORT FUND	600 - AIRPORT FUND	(397,171.85)
610	TRANSIT FUND	610 - TRANSIT FUND	(3,893,190.09)
660	WATER FUND	660 - WATER ENTERPRISE	24,213,363.72
661	WATER CAPITAL FACILITIES FUND	660 - WATER ENTERPRISE	3,479,347.99
662	IRRIGATION WATER FUND	660 - WATER ENTERPRISE	1,384,747.98
663	BUA WATER CAPITAL PROJECT FUND	660 - WATER ENTERPRISE	1,462,304.90
669	BUA WATER DEBT SERVICE FUND	660 - WATER ENTERPRISE	(504,491.47)
670	ELECTRIC FUND	670 - ELECTRIC ENTERPRISE	134,007.75
672	RATE STABILITY FUND	670 - ELECTRIC ENTERPRISE	6,739,037.87
673	ELECTRIC IMPROVEMENT FUND	670 - ELECTRIC ENTERPRISE	(15,078,403.54)
674	ELECTRIC REVENUE BOND PROJECT FUND	670 - ELECTRIC ENTERPRISE	696,122.98
675	PUBLIC BENEFIT FUND	670 - ELECTRIC ENTERPRISE	1,133,817.63
678	ELECTRIC REVENUE BOND DEBT SERVICE FUND	670 - ELECTRIC ENTERPRISE	(10,561.00)
680	WASTEWATER FUND	680 - WASTEWATER ENTERPRISE	6,198,905.43
681	WASTEWATER CAPITAL FACILITY FUND	680 - WASTEWATER ENTERPRISE	10,967,376.33
682	WASTEWATER TERTIARY FUND	680 - WASTEWATER ENTERPRISE	8,102,845.63
683	BUA WASTEWATER CAPITAL PROJECT FUND	680 - WASTEWATER ENTERPRISE	(316,283.37)
685	STATE REVOLVING LOAN FUND	680 - WASTEWATER ENTERPRISE	533,951.34

Cash Balances By Fund

689	BUA WASTEWATER DEBT SERVICE FUND	680 - WASTEWATER ENTERPRISE	(159,571.99)
700	RISK MANAGEMENT FUND	700 - INTERNAL SERVICE FUNDS	(10,048,516.01)
702	FLEET MAINTENANCE FUND	700 - INTERNAL SERVICE FUNDS	1,042,429.25
703	INFORMATION SYSTEMS SERVICE FUND	700 - INTERNAL SERVICE FUNDS	(1,497,692.04)
704	BUILDING MAINTENANCE	700 - INTERNAL SERVICE FUNDS	1,140,665.89
705	SUPPORT SERVICES	700 - INTERNAL SERVICE FUNDS	(329,538.67)
761	UTILITY BILLING ADMINISTRATION FUND	700 - INTERNAL SERVICE FUNDS	(42,416.87)
805	REDEVELOPMENT OBLIGATION RETIREMENT FUND	800 - SUCCESSOR AGENCY FUNDS	1,903,029.06
810	SUCCESSOR AGENCY LOW/MOD FUND (HOUSING AGENCY)	100 - SPECIAL REVENUE FUNDS	2,027,965.11
830	SUCCESSOR AGENCY DEBT SERVICE FUND	800 - SUCCESSOR AGENCY FUNDS	1,030,742.12
840	BEA CAPITAL PROJECTS FUND	400 - CAPITAL IMPROVEMENT FUNDS	(4,078,920.26)
841	BEA LOW/MOD CAPITAL PROJECTS FUND	400 - CAPITAL IMPROVEMENT FUNDS	545,659.53
850	SUCCESSOR AGENCY ADMIN FUND	800 - SUCCESSOR AGENCY FUNDS	(2,829,155.34)
		GRAND TOTAL	**52,855,017.68**

Estimated Fund Balance By Fund
July 2024

Fund Balance Row Labels	Grand Total
GOVERNMENTAL FUNDS	**13,831,792.46**
CAPITAL IMPROVEMENT FUNDS	**5,717,814.40**
(400) POLICE FACILITIES DVLP FUND	302,547.55
(410) FIRE FACILITIES DEVELOPMENT FUND	1,428,085.27
(420) TRAFFIC CONTROL FUND	2,122,569.06
(421) RAMSEY/HIGHLAND HOMES SIG FUND	0.00
(430) GENERAL FACILITIES FUND	494,332.69
(441) SUNSET GRADE SEPARATION FUND	0.00
(444) WILSON MEDIAN FUND	408,442.65
(451) PARK DEVELOPMENT FUND	300,061.53
(470) CAPITAL IMPROVEMENT FUND	661,775.65
(480) BOND EXPENDITURE AGREEMENT (BEA) PROJ FUND	0.00
(481) BOND EXPENDITURE AGREEMENT (BEA) LOW/MOD FUND	0.00
ENTERPRISE FUNDS	**4,184,811.39**
(690) REFUSE FUND	4,184,811.39
GENERAL FUND	**3,058,098.23**
(001) GENERAL FUND	1,351,526.77
(002) DEVELOPER DEPOSIT FUND	(311,060.92)
(005) ADMIN ALLOWANCE FUND	2,011,522.69
(300) CITY ADMINISTRATION DEBT SVC FUND	6,109.69
SPECIAL REVENUE FUNDS	**871,068.44**
(003) RIVERSIDE COUNTY MOU FUND	0.00
(100) GAS TAX STREET FUND	(1,121,789.36)
(101) MEASURE A STREET FUND	665,291.84
(102) RMRA (SB1) GAS TAX FUND	441,892.80
(103) SB 300 STREET FUND	0.00
(104) ARTICLE 3 SIDEWALK FUND	0.00
(110) CDBG FUND	(84,854.13)
(111) LANDSCAPE MAINTENANCE FUND	74,334.50
(132) AIR QUALITY IMPROVEMENT FUND	314,767.66
(140) ASSET FORFEIT-POLICE FUND	1,906.38
(148) SUPPLEMENTAL LAW ENFORCEMENT FUND	(1,953.05)
(150) STATE PARK BOND ACT FUND	(116.00)
(190) BANNING HOUSING AUTHORITY	0.00
(200) SPECIAL DONATION FUND	39,426.30
(201) SENIOR CENTER ACTIVITIES FUND	63,622.75

Estimated Fund Balance By Fund
July 2024

Fund Balance Row Labels	Grand Total
(202) ANIMAL CONTROL RESERVE FUND	(116.00)
(203) POLICE VOLUNTEER FUND	6,663.45
(221) CSCDA-CFD 2020-02 ATWELL	590,693.30
(222) ARPA-AMERICA RESCUE PLAN	(118,702.00)
PROPRIETARY FUNDS	**141,332,562.40**
ENTERPRISE - BANNING UTILITY AUTHORITY FUNDS	**106,116,433.46**
(660) WATER FUND	80,845,143.22
(661) WATER CAPITAL FACILITIES FUND	3,520,304.96
(662) IRRIGATION WATER FUND	1,382,275.71
(663) BUA WATER CAPITAL PROJECT FUND	1,587,697.93
(669) BUA WATER DEBT SERVICE FUND	(19,801,880.01)
(680) WASTEWATER FUND	20,167,948.96
(681) WASTEWATER CAPITAL FACILITY FUND	10,967,375.13
(682) WASTEWATER TERTIARY FUND	8,102,848.86
(683) BUA WASTEWATER CAPITAL PROJECT FUND	2,180,031.88
(685) STATE REVOLVING LOAN FUND	533,951.43
(689) BUA WASTEWATER DEBT SERVICE FUND	(3,369,264.61)
ENTERPRISE FUNDS	**47,550,969.65**
(600) AIRPORT FUND	2,230,186.12
(610) TRANSIT FUND	(5,104,084.08)
(670) ELECTRIC FUND	79,777,670.60
(672) RATE STABILITY FUND	6,739,037.15
(673) ELECTRIC IMPROVEMENT FUND	(15,169,475.68)
(674) ELECTRIC REVENUE BOND PROJECT FUND	654,741.94
(675) PUBLIC BENEFIT FUND	1,245,605.42
(678) ELECTRIC REVENUE BOND DEBT SERVICE FUND	(22,822,711.82)
INTERNAL SERVICE FUNDS	**(12,334,840.71)**
(700) RISK MANAGEMENT FUND	(9,477,292.02)
(702) FLEET MAINTENANCE FUND	886,692.52
(703) INFORMATION SYSTEMS SERVICE FUND	(1,960,009.15)
(705) SUPPORT SERVICES	(329,353.00)
(761) UTILITY BILLING ADMINISTRATION FUND	(1,454,879.06)
Grand Total	**155,164,354.86**

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Laurie Sampson, Assistant City Manager** **Acting Police Chief Derek Thesier**
MEETING DATE:	**August 27, 2024**
SUBJECT:	**Receive and File Police Department Statistics for the Month of June and July 2024**

RECOMMENDATION:

Receive and file

BACKGROUND:

The Banning Police Department provides statistics to the public and City Council upon request.

JUSTIFICATION:

Statistics tell a city how many police officers need to be on the street, what crimes are being committed, and reveal increases and decreases in specific crimes. Also, cities get funding in part on their crime rates. If a federal crime bill passed, the Government needs to know which cities could benefit the most from those funds, and some cities have been rewarded financially for drastically lowering rates of crime.

FISCAL IMPACT:

None

ALTERNATIVES:

Providing statistics keeps the Council, staff, and residents apprised of current police activities. If the statistics are not presented to the Council on a regular basis, then they should be provided on another platform.

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. STATS JUNE 2024.pdf
2. STATS JULY 2024.pdf

BANNING POLICE DEPARTMENT
JUNE, 2024

CRIME	Jun-24	Jun-23	% CHGE	YTD-24	YTD-23	% CHGE
PART 1 CRIMES						
Homicide	1	0	100%	4	0	400%
Rape	1	1	0%	4	1	300%
Robbery	4	0	400%	5	0	500%
Assaults Agg/Simp	11	9	22%	52	9	478%
Burglary	7	15	-53%	43	15	187%
Vehicle Theft	2	13	-85%	15	13	15%
Larceny	12	20	-40%	51	20	155%
OTHER						
Narcotics	9	0	900%	35	0	3500%
DUI	5	0	500%	10	0	1000%
T/C Non-Injury	24	0	2400%	65	0	6500%
T/C Injury	5	0	500%	17	0	1700%
T/C Fatal	0	0	0%	0	0	0%
Citations	169	0	16900%	475	0	47500%
Total Incidents	3135	0	313500%	6307	0	630700%

BANNING POLICE DEPARTMENT
JULY, 2024

CRIME	Jul-24	Jul-23	% CHGE	YTD-24	YTD-23	% CHGE
PART 1 CRIMES						
Homicide	0	0	0%	4	0	400%
Rape	0	2	-100%	4	2	100%
Robbery	0	1	-100%	5	1	400%
Assaults Agg/Simp	13	26	-50%	65	26	150%
Burglary	6	14	-57%	49	14	250%
Vehicle Theft	6	12	0%	21	12	75%
Larceny	15	25	-40%	66	25	164%
OTHER						
Narcotics	18	14	29%	53	14	279%
DUI	5	0	500%	15	0	1500%
T/C Non-Injury	13	15	-13%	78	15	420%
T/C Injury	1	7	-86%	18	7	157%
T/C Fatal	0	0	0%	0	0	0%
Citations	132	91	45%	607	91	567%
Total Incidents	3375	3686	-8%	9682	3686	163%

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Laurie Sampson, Assistant City Manager** **Chief Todd Hopkins**
MEETING DATE:	**August 27, 2024**
SUBJECT:	**Receive and File Fire Protection Services Statistics for the Month of June and July 2024**

RECOMMENDATION:

Receive and file

BACKGROUND:

City Council has requested CalFire's Riverside County Division, which provides fire protection services in the City of Banning, provide specific reports to the public and City Council on a monthly basis

JUSTIFICATION:

Many fire and EMS departments store and analyze statistical data, which can provide a detailed analysis of the types of responses their organization is called to assist. This information is critical to elevating the level of service provided by the fire department.

FISCAL IMPACT:

None

ALTERNATIVES:

Providing statistics keeps the Council, staff, and residents apprised of current fire and paramedic activities. If the statistics are not presented to the Council on a regular basis, then they should be provided on another platform.

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. June Fire Statistics.pdf
2. July Fire Statistics.pdf

Riverside County Fire Department/ CAL FIRE

Jurisdiction Summary for City of Banning

Bill Weiser

Fire Chief

6/1/2024 to 6/30/2024

Incident Response Activity

***At least 1 Resource Dispatched**

Incident Type	#
False Alarm	23
Haz Mat	1
Medical	383
Other Fire	6
Public Service Assist	35
Res Fire	1
Rescue	1
Ringing Alarm	2
Standby	1
Traffic Collision	12
Vehicle Fire	4
Wildland Fire	16
Incident Total	**485**

Average Enroute to On-Scene Time

***Units Responding Charlie, Delta, Bravo, Echo, Code 3**

<5 Minutes: 248

+5 Minutes: 90

+10 Minutes: 8

+20 Minutes: 2

Average Min: 4.55

% 0 to 5 Min: 71.26

Enroute Time: Unit has been acknowledged as responding.
On-Scene Time: Unit has been acknowledged as being On-Scene.

Transport

***Based on Units with a Transport time**

	0
Total:	**0**

Mutual Aid

***Unit responses**

Jurisdiction Units Responses

Engine	412
Total:	**412**

Mutual Aid Given

Engine	214
Total:	**214**

Mutual Aid Received

	28
Brush	14
Chief	14
Engine	179
Patrol	7
PIO	1
Squad	18
Truck/Quint	5
Total:	**266**

Truck Report

MRFT1 recorded 5 responses in City of Banning from 6/1/2024 1:40:10 PM to 6/30/2024 1:40:10 PM

Significant Incidents

Riverside County Fire Department/ CAL FIRE

Jurisdiction Summary for City of Banning

Bill Weiser

Fire Chief

7/1/2024 to 7/31/2024

Incident Response Activity

***At least 1 Resource Dispatched**

Incident Type	#
False Alarm	33
Medical	391
Other Fire	7
Public Service Assist	32
Res Fire	2
Ringing Alarm	2
Standby	5
Traffic Collision	13
Vehicle Fire	4
Wildland Fire	10
Incident Total	**499**

Average Enroute to On-Scene Time

***Units Responding Charlie, Delta, Bravo, Echo, Code 3**

Enroute Time: Unit has been acknowledged as responding.
On-Scene Time: Unit has been acknowledged as being On-Scene.

Transport

***Based on Units with a Transport time**

	0
Total:	**0**

Mutual Aid

***Unit responses**

Jurisdiction Units Responses

Engine	400
Total:	**400**

Mutual Aid Given

Engine	219
Total:	**219**

Mutual Aid Received

	40
Air	5
Brush	38
Chief	22
Crew	8
Dozer	1
Engine	227
Environmental Health	3
HazMat	2
OOU	2
Patrol	8
PIO	3
Safety	1
Truck/Quint	6
Water Tender	1
Total:	**367**

Truck Report

MRFT1 recorded 6 responses in City of Banning from 7/1/2024 1:40:10 PM to 7/31/2024 1:40:10 PM

Significant Incidents

CITY OF BANNING
STAFF REPORT

TO: **CITY COUNCIL**

FROM: **Douglas Schulze, City Manager**

PREPARED BY: **Art Vela, Public Works Director**

MEETING DATE: **August 27, 2024**

SUBJECT: **Public Works Capital Improvement Project Tracking List**

RECOMMENDATION:

Receive and file.

BACKGROUND:

There are several planning, environmental, design and construction contracts that have been approved by City Council and/or the City Manager's office that are being managed by the Public Works Department. In an effort to keep the City Council and the public informed of the progress made and current status of each project, staff has prepared and will continue to update the attached Public Works CIP Tracking List. The list will be presented to City Council on a monthly basis.

JUSTIFICATION:

This recurring item is provided to keep City Council and the public apprised of progress on certain projects.

FISCAL IMPACT:

Not applicable.

ALTERNATIVES:

Not applicable.

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. CIP Tracking.pdf

PUBLIC WORKS CAPITAL IMPROVEMENT PROJECTS (CIP) TRACKING SHEET

Category	Project #	Project Name	Phase	% Completed	Tasks Completed	Current Tasks	Future Tasks	Tentative Completion Date	Project Budget
Streets	2023-17	Hargrave Grade Separation	PA&ED	0%	FAR Grant Application	FAR Agreement. Preparation of RFP for environment/design services	Bidding for environmental/design services	12/30/27	$ 5,000,000
Streets	2024-01	Citywide Street Overlay	Construction	20%	Bids received; Contract awarded by CC; PO issued; Pre-construction; Construction started	R&R curb & gutter, sidewalk, driveway approach and ramps	Milling, crack filling and AC paving	9/6/24	$ 1,513,000
-		Highland Springs Avenue Interchange	PA&ED	35%	Highway Safety Manaul segmentation existing condition; aerial topo mapping; traffic volume report; Environmental Purpose/Need Statement; Air/Noise memos; VMT Methodology Memo; DDI Exclusion Memo; ROW Data Sheets;	Geometric development; utility agency data collection; Traffic Operations Analysis Report; Enviro. Technical Reports; HSM Analysis Memo; Geotech Reports; Prelim Drainage Reports;	Design Standard Risk Assessment; Value Analysis Report; Geometric Approval Document; R/W Data Sheets; Transp. Management Plan	8/1/25	$ 2,900,000
Streets	2020-04	Sun Lakes Blvd Extension	CEQA, PS&E	90%	Council has approved a redesign in order to comply with Kinder Morgan's requirements.	Review 90% Plans. Kinder Morgan reimbursement agreement. DBESP out for 45 days Review. IS/MND under Review by City Staff	Resubmit environmental documentation; review 95% plans; obtain updated construction cost estimate	12/1/24	$ 1,248,026
Streets	-	Traffic Signalization of 8th Street/I-10 Interchange	Design/Permits	90%	Design well underway. Submittal of encroachment permit application to Caltrans. Caltrans approval on TOAR and concepts.	Design drawings have been resubmitted to Caltrans and awaiting a response.	Resubmitted to Caltrans if needed. Caltrans encroachment permit issuance. Property acquisition (private party task)	12/1/24	$ 1,081,000
Streets	2022-05	HSIP Cycle 10 Omar/Ramsey Intersection Improvements	Construction	0%	Project Approved for Funding by the State. Proposal solicitation. Contract award.	Preparing Bid Documents for Construction	Take project Out to Bid	12/1/24	$ 59,698
Streets	2023-04	HSIP Cycle 10 Ramsey Street Pedestrian Safety Improvements	Construction	0%	Project Approved for Funding by the State. Project Awarded.	Preparing Bid Documents for Construction	Take Project Out to Bid	12/1/24	$ 64,780
Streets	2023-09	HSIP Upgrade 17 Traffic Signals Hardware	PS&E	5%	Project approved for funding by Caltrans	CC Awarded on 7/9. Kick Off Meeting 8/26	Design Kick Off Meeting	12/1/24	$ 433,900
Streets	2023-10	HSIP Pedestrian Crossings Upgrades at 19 Intersection	PS&E	2%	Project approved for funding by Caltrans	Preparing RFP Documents for Design Services	Send to purchasing for advertizing	12/1/24	$ 585,000
Streets	2023-11	HSIP Wilson St & 12 St Intersection Upgrade	PS&E	2%	Project approved for funding by Caltrans	Preparing RFP Documents for Design Services	Send to purchasing for advertizing	12/1/24	$ 277,000
Streets	2023-05	San Gorgonio/UPRR Pedestrian Crossing	Design	60%	Amendment 2 CC Approval. 65% Plans complete	60% Plans under Review by UPRR and CUPC	90% Plans Submittal	12/1/24	$ 230,000
Facility	2021-06	CNG Station	Design-Build	30%	Reviewed/Approved 60% Drawings; Various submittals approved and equiment ordered;	Development of 90% drawings; permitting coordination with SoCalGas; coordiation with	Approval of 100% drawings and commencement of construction phase.	1/31/25	$ 3,900,000
Water	2018-02W-2	New Domestic Water Well C8 (Phase 2: Well Equipping and Site Development)	Design	95%	100% plans reviewed/approved.	Development of bid documents.	Compete bid documents and bid for construction	10/1/24	$ 859,683
Wastewater	2022-01WW	Wastewater Treatment Plant and Recycled Water Improvments	Planning/Design/Bid	20%	RFP Scope of Work Finalized; Design Critiria and Prel. Design Completed. RFP has been made available.	RFP Process; Proposals Due on 10/4/24.	Council consideration of approval expected Nov./Dec.	12/1/24	$ 1,576,432
Wastewater	2020-08WW	WWTP Equalization Basin	Design/CEQA	60%	Reviewed/Approved 60% drawings.	Development of 90% drawings; working with EPA on grant funding.	Submitall of 90% drawings	11/1/24	$ 362,866
Water	2023-15	Ramsey Street Water Line	Design	60%	Contract awarded and kick off meeting held.	Phase 1 Construction out to Bid	Award Construction Contract. Complete Phase 2 & 3 Design	8/30/24	$ 250,000
Water	2022-07W	Well M12A (Phase I Pilot well drilling and testing)	Construction	100%	Project completed	Project Closeout	-	9/1/24	$ 2,254,005
Water	2022-07W	Well M12A (Phase 2: Well Equipping an Site Development)	Design	95%	100% plans reviewed/approved.	Development of bid documents.	Compete bid documents and bid for construction	10/1/24	$ 2,254,005
Water	2017-15W	Water Main Replacement Location 3	Design	95%	Original Design Completed.	Revised Plans under Review by City Staff	Complete bid package and bid projecrt	7/1/24	$ 20,000
Recycled Water	2024-1RW	Charles Street and Lincoln Street Booster Station and Reservoirs	Construction	5%	Project has been advertised for bids	Award Construction Management and Inspection Services Contract to TKE on 8/27 CC. Advertise	Bid opening, review of bids, award construction contract	2/1/26	
Facility	2023-16	Opportunity Village Sound Wall	Design	20%	Project kicked off.	Potholing of existing Caltrans Retaining Wall. 30% Plans due end of August	Prepare and submit 60% design.	9/1/24	$ 103,486
Facility	2023-14	Dump Site Electronic Gate	Construction	100%	Contract Awarded.	Construction Completed.	Warranty Period	12/1/24	$ 113,538
Facility	2023-06	Lions Park Non-Potable Water	Design	30%	Project Awarded. Kick Off Meeting. Surveying and utility	30% Plans City Review Completed. Contract	60% Design Submittal.	12/1/24	$ 98,500
Electric		Sun Lakes Blvd Extension	Design	30%	Design well underway. BEU Consultant is in coordination with Sunset Crossroads dry utility consultant for service	Complete 60% design and review with City	60% Design Submittal	12/1/24	$ 55,400
Electric		Robertson's Ready Mix Pole Relocation	Design/Construction	40%	Line Extension Agreement submitted for approval	Finalize design and collect deposits from Robertson's to begin ordering materials for construction	Order materials for contruction and schedule installation	12/1/24	$ 380,000
Electric		12kV Reconductor on Barbour St at Hathaway	Design/Construction	60%	BEU Planning team has completed preliminary design	Design review has commenced and expect to reach 90% stage by 8/8/24	Complete design plans; Order materials for contruction and schedule installation	12/1/24	$ 100,000

CITY OF BANNING
STAFF REPORT

TO: **CITY COUNCIL**

FROM: **Douglas Schulze, City Manager**

PREPARED BY: **Kristine Gutierrez, Community Development Operations Manager**

MEETING DATE: **August 27, 2024**

SUBJECT: **Receive and File Code Enforcement Update and Statistics for the Months of June and July 2024**

RECOMMENDATION:

Receive and file.

BACKGROUND:

The City's Code Enforcement Division ("Code") is responsible for enforcement of the City's Municipal Code. The Code Enforcement Division staff is currently managing over **1,286 investigated cases YTD**. In addition to the typical code enforcement duties and responsibilities (e.g., unsafe buildings, unpermitted land use, no business license, construction without permit, and unregistered food vendors), Code Enforcement is also responsible for compliance with weed abatement. This Program includes patrol, investigation, noticing, enforcement, and remediation of over 650 vacant lots.

Code Enforcement Statistics for June 2024	**MONTH**	**YEAR-TO-DATE (YTD)**
Cases Investigated	73	1215
Cases Closed	49	823
All Open Cases	24	392
Citations Paid	$1,300.00	$6,511.90
Notices to Abate	1	175
Red Tagged Properties	1	8
Apply or Release Lien/Pendency	1	9
Civic Plus Inquiries	13	31
Public Records Request	12	69

Code Enforcement Statistics for July 2024	**MONTH**	**YEAR-TO-DATE (YTD)**
Cases Investigated	71	1286
Cases Closed	40	863
All Open Cases	31	423
Citations Paid	$0	$6,511.90

Notices to Abate	4	179
Red Tagged Properties	1	9
Apply or Release Lien/Pendency	2	11
Civic Plus Inquiries	13	44
Public Records Request	6	75

JUSTIFICATION:

Monthly activity reports provided for informational purposes.

FISCAL IMPACT:

Not applicable.

ALTERNATIVES:

None

BUDGETED?:

Yes

CONTRACT/AGREEMENT:

No

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Laurie Sampson, Assistant City Manager**
MEETING DATE:	**August 27, 2024**
SUBJECT:	**Receive and File Contracts Approved Under the City Manager's Signature Authority and Inventory Reports for June and July 2024**

RECOMMENDATION:

Receive and file

BACKGROUND:

Per Purchasing Policy B-30, 3-105(5), written notification by the Purchasing Officer of all City Manager approved contracts will be provided quarterly to the City Council for review, and 16-107(3), The City Manager, or his designated representative, shall make a monthly written report to the City Council as to all Change Orders approved by the City Manager during the month, and of all possible future Change Orders that may appear probable prior to the next monthly report. At a minimum, the City Manager shall provide the Council with the name and nature of the contract, all Change Orders approved during that month, the reason for the Change Orders, the cumulative amount of the Change Orders for that contract, and any additional information the Council requests.

JUSTIFICATION:

While the policy requires contracts signed under the City Manager's signature authority be submitted to City Council on a quarterly basis, it is staff's intent to submit these reports on a monthly basis to provide continuity with other monthly reports submitted to Council.

FISCAL IMPACT:

None

ALTERNATIVES:

Failure to provide this report to the City Council would result in the City being out of compliance with Purchasing Policy B-30,3-105(5).

BUDGETED?:

Yes

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. 2024-8 August 2024 Data CC Meeting (June 2024).pdf
2. 2024-8 August 2024 Data CC Meeting (July 2024).pdf

Contracts Approved Within City Manager Signature Authority

FOR MONTH OF JUNE 2024

City Manager Approval Date	Vendor Name	Description of Item/Service	Contact Award Total	Department/ Division	Comments
6/5/2024	MSN Engineers, Inc	CEQA Training	1,240.00	Community Development	
6/10/2024	Rincon Consultants, Inc.	786 John Street Phase 1ESA	4,900.00	PW - Engineering	
6/11/2024	Blais & Associates, LLC	Critical Programs for People Formerly in the Criminal Justice System Grant	17,550.00	City Manager- Grants	
6/13/2024	Stockton Consulting	Engineering Support	20,000.00	PW - Engineering	
6/18/2024	Turboscape, Inc	Park Playground EWF Purchase & Instal	6,540.00	Parks & Rec	

Change Orders Approved Within City Manager Signature Authority

FOR MONTH OF JUNE 2024

Date	Vendor Name	Description of Item/Service	Contact Award Total	Change Order	Comments
6/10/2024	OpenGov	SaaS agreement for Budgeting, Transparency,	140,422.37	$ -	Add'l programming, negotiated cost
6/18/2024	Wildlife Control Service Inc	Gopher and Squirrel service @ six parks	6,250.00	$ -	Time Extension
6/27/2024	Michael Baker International, Inc	Sunset Crossroads Specific Plan	$ 150,000.00	$ -	Time Extension

INVENTORY PURCHASES OVER $25K				
JUNE 2024				
Date	Vendor Name	Description of Item/Service	Contact Award Total	Department
NO REPORT				

Contracts Approved Within City Manager Signature Authority

FOR MONTH OF JULY 2024					
City Manager Approval Date	**Vendor Name**	**Description of Item/Service**	**Contact Award Total**	**Department/ Division**	**Comments**
7/1/2024	West Coast Arborists, Inc.	Tree Maintenance Service: Ramsey St Median, City Hall, & PD	13,650.00	PW - Facilities	CUPCCAA
7/5/2024	Blais & Associates, LLC	ERF 3R Grant Application Development	9,675.00	City Manager - Grants	

Change Orders Approved Within City Manager Signature Authority					
FOR MONTH OF JULY 2024					
Date	**Vendor Name**	**Description of Item/Service**	**Contact Award Total**	**Change Order**	**Comments**
7/11/2024	Albert A. Webb Associates	Design of WWTP Equilization Basin	145,300.00	$ -	Time Extension

INVENTORY PURCHASES OVER $25K				
JULY 2024				
Date	**Vendor Name**	**Description of Item/Service**	**Amount**	**Department**
7/12/2024	Core & Main, LP	Inventory Supplies & Commodities	$ 150,000.00	Water/WW
7/12/2024	Western Water Works Supply	Inventory Supplies & Commodities	$ 100,000.00	Water/WW
7/12/2024	United Water Works, Inc	Inventory Supplies & Commodities	$ 100,000.00	Water/WW
7/22/2024	Zenner Performance Meters,	Meters for New Housing	$ 80,000.00	Water
7/25/2024	Anixter	14.4 KV900 amps 110KV bil	$ 43,157.30	Electric

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Laurie Sampson, Assistant City Manager**
MEETING DATE:	**August 27, 2024**
SUBJECT:	**City Council Travel and Conference Expense Report Year to Date June 30, 2024**

RECOMMENDATION:

Receive and file

BACKGROUND:

The City Council attends many events, conferences, and training sessions while serving the City of Banning. The rules for these events and expenses are enforced by the Reimbursement Policy for Elected and Appointed Officials as well as by Policy E-3 Travel and Meeting Policy.

JUSTIFICATION:

As part of the Reimbursements Policy for Elected and Appointed Officials each official must briefly report on outside meetings, and all City reimbursement expenditures are subject to disclosure under the Public Records Act and other applicable laws. This monthly report will enable the City to comply with this requirement.

FISCAL IMPACT:

All expenditures under this category are from account 001-1000-411.23-05. As of June 30, 2024, the total charged to this account is $30,191.04.

ALTERNATIVES:

Providing statistics keeps the Council, staff, and residents apprised of current council activities. If the statistics are not presented to the Council on a regular basis, then they should be provided on another platform.

BUDGETED?:

Yes

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. City Council Travel through June 30, 2024.pdf

CITY COUNCIL TRAVEL AND CONFERENCE BUDGET FY2023-2024

ACCOUNT 001-1000-411.23-05

AS OF JUNE 30, 2024

BUDGET		$	28,000.00
TRANSFER	3/18/2024	$	3,500.00
	TOTAL	$	31,500.00
WALLACE		$	10,809.50
SANCHEZ		$	4,547.71
MINJARES		$	2,614.88
GONZALES		$	2,937.21
FLYNN		$	9,161.74
HAPPE		$	120.00
	TOTAL	$	30,191.04
BALANCE AVAILABLE		$	1,308.96

TRAVEL AND CONFERENCE FY 2023-2024

WALLACE C00013

Date	Event	Amount
7/12/2023	Cal Cities Annual Conference/Registration	$650.00
7/14/2023	Beaumont Chamber Breakfast	$30.00
7/19/2023	Banning Sunrise Breakfast	$25.63
7/26/2023	Cal Cities-Riverside Division	$40.00
8/1/2023	Riverside County Women's Leadership Conference	$100.00
8/7/2023	Inland Empire Chamber Event	$10.00
8/7/2023	Banning Sunrise Breakfast	$25.63
8/16/2023	Banning Sunrise Breakfast	$25.00
8/17/2023	The Exchange/Cal Cities Annual Conference/Hotel	$1,386.42
8/24/2023	NCAP 2023 Conference/ Meals	$56.63
8/24/2023	August Mileage	$41.53
9/5/2023	City of Beaumont State of the City	$75.00
9/6/2023	Economic Horizon 2023	$125.00
9/14/2023	Cal Cities Annual Conference/Meals	$191.50
9/20/2023	Cal Cities Annual Conference Riverside Division Lunch	$50.00
9/25/2024	September Mileage	$517.76
9/25/2023	Carol's Kitchen Silver Jubliee	$77.40
9/27/2023	Cal Cities Annual Conference Balance of Mileage	$310.55
9/27/2023	City of San JacintoState of the City	$69.00
10/20/2023	October Mileage	$185.63
10/26/2023	Cal Cities Academy/Registration	$675.00
11/3/2023	City of Hemet State of the City	$55.00
11/15/2023	Banning Sunrise Breakfast	$25.00
11/15/2023	League Leaders Summit/ Meals	$46.50
11/30/2023	November Mileage	$65.10
12/1/2023	League Leaders/ Parking	$80.00
12/1/2023	League Leaders/ Mileage	$98.44
12/6/2024	Banning Sunrise Breakfast	$25.00
1/2/2024	Bank & Finance Conference	$125.00
1/2/2024	Cal Cities-Riverside Division	$45.00
1/2/2024	IE Chamber Event	$45.00
1/9/2024	State of the District/District 5	$100.00
1/19/2024	Beaumont Chamber Citizen of the Year	$75.00
1/22/2024	Cal Cities Riverside/San Bernardino Dual Division Meeting	$45.00
1/22/2024	Riverside County Office of Education	$45.00
1/24/2023	Cal Cities Academy/Monterey Plaza Hotel	$1,024.32
1/31/2024	Cal Cities Academy/Meals and Fuel	$358.52
1/31/2024	Cal Cities Academy/Monterrey Plaza Parking	$132.91

1/31/2024	Cal Cities Academy/Car Rental	$276.60
1/31/2024	January Mileage	$124.55
2/1/2024	February Mileage	$81.87
2/1/2024	Cal Cities- Riverside Division	$45.00
2/7/2024	Women's I-10 Economic Forum	$45.00
3/1/2024	Cal Cities Committee/Burbank/Hotel	$212.23
3/1/2024	Cal Cities Leadership Summit/Registration	$650.00
3/1/2024	Cal Cities Leadership Summit/Meals	$196.50
3/12/2024	Banning Sunrise Breakfast	$25.00
3/21/2024	Cal Cities Committee/Meals	$66.75
3/18/2021	City of Perris State of the City	$50.00
3/31/2024	March Mileage	$236.85
4/1/2024	MSJC State of the College	$85.66
4/11/2024	Cal Cities Riverside Division	$65.00
4/16/2024	Cal Cities Leadership Summit/Fuel	$215.71
4/17/2024	Banning Sunrise Breakfast	$25.00
4/30/2024	Cal Cities Leadership Summit /Car Rental	$262.71
5/1/2024	April Mileage	$132.53
5/2/2024	SCAG Conference/Meals	$43.50
5/30/2024	Cal Cities Annual Conference Registration	$725.00
6/6/2024	BIA So Cal Water Conference	$125.00
6/28/2024	WRCOG Mileage	$60.57
	Total Expenses	$10,809.50

TRAVEL AND CONFERENCE EXPENSES

SANCHEZ C00016

Date	Event	Amount
7/12/2023	Cal Cities Annual Conference/Registration	$ 650.00
7/21/2023	Banning Sunrise Breakfast	$ 25.63
7/26/2023	Cal Cities- Riverside Division	$ 40.00
8/1/2023	Cal Cities Annual Conference/Airfare	$ 302.40
8/17/2023	The Exchange/Cal Cities Annual Conference/Hotel	$ 1,386.42
9/5/2023	City of Beaumont State of the City	$ 75.00
9/14/2023	Cal Cities Annual Conference/Meals	$ 191.50
9/20/2023	Cal Cities Annual Conference Riverside Division Lunch	$ 50.00
10/26/2023	Cal Cities Academy/Registration	$ 675.00
11/6/2023	Banning Sunrise Breakfast	$ 25.00
11/6/2023	Cal Cities Academy/Monterey Plaza Hotel	$ 1,024.32
11/17/2023	The Exchange/Cal Cities Annual Conference/Hotel	$ (135.00)
11/30/2023	Washington DC/Airfare	$ 564.15
12/4/2023	YOTEL Hotel Washington DC	$ 509.52
12/6/2023	Nina Way/ Meals Washington DC	$ 52.12
12/6/2023	Yotel/Meals, Washington DC	$ 35.97
12/18/2023	Cal Cities Academy/Cancellation Refund	$ (600.00)
12/27/2023	Cal Cities Academy/Monterey Plaza Cancellation	$ (1,024.32)
3/18/2024	City of Perris State of the City	$ 50.00
5/30/2024	Cal Cities Annual Conference Registration	$ 650.00
	Total Expenses	**$ 4,547.71**

TRAVEL AND CONFERENCE EXPENSES

MINJARES C00018

Date	Event	Amount
7/12/2023	Cal Cities Annual Conference/Registration	$ 650.00
7/14/2023	Beaumont Chamber Breakfast	$ 30.00
7/26/2023	Cal Cities- Riverside Division	$ 40.00
8/1/2023	Cal Cities Annual Conference/Airfare	$ 191.96
8/1/2023	Dragonfly Gala 2023	$ 60.00
8/17/2023	The Exchange/Cal Cities Annual Conference/Hotel	$ 1,386.42
9/5/2023	City of Beaumont State of the City	$ 75.00
9/14/2023	Cal Cities Annual Conference/Meals	$ 191.50
9/20/2023	Cal Cities Annual Conference Riverside Division Lunch	$ 50.00
10/26/2023	Cal Cities Academy/ Registration	$ 675.00
11/6/2024	Cal Cities Academy /Monterey Plaza Hotel	$ 1,024.32
11/17/2023	The Exchange/Cal Cities Annual Conference/Hotel	$ (135.00)
12/18/2023	Cal Cities Academy Cancellation	$ (600.00)
1/23/2024	Cal Cities Academy/Monterey Plaza Cancellation	$ (1,024.32)
	Total	**$ 2,614.88**

TRAVEL AND CONFERENCE EXPENSES

GONZALES C00019

Date	Event	Amount
7/12/2023	Cal Cities Annual Conference/Registration	$ 650.00
7/26/2023	Cal Cities-Riverside Division	$ 40.00
8/1/2023	Cal Cities Annual Conference/Airfare	$ 264.96
8/17/2023	The Exchange/Cal Cities Annual Conference/Hotel	$ 1,386.42
9/5/2023	MSJC Hall of Fame Dinner	$ 77.86
9/14/2023	Cal Cities Annual Conference/Meals	$ 191.50
9/20/2023	Cal Cities Annual Conference Riverside Division Lunch	$ 50.00
9/25/2023	September Mileage	$ 41.27
9/25/2023	Carol's Kitchen Silver Jubliee	$ 77.39
10/19/2023	City of Yucaipa State of the City	$ 50.80
10/31/2023	October Mileage	$ 85.81
10/26/2023	Cal Cities Academy/Registration	$ 675.00
11/3/2023	City of Hemet State of the City	$ 55.00
11/6/2023	Cal Cities Academy /Monterey Plaza Hotel	$ 1,024.32
11/17/2023	The Exchange/Cal Cities Annual Conference/Hotel	$ (135.00)
11/30/2023	November Mileage	$ 26.20
12/18/2023	Cal Cities Academy Cancellation	$ (600.00)
12/27/2024	Cal Cities Academy/Monterey Plaza Cancellation	$ (1,024.32)
	Total	**$ 2,937.21**

TRAVEL AND CONFERENCE EXPENSES

FLYNN C00020

Date	Event	Amount
7/12/2023	Cal Cities Annual Conference/Registration	$ 650.00
7/26/2023	Cal Cities-Riverside Division	$ 40.00
8/1/2023	Cal Cities Annual Conference/Airfare	$ 264.60
8/8/2023	Riverside County Women's Leadership Conference	$ 100.00
8/17/2023	The Exchange/Cal Cities Annual Conference/Hotel	$ 1,386.42
9/5/2023	City of Beaumont State of the City	$ 75.00
9/14/2023	Cal Cities Annual Conference/Meals	$ 191.50
9/20/2023	Cal Cities Annual Conference Riverside Division Lunch	$ 50.00
9/26/2023	Carol's Kitchen Silver Jubilee	$ 77.55
9/27/2023	Cal Cities Annual Conference/Airport Parking	$ 165.99
9/27/2023	Cal Cities Annual Conference/Lyft (RideShare)	$ 88.76
9/27/2023	Cal Cities Annual Conference/Tolls	$ 9.20
9/27/2023	Cal Cities Annual Conference/Mileage to LAX	$ 138.86
9/27/2023	Cal Cities Annual Conference/Luggage Fee	$ 60.00
9/27/2023	Cal Cities Annual Conference/ 9/22 Meal Replacement	$ 16.00
9/27/2023	City of San Jacinto State of the City	$ 69.00
10/18/2023	Banning Sunrise Breakfast	$ 25.00
10/19/2023	City of Yucaipa State of the City	$ 50.80
10/26/2023	Cal Cities Academy/Registration	$ 675.00
10/29/2023	Cal Cities Academy/Airfare	$ 347.40
10/31/2023	October Mileage	$ 77.03
11/17/2023	The Exchange/Cal Cities Annual Conference/Hotel	$ (135.00)
12/31/2023	December Mileage	$ 98.77
1/24/2023	Cal Cities Academy /Monterey Plaza Hotel	$ 1,024.32
1/24/2024	Cal Cities Academy/Incidentals	$ 354.29
2/23/2024	Cal Cities Riverside/San Bernardino Dual Division Meeting	$ 45.00
2/27/2024	Cal Cities Leadership Summit/Registration	$ 650.00
3/1/2024	Cal Cities- Riverside Division	$ 45.00
4/11/2024	Cal Cities -Riverside Division	$ 65.00
4/16/2024	Cal Cities Leadership Summit/Travel	$ 624.69
4/22/2024	Cal Cities Leadership Summit/Hotel	$ 856.36
5/20/2024	SCAG Conference Alternate	$ 325.20
5/30/2024	Cal Cities Annual Conference Registration	$ 650.00
	Total	**$ 9,161.74**

TRAVEL AND CONFERENCE EXPENSES

HAPPE

Date	Event	Amount
3/1/2024	Cal Cities-Riverside Division	$ 45.00
3/18/2024	City of Perris State of the City	$ 50.00
3/19/2024	Banning Sunrise Breakfast	$ 25.00
	Total	**$ 120.00**

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Brandon Smith, Lieutenant** **Derek Thesier, Acting Chief of Police**
MEETING DATE:	**August 27, 2024**
SUBJECT:	**Consideration of Resolution 2024-128, Approving the Acceptance of the Distribution of the 2023 Emergency Management Performance Grant (EMPG) Program Award**

RECOMMENDATION:

Adopt Resolution 2024-128.

BACKGROUND:

The City of Banning is part of the 2023 Emergency Management Performance Grant (EMPG) Program Award with the County of Riverside Emergency Management Department (EMD). The City of Banning Police Department has been awarded $10,097 as part of the EMPG Program.

JUSTIFICATION:

The City of Banning Police Department will receive $10,097 for the purchase of an unmanned aircraft system (UAS). The UAS will be utilized by sworn department personnel for use in Chemical, Biological, Radiological, Nuclear, and Explosive materials (CBRNE) prevention, response, and/or recovery. The UAS will also be utilized to conduct patrol and enforcement in difficult to access areas, such as the Banning Water Canyon, and can be used to assist in multiple investigations.

FISCAL IMPACT:

The EMPG requires a dollar-for-dollar match, which will be fulfilled using account 001-1300-412.41-29.

Any expense beyond the $10,097 awarded from the Riverside County Emergency Management Department will be covered by existing budgeted funds in account 001-2200-421.90-56.

ALTERNATIVES:

1. Adopt Resolution 2024-128, as presented.
2. Adopt Resolution 2024-128, with modifications.
3. Do not adopt Resolution 2024-128, reject staff's recommendation, and provide alternative direction to staff.

BUDGETED?:

No

CONTRACT/AGREEMENT:

Yes

ATTACHMENTS:

1. Resolution 2024-128, EMPG Grant Award.docx
2. Banning FY23 EMPG Award Letter.pdf
3. Subrecipient FY23 EMPG Application Workbook Face Sheet.pdf
4. FY23 Standard Assurances.pdf
5. FY23 EMPG Management Assessment.pdf

RESOLUTION 2024-128

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE ACCEPTANCE OF THE 2023 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) PROGRAM AWARD

WHEREAS, the City of Banning Police has entered into an Interlocal Agreement with the Riverside County Emergency Department ("Agreement"); and

WHEREAS, pursuant to the Agreement, the Banning Police Department is being awarded an Emergency Management Performance Grant (EMPG) award in the amount of $10,097; and

WHEREAS, the City of Banning will match the awarded EMPG funds dollar-for-dollar using account 001-1300-412.41-29; and

WHEREAS, grant funds may be used towards the purchase of an Unmanned Aircraft System (UAS) or "drone" for the Banning Police Department, with approval from the Riverside County Emergency Management Department.

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

SECTION 1. The City Council approves the distribution with the Riverside County Emergency Management Department for the 2023 Emergency Management Performance Grant for a one-year term in an amount of $10,097, with a total not-to-exceed amount of $10,097 over one (1) year.

SECTION 2. The City Council authorizes the City Manager to make non-substantive changes to the 2023 Emergency Management Performance Grant and to execute the 2023 Emergency Management Performance Grant with the Riverside County Emergency Management Department on behalf of the City Council.

SECTION 3. The City Council authorizes the City Manager, or designee, to make necessary budget adjustments, appropriations, and transfers related to this resolution.

SECTION 4. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 27th day of August 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-128, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 27th day of August 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

Bruce Barton, Director
Emergency Management Department

April 9, 2024

City of Banning
Derek Thesier, Lieutenant/Acting Chief

RE: FY23 Emergency Management Performance Grant Program (EMPG) Award - $10,097
Grant # 2023-0006 CFDA#: 97.042

The California Office of Emergency Services (CalOES) has approved Riverside County's FY23 Emergency Management Performance Grant Program (EMPG) application and has authorized the commencement of reimbursement requests. The performance period of this grant is **July 1, 2023 (for personnel only), April 9, 2024 – December 31, 2024**. **Final reimbursement requests** are **due** within **twenty (20) calendar days** after the end of the grant period of performance**.**

This subaward is subject to requirements in 2 CFR, Part 200, including the Notice of Funding Opportunity (NOFO), Preparedness Grants Manual, California Supplement to the NOFO, Riverside County Supplement to the NOFO, Grant Assurances, and all applicable federal, state, and local requirements. All activities funded with this subaward must be completed within the period of performance. EMPG requires a **dollar-for-dollar match**.

The Riverside County Operational Area (OA) may reduce, suspend, or terminate grant funding, in whole or in part, or other measures may be imposed for any of the following reasons:

- Failure to submit required performance reports.
- Failure to expend a minimum of 90% of awarded funding.
- Failure to expend funds in a timely manner consistent with the grant milestones, guidance, and assurances.
- Failure to comply with the requirements or statutory progress toward the goals or objectives of federal or state law.
- Failure to make satisfactory progress toward the goals or objectives set forth in the Subrecipient application.
- Failure to follow Grant Subaward requirements or special conditions.
- Proposing or implementing substantial plan changes to the extent that, if originally submitted, the application would not have been selected for funding.
- False certification in the application or document.
- Failure to adequately manage, monitor, or direct the grant funding activities of the organization.

Subrecipients must obtain additional written approval prior to incurring costs for activities such as aviation, watercraft, noncompetitive procurement, and projects requiring Environmental Planning and Historic Preservation review. Any changes to the Financial Management Forms Workbook requires approval from the OA prior to conducting activities and incurring costs.

Your organization's Financial Management Forms Workbook is being provided to you via email along with a copy of this letter. The **Facesheet, Governing Body Resolution**, **Grants Management Assessments form**, **Standard Assurances**, **EHP Screening Form (if applicable)** must be read, **signed**, and **dated** by your **authorized agent** in **blue ink** and returned to **EMD_OAGrants@rivco.org** by **July 9, 2024. Requests will not be processed without the acceptance documents on file.**

This subaward is subject to all provisions of 2 CFR Part 200, Subpart F – Audit Requirements. Any funds received in excess of current needs, approved amounts, or those found owed as a result of a final review or audit, must be refunded to the OA within 30 days upon receipt of an invoice from the County of Riverside Emergency Management Department.

For further assistance, please contact EMD_OAGrants@rivco.org. We look forward to working with you and appreciate your cooperation and support.

Sincerely,
Louis Le
Senior Administrative Services Analyst
County of Riverside Emergency Management Department

(Cal OES Use Only)

Cal OES #		FIPS #		VS#		Subaward #	**2023-0006**

CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES
GRANT SUBAWARD FACE SHEET

The California Governor's Office of Emergency Services (Cal OES) hereby makes a Grant Subaward of funds to the following:

1. Subrecipient: City of Banning Police Department **1a. UEI:** T9ZPMCBNFZC8

2. Implementing Agency: City of Banning Police Department **2a. UEI:** T9ZPMCBNFZC8

3. Implementing Agency Address: 125 E. Ramsey Street (Street) Banning (City) 92220-4839 (Zip+4)

4. Location of Project: Banning (City) Riverside (County) 92220-4839 (Zip+4)

5. Disaster/Program Title: Emergency Management Performance Grant **6. Performance / Budget Period:** July 1, 2023 (Start Date) **to** ########### (End Date)

7. Indirect Cost Rate: N/A **Federally Approved ICR** (if applicable): _____ %

Item Number	Grant Year	Fund Source	A. State	B. Federal	C. Total	D. Cash Match	E. In-Kind Match	F. Total Match	G. Total Cost
8.	2023	EMPG		$10,097	$10,097				$10,097
9.									
10.									
11.									
12.									
Total	**Project**	**Cost**		$10,097	$10,097				$10,097

13. Certification - This Grant Subaward consists of this title page, the application for the grant, which is attached and made a part hereof, the Assurances/Certifications, and any attached Special Conditions. I hereby certify I am vested with the authority to enter into this Grant Subaward, and have the approval of the City/County Financial Officer, City Manager, County Administrator, Governing Board Chair, or other Approving Body. The Subrecipient certifies that all funds received pursuant to this agreement will be spent exclusively on the purposes specified in the Grant Subaward. The Subrecipient accepts this Grant Subaward and agrees to administer the grant project in accordance with the Grant Subaward as well as all applicable state and federal laws, audit requirements, federal program guidelines, and Cal OES policy and program guidance. The Subrecipient further agrees that the allocation of funds may be contingent on the enactment of the State Budget.

14. CA Public Records Act - Grant applications are subject to the California Public Records Act, Government Code section 7920 et seq. Do not put any personally identifiable information or private information on this application. If you believe that any of the information you are putting on this application is exempt from the Public Records Act, please attach a statement that indicates what portions of the application and the basis for the exemption. Your statement that the information is not subject to the Public Records Act will not guarantee that the information will not be disclosed.

15. Official Authorized to Sign for Subrecipient:

Name: Doug Schulze Title: City Manager

Payment Mailing Address: 99 E. Ramsey Street City: Banning Zip Code+4: 92220-4839

Signature: _____ Date: _____

16. Federal Employer ID Number: 95-6000674

(FOR Cal OES USE ONLY)

I hereby certify upon my personal knowledge that budgeted funds are available for the period and purposes of this expenditure stated above.

(Cal OES Fiscal Officer) **(Date)** **(Cal OES Director or Designee)** **(Date)**

FY23 Standard Assurances
Federal Grant Programs

As the duly authorized representative of the Applicant, I hereby certify that the Applicant has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application, within prescribed timelines.

I further acknowledge that the Applicant is responsible for reviewing and adhering to all requirements within the:

(a) Applicable Federal Regulations (see below);
(b) Federal Program Notice of Funding Opportunity (NOFO);
(c) Federal Preparedness Grants Manual;
(d) California Supplement to the NOFO;
(e) Federal and State Grant Program Guidelines; and
(f) Riverside County Supplement to the NOFO.

Federal Regulations
Government cost principles, uniform administrative requirements, and audit requirements for federal grant programs are set forth in Title 2, Part 200 of the Code of Federal Regulations (C.F.R.). Updates are issued by the Office of Management and Budget (OMB) and can be found at http://www.whitehouse.gov/omb/.

Significant state and federal grant award requirements (some of which appear in the documents listed above) are set forth below. The Applicant hereby agrees to comply with the following:

1. **Proof of Authority**
   The Applicant will obtain written authorization from the city council, governing board, or authorized body in support of this project. This written authorization must specify that the Applicant and the city council, governing board, or authorized body agree:
   (a) To provide all matching funds required for the grant project and that any cash match will be appropriated as required;
   (b) Any liability arising out of the performance of this agreement shall be the responsibility of the Applicant and the city council, governing board, or authorized body;
   (c) Grant funds shall not be used to supplant expenditures controlled by the city council, governing board, or authorized body; and
   (d) The official executing this agreement is, in fact, authorized to do so.

This Proof of Authority must be maintained on file and readily available upon request.

2. **Period of Performance**
The Applicant will initiate work after approval of the award and complete all work within the period of performance specified in the grant.

3. **Lobbying and Political Activities**
As required by Section 1352, Title 31 of the United States Code (U.S.C.), for persons entering into a contract, grant, loan, or cooperative agreement from an agency or requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan, the Applicant certifies that:

(a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

(b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

The Applicant will also comply with provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and §§ 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

Finally, the Applicant agrees that federal funds will not be used, directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation, or policy without the express written approval from the awarding agency.

4. **Debarment and Suspension**
As required by Executive Orders 12549 and 12689, and 2 C.F.R. § 200.213 and codified in 2 C.F.R. Part 180, Debarment and Suspension, the Applicant will provide protection against waste, fraud, and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the federal government. The Applicant certifies that it:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and
(d) Have not within a three-year period preceding this application had one or more public transaction (federal, state, or local) terminated for cause or default.

Where the Applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

5. **Non-Discrimination and Equal Employment Opportunity**
The Applicant will comply with all state and federal statutes relating to non-discrimination, including:

(a) Title VI of the Civil Rights Act of 1964 (Public Law (P.L.) 88-352 and 42 U.S.C. § 2000d et. seq.) which prohibits discrimination on the basis of race, color, or national origin and requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services;
(b) Title IX of the Education Amendments of 1972, (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex in any federally funded educational program or activity;
(c) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794), which prohibits discrimination against those with disabilities or access and functional needs;
(d) Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. § 12101et seq.), which prohibits discrimination on the basis of disability and requires buildings and structures be accessible to those with disabilities and access and functional needs;
(e) Age Discrimination Act of 1975, (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;
(f) Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd—2), relating to confidentiality of patient records regarding substance abuse treatment;
(g) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), relating to nondiscrimination in the sale, rental or financing of housing as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)— be designed and constructed with certain accessible features (See 24 C.F.R. § 100.201);
(h) Executive Order 11246, which prohibits federal contractors and federally assisted construction contractors and subcontractors, who do over $10,000 in Government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identification or national origin;
(i) Executive Order 11375, which bans discrimination on the basis of race, color, religion, sex, sexual orientation, gender identification, or national origin in hiring and employment in both the United States federal workforce and on the part of government contractors;
(j) California Public Contract Code § 10295.3, which prohibits discrimination based on domestic partnerships and those in same sex marriages;

(k) DHS policy to ensure the equal treatment of faith-based organizations, under which all applicants and recipients must comply with equal treatment policies and requirements contained in 6 C.F.R. Part 19;
(l) The Applicant will comply with California's Fair Employment and Housing Act (FEHA) (California Government Code §§12940-12957), as applicable. FEHA prohibits harassment and discrimination in employment because of ancestry, familial status, race, color, religious creed (including religious dress and grooming practices), sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, genetic information, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy disability leave, military and veteran status, and/or retaliation for protesting illegal discrimination related to one of these categories, or for reporting patient abuse in tax supported institutions;
(m) Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and
(n) The requirements of any other nondiscrimination statute(s) that may apply to this application.

6. Drug-Free Workplace

As required by the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.), the Applicant certifies that it will maintain a drug-free workplace and a drug-free awareness program as outlined in the Act.

7. Environmental Standards

The Applicant will comply with state and federal environmental standards, including:

(a) California Environmental Quality Act (CEQA) (California Public Resources Code §§ 21000- 21177), to include coordination with the city or county planning agency;
(b) CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, §§ 15000- 15387);
(c) Federal Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.), which establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters;

(d) Federal Clean Air Act of 1955 (42 U.S.C. § 7401) which regulates air emissions from stationary and mobile sources;
(e) Institution of environmental quality control measures under the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190); the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; and Executive Order 12898 which focuses on the environmental and human health effects of federal actions on minority and low-income populations with the goal of achieving environmental protection for all communities;
(f) Evaluation of flood hazards in floodplains in accordance with Executive Order 11988;
(g) Executive Order 11514 which sets forth national environmental standards;
(h) Executive Order 11738 instituted to assure that each federal agency empowered to enter into contracts for the procurement of goods, materials, or services and each federal agency empowered to extend federal assistance by way of grant, loan, or contract shall undertake such procurement and assistance activities in a manner that will result in effective enforcement of the Clean Air Act and the Federal Water Pollution Control Act Executive Order 11990 which requires preservation of wetlands;
(i) The Safe Drinking Water Act of 1974, (P.L. 93-523);
(j) The Endangered Species Act of 1973, (P.L. 93-205);
(k) Assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.);
(l) Conformity of Federal Actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); and
(m) Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

The Applicant shall not be: 1) in violation of any order or resolution promulgated by the State Air Resources Board or an air pollution district; 2) subject to a cease-and-desist order pursuant to § 13301 of the California Water Code for violation of waste discharge requirements or discharge prohibitions; or 3) determined to be in violation of federal law relating to air or water pollution.

8. **Audits**
   For subrecipients expending $750,000 or more in federal grant funds annually, the Applicant will perform the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 C.F.R., Part 200, Subpart F Audit Requirements.

9. **Access to Records**
   The Applicant must cooperate with any compliance reviews or investigations conducted by DHS. In accordance with 2 C.F.R. § 200.337, the Applicant will give the awarding agency, the Comptroller General of the United States and, if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award. The Applicant will require any subrecipients, contractors, successors, transferees, and assignees to acknowledge and agree to comply with this provision.

10. **Conflict of Interest**
    The Applicant will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

11. **Financial Management**
    False Claims for Payment - The Applicant will comply with 31 U.S.C §§ 3729-3733 which provides that Applicant shall not submit a false claim for payment, reimbursement, or advance.

12. **Reporting - Accountability**
    The Applicant agrees to comply with applicable provisions of the Federal Funding Accountability and Transparency Act (FFATA) (P.L. 109-282), including but not limited to (a) the reporting of subawards obligating $30,000 or more in federal funds, and (b) executive compensation data for first-tier subawards as set forth in 2 C.F.R. Part 170, Appendix A. The Applicant also agrees to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A. The Applicant is required to report to Riverside County Operational Area (Riverside County OA) the progress of their funded programs on a quarterly basis (January 1, April 1, July 1, October 1).

13. **Whistleblower Protections**
    The Applicant also must comply with statutory requirements for whistleblower protections at 10 U.S.C. § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §

4304 and § 4310.

14. Human Trafficking

The Applicant will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a subrecipient from: (1) engaging in trafficking in persons during the period of time that the award is in effect; (2) procuring a commercial sex act during the period of time that the award is in effect; or (3) using forced labor in the performance of the award or subawards under the award.

15. Labor Standards

The Applicant will comply with the following federal labor standards:

(a) The Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), as applicable, and the Copeland Act (40 U.S.C. § 3145 and 18 U.S.C. § 874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction contracts or subcontracts, and

(b) The Federal Fair Labor Standards Act (29 U.S.C. § 201 et al.) as they apply to employees of institutes of higher learning (IHE), hospitals and other non-profit organizations.

16. Worker's Compensation

The Applicant must comply with provisions which require every employer to be insured to protect workers who may be injured on the job at all times during the performance of the work of this Agreement, as per the workers compensation laws set forth in California Labor Code §§ 3700 et seq.

17. Property-Related

If applicable to the type of project funded by this federal award, the Applicant will:

(a) Comply with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchase;

(b) Comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires subrecipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction

and acquisition is $10,000 or more;

(c) Assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), Executive Order 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §469a-1 et seq.); and
(d) Comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § 4831 and 24 CFR Part 35) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

18. Certifications Applicable Only to Federally Funded Construction Projects

For all construction projects, the Applicant will:

(a) Not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project;
(b) Comply with the requirements of the awarding agency with regard to the drafting, review and approval of construction plans and specifications; and
(c) Provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

19. Use of Cellular Device While Driving is Prohibited

Applicants are required to comply with California Vehicle Code sections 23123 and 23123.5. These laws prohibit driving motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication. Drivers are also prohibited from the use of a wireless telephone without hands-free listening and talking, unless to make an emergency call to 911, law enforcement, or similar services.

20. California Public Records Act and Freedom of Information Act

The Applicant acknowledges that all information submitted in the course of applying for funding under this program, or provided in the course of an entity's grant management activities that are under Federal control, is subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the California Public Records Act, California Government Code section 6250 et seq. The Applicant should consider these laws and consult its own State and local laws and regulations regarding the release of information when reporting sensitive matters in the grant application, needs assessment, and strategic planning process.

HOMELAND SECURITY GRANT PROGRAM (HSGP) – PROGRAM SPECIFIC ASSURANCES / CERTIFICATIONS

21. Acknowledgment of Federal Funding from DHS

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

22. Activities Conducted Abroad

All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

23. Best Practices for Collection and Use of Personally Identifiable Information (PII)

DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. All recipients who collect PII are required to have a publicly available privacy policy that describes standards on the usage and maintenance of PII they collect. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template a useful resource respectively.

24. Copyright

All recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

25. Duplication of Benefits

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance

awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions, or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

26. Energy Policy and Conservation Act

All recipients must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

27. Federal Debt Status

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129.

28. Fly America Act of 1974

All recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

29. Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, all Applicants must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, as amended, 15 U.S.C. § 2225a.

30. Non-supplanting Requirement

All recipients who receive federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

31. Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

32. SAFECOM

All recipients who receive federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

33. Terrorist Financing

All recipients must comply with Executive Order 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

34. Reporting of Matters Related to Recipient Integrity and Performance

If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds $10,000,000 for any period of time during the period of performance of this federal financial assistance award, you must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

35. USA Patriot Act of 2001

All recipients must comply with requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.

36. Use of DHS Seal, Logo, and Flags

All recipients must obtain permission from their DHS Financial Assistance Office, prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

37. Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

The Applicant must comply with the "Build America, Buy America" Act (BABAA), enacted as part of the Infrastructure Investment and Jobs Act and Executive Order 14005. Applicants receiving a federal award subject to BABAA requirements may not use federal financial assistance funds for infrastructure projects unless:

a) All iron and steel used in the project are produced in the United States – this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
b) All manufactured products used in the project are produced in the United States – this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
c) All construction materials are manufactured in the United States – this means that all manufacturing processes for the construction material occurred in the United States.

The "Buy America" preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. It does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a "Buy America" preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

Per section 70914(c) of BABAA, FEMA may waive the application of a "Buy America" preference under an infrastructure program in certain cases.

On July 1, 2022, OMB approved FEMA's General Applicability Public Interest Waiver of the BABAA requirements to be effective for a period of six months, through January 1, 2023. Applicants will not be required to follow the BABAA requirements for FEMA awards made, and any other funding FEMA obligates, during this waiver period. For any new awards FEMA makes after January 1, 2023, as well as new funding FEMA obligates to existing awards or

through renewal awards where the new funding is obligated after January 1, 2023, Applicants will be required to follow the BABAA requirements unless another waiver is requested and approved.

38. Loss of funding

Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the subrecipient may be ineligible for award of any future grants if Riverside County OA or the Cal OES determines that any of the following has occurred: (1) the recipient has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

Riverside County OA may reduce, suspend, or terminate current and/or future grant funding, in whole or in part, or other measures may be imposed for any of the following reasons:

a) Failure to submit required reports.
b) Failure to expend funding.
c) Failure to expend at least 90% or $5,000 (whichever is greater) of the award could affect future funding.
d) Failure to expend funds in a timely manner consistent with the grant milestones, guidance, and assurances.
e) Failure to comply with the requirements or statutory progress toward the goals or objectives of federal or state law.
f) Failure to comply with the required Nationwide Cybersecurity Review (NCSR) process
g) Failure to make satisfactory progress toward the goals or objectives set forth in the Subrecipient application.
h) Failure to follow grant agreement requirements or special conditions.
i) False certification in the application or document.
j) Failure to adequately manage, monitor or direct the grant funding activities of their City/Agency.

IMPORTANT

The purpose of the assurance is to obtain federal and state financial assistance, including any and all federal and state grants, loans, reimbursement, contracts, etc. The Applicant recognizes and agrees that financial assistance will be extended based on the representations made in this assurance. This assurance is binding on the Applicant, its successors, transferees, assignees, etc. Failure to comply with any of the above assurances may result in suspension, termination, or reduction of grant funds.

FY23 Standard Assurances
Federal Grant Programs

All appropriate documentation, as outlined above, must be maintained on file by the Applicant and available for Riverside County OA, Cal OES, or public scrutiny upon request.

All of the language contained within this document must be included in the award documents for all subawards at all tiers. All recipients are bound by the Department of Homeland Security Standard Terms and Conditions 2018, Version 8 .1, hereby incorporated by reference, which can be found at: https://www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions.

The undersigned represents that he/she is authorized to enter into this agreement for and on behalf of the Applicant.

Subrecipient:_____

Signature of Authorized Agent: _____

Printed Name of Authorized Agent: _____

Title:_____Date: _____

County of Riverside Emergency Management Department

FY 2023 Subrecipient Grants Management Assessment

Subrecipient: City of Banning Police Department			UEI #: T9ZPMCBNFZC8
Grant Program Title: COB PD EMPG 2023			
Performance Period: 7/1/23	to	6/30/24	Subaward Amount Requested: 10,097

Per Title 2 CFR § 200.332, it is required to evaluate the risk of noncompliance with federal statutes, regulations and grant terms and conditions posed by each subrecipient of pass- through funding. This assessment is made to determine and provide an appropriate level of technical assistance, training, and grant oversight to subrecipients for the award referenced above. For the purposes of completing this questionnaire, "grant manager" is the individual who has primary responsibility for day-to-day administration of the grant, "bookkeeper/accounting staff" means the individual who has responsibility for reviewing and determining expenditures to be charged to the grant award, and "organization" refers to the subrecipient applying for the award, and/or the governmental implementing agency, as applicable.

The following are questions related to your organization's experience in the management of federal grant awards. This questionnaire must be completed and returned with your grant application materials.

1. How many years of experience does your current grant manager have managing grants?	>5 years
2. How many years of experience does your current bookkeeper/accounting staff have managing grants?	>5 years
3. Are individual staff members assigned to work on multiple grants?	Yes
4. Do you use timesheets to track the time staff spend working on specific activities/projects?	Yes
5. Does your organization utilize cost tracking methods that distinguishes grant expenditures separately from general fund expenditures?	Yes
6. How often does your organization have a financial audit?	Annually
7. Has your organization received any audit findings in the last three years?	NO
8. Do you have written procurement policies?	Yes
9. Do you get multiple quotes or bids when buying items or services?	Sometimes
10. How many years do you maintain receipts, deposits, cancelled checks, invoices?	>5 years
11. Has your organization received grant funding for this program in prior years? If yes, provide the following data for the most recent 3 funding years	Yes

Grant Year:	2022	Amount Awarded:	$10,607	Amount Expended:	$10,607
Grant Year:		Amount Awarded:		Amount Expended:	
Grant Year:		Amount Awarded:		Amount Expended:	

Certification: This is to certify that, to the best of our knowledge and belief, the data furnished above is accurate, complete, and current.

Authorized Agent Signature:	Date:
Print Name: Doug Schulze	Title: City Manager
Grant Manager Signature:	Date: 08/05/2024
Print Name: Brandon Smith	Title: Lieutenant

CITY OF BANNING
STAFF REPORT

TO: **CITY COUNCIL**

FROM: **Douglas Schulze, City Manager**

PREPARED BY: **Lincoln Bogard, Administrative Services Director**

MEETING DATE: **August 27, 2024**

SUBJECT: **Consideration of Resolution 2024-129, Approving a Successor Memorandum of Understandings with the Banning Police Officers' Association, Representing All City Employees Eligible for Inclusion in the Police Unit, Effective March 28, 2024, Through March 27, 2027, and Authorizing the City Manager to Finalize and Execute a Successor Agreement**

RECOMMENDATION:

Adopt Resolution 2024-129.

BACKGROUND:

The City Council has previously approved a Tentative Agreement (TA) with Banning Police Officers' Association for the bargaining period of March 28, 2024, through March 27, 2027. The union has since ratified via membership vote. The Council is requested to accept the resulting Memorandum of Understanding (MOU).

JUSTIFICATION:

The City Council must ratify the MOUs for execution by the City Manager.

FISCAL IMPACT:

The fiscal impact was discussed with City Council in closed session at the time of the original TA.

ALTERNATIVES:

Do not adopt Resolution 2024-129 and provide staff alternate direction.

BUDGETED?:

No

CONTRACT/AGREEMENT:

Yes

ATTACHMENTS:

1. Resolution 2024-129, BPOA MOU.docx
2. BPOA MOU_March 2024 thru March 2027.pdf

RESOLUTION 2024-129

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A SUCCESSOR MEMORANDUM OF UNDERSTANDING WITH THE BANNING POLICE OFFICERS' ASSOCIATION REPRESENTING ALL CITY EMPLOYEES ELIGIBLE FOR INCLUSION IN THE POLICE UNIT, EFFECTIVE MARCH 28, 2024, THROUGH MARCH 27, 2027, AND AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE A SUCCESSOR AGREEMENT

WHEREAS, the City of Banning ("City") has formally recognized the Banning Police Officers' Association (BPOA) as the exclusive employee organization for all City employees eligible for inclusion in the Police Unit; and

WHEREAS, the prior Memorandum of Understanding ("MOU") between the City and the BPOA expired on March 27, 2024; and

WHEREAS, the City labor representatives and BPOA representatives have successfully met, conferred and signed a Tentative Agreement on the deal points for a successor MOU for the period of March 28, 2024, through March 27, 2027, pursuant to the Meyers-Milias-Brown Act (MMBA) (Gov't code Sections 3500-3511) and the City's Employer-Employee Relations Resolution 2010-45; and

WHEREAS, MMBA Section 3505.1 provides that: "If a tentative agreement is reached by the authorized representatives of the public agency and a recognized employee organization or recognized employee organizations, the governing body shall vote to accept or reject the tentative agreement within 30 days of the date it is first considered at a duly noticed public meeting. A decision by the governing body to reject the tentative agreement shall not bar the filing of a charge of unfair practice for failure to meet and confer in good faith. If the governing body adopts the tentative agreement, the parties shall jointly prepare a written memorandum of understanding"; and

WHEREAS, the BPOA membership has ratified the Tentative Agreement for a successor MOU, where once approved by the governing body and the resulting final MOU is signed by the City Manager and BPOA representatives becomes a binding agreement.

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

SECTION 1. The City Council hereby approves the Successor MOU between the City and Banning Police Officers' Association (BPOA) representing all City employees eligible for inclusion in the Police Unit, for the period of March 28, 2024, through March 27, 2027.

SECTION 2. The City Council hereby authorizes and directs the City Manager or designee to finalize and execute the Successor MOU, based on the approved Tentative Agreements, on behalf of the City of Banning.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 27th day of August 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-129, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 27th day of August 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

EXHIBIT A

Banning Police Officers' Association (BPOA) Memorandum of Understanding
for the Period of March 28, 2024 through March 27, 2027

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE CITY OF BANNING

AND

THE CITY OF BANNING POLICE OFFICERS' ASSOCIATION

MARCH 28, 2024 - MARCH 27, 2027

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ARTICLE 1 - PREAMBLE

1.1 Agreement-This Memorandum of Understanding ("MOU" or "Agreement") is entered into between the City of Banning, a Municipal Corporation, hereinafter known as "the City" or "City" and the authorized representatives of the Banning Police Officers' Association, the recognized employee organization of the Police Unit, hereinafter known as "BPOA" or "Union", relative to wages, hours, and other terms and conditions of employment as provided by Sections 3500- 3511 of the California Government Code, otherwise known as the Meyers- Milias-Brown Act.

1.2 Recognition - The City continues to formally recognize the Banning Police Officers' Association as the only Recognized Employee Organization representing employees in the unit of representation presently or hereafter employed by the City and eligible for inclusion in the Police Unit. It is understood that this Agreement shall constitute a bar to any petition or request for recognition of any unit which includes classifications of employees covered by this Agreement or such petitions to represent such employees at any time during the term hereof. This provision shall not preclude employees from otherwise exercising their rights as may be provided by the Meyers-Milias-Brown Act or the Employer-Employee Relations Resolution of the City.

1.3 Term - Except as otherwise provided herein, this MOU between the City and the Union relative to wages, hours, and other terms and conditions of employment shall be for the period March 28, 2024 through March 27, 2027.

1.4 Represented Classifications - This Agreement covers employees in the following classifications: Police Sergeant, Police Staff Sergeant, Police Master Sergeant, Police Corporal and Police Officer.

ARTICLE 2 - CONTINUATION OF RULES & POLICIES

2.1 - Other Written Policies - Subject to the terms of this Agreement, all City ordinances, resolutions, rules and regulations, including the City's Personnel Rules and Regulations, the Employer-Employee Relations Resolution (Resolution No. 2010-45) and the Administrative Policies of the City of Banning and the Banning Police Department shall apply during the term of this Agreement.

2.2- Meet and Confer - The Union and the City agree to meet and confer during the term of this MOU over the adoption, amendment or revision, including repeal, of City ordinances, resolutions, rules and regulations, including the City's Personnel Rules and Regulations, the Employer-Employee Relations Resolution (Resolution No. 2010-45) and the Administrative Policies of the City of Banning and the Banning Police Department, to the extent that such documents contain mandatory subjects of bargaining pursuant to the Meyers-Milias-Brown Act. Should an impasse be reached following such meet and

confer sessions, the provisions of the Employer - Employee Relations Resolution (Resolution No. 2010-45) or any amendment thereto or successor Employer-Employee Relations Resolution will apply.

2.3- Past Practice - For purposes of this Agreement, a "past practice" shall be defined as an unwritten policy, procedure or work rule, whether or not it affects a mandatory subject of bargaining, and upon which the City, the Union and the bargaining unit employees may have relied through a course of conduct. As of the effective date of this Agreement, all past practices are void, and of no further force or effect.

ARTICLE 3 - EMPLOYEE RIGHTS

3.1 - Non-Discrimination - The provisions of this Agreement shall apply to bargaining unit employees without illegal discrimination based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex (including pregnancy, childbirth and related medical condition), sexual orientation, age, citizenship status, or any other basis protected by applicable law, nor will there be any discrimination with respect to hiring, retention or any condition of employment because of membership or non-membership in the Union, or because of any activities or refraining from activities on behalf of the Union.

3.2 - Union Membership -The Union will accept into membership all eligible persons of the bargaining unit without regard to, race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex (including pregnancy, childbirth and related medical condition), sexual orientation, age, or any other basis protected by applicable law.

3.3 - Rights Granted by State and Federal Law - Except as otherwise provided in this Agreement, the employees covered by this Agreement shall have all rights which may be exercised in accordance with State and Federal Law, and applicable ordinances, resolutions, rules and regulations. However, employees covered by this Agreement shall not have the right to a grievance for violation of any such law, ordinance, resolution or rule, except as specifically set forth herein.

3.4 - Gov't Code Section 3502 - Employees shall have the rights provided to them under Government Code section 3502 of the Meyers-Milias-Brown Act.

ARTICLE 4 - MANAGEMENT RIGHTS

4.1 - The Union recognizes and agrees that the City and its representatives have the responsibility and the authority to manage and direct all operations and activities of the City including, but not limited to, the exclusive right to determine the mission of its constituent departments, commissions and boards and the processes and the materials to be employed; the right to subcontract any work or operation; to expand or diminish

services; to determine the procedures and standards of selection for employment and promotion; determine classifications; direct its employees; take disciplinary action; relieve its employees of duty because of lack of work or for other legitimate reasons; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted and to assign work to employees and to establish and change work schedules and assignments and to determine the days and hours when the employees shall work; take all necessary actions to carry out its mission in emergencies; and, exercise complete control and discretion over its organization and work performance technology.

ARTICLE 5 - DUES DEDUCTION

5.1- Dues Deduction - The City shall deduct one (1) month's current and periodic Union dues from the wages and/or Leave benefits of each employee who voluntarily executes and delivers to the City a payroll deduction authorization form.

5.2 - Sufficient Earnings -The employee's earnings must be regularly sufficient after other legal and required deductions are made to cover the amount of the dues deduction authorized. When an employee is in a non-pay status for an entire pay period, no withholding will be made to cover that pay period from future earnings.

5.3 - Non-Pay Status - In the case of an employee who is in a non-pay status during only part of the pay period, and the salary is not sufficient to cover the full withholding, no deduction shall be made. In this connection, all other legal and required deductions have priority over Union dues.

5.4 - Cancellation - An employee's authorization for deduction of dues may be canceled at any time by written notice from the employee to the City with a copy to the Union. An Employee's deduction authorization shall automatically be canceled if the employee leaves the employ of the City or is transferred out of the representation unit.

5.5 - Funds Transmission - The aggregate amount of such deductions by the City shall be transmitted monthly to the President of the Union or his or her designee. The City shall provide the President of the Union or his or her designee with a list each month indicating the dues deducted from the pay of any represented unit employee and those employees for whom no deduction was made pursuant to the provisions of Sections 5.2 and 5.3. The Union shall notify the City of the names of its President and other officers and designees each year following election of the board and appointment of members to committees to which the Union is entitled to appoint members under this Agreement.

5.6 - Indemnification -The Union shall indemnify, defend, and hold the City harmless against any claims made, and against any suit instituted against the City on account of deduction of employee organization dues. In addition, the Union shall refund to the City any amounts paid to it in error upon presentation of supporting evidence.

ARTICLE 6- UNION REPRESENTATIVES

6.1-Two (2) employees selected by the Union may attend scheduled meetings with City management during regular hours without loss of pay, provided that such employees shall not leave their workstation or assignment without first providing twenty-four (24) hour notice to the Department Head. Additional employees who are not on duty may participate at no additional cost to the City. Such meetings shall be scheduled in a manner consistent with the City's operating requirements and work schedules. Nothing herein shall be deemed to preclude the scheduling of such meetings at hours other than such employee's regular working hours, in which event attendance shall be without pay.

ARTICLE 7 - BULLETIN BOARDS

7.1- Authorized Postings - The City will furnish adequate bulletin board space where currently available. The Department Head shall designate the bulletin boards to be used for posting notices. Bulletin boards may be used for the following notices:

(a) Scheduled Union Meetings, Agenda and Minutes.

(b) Information on Union Elections and the Results.

(c) Posting of Union special, recreational, and related bulletins.

(d) Reports of Official Business of Union including Reports of Committees or the Board of Directors.

(e) MOU, Pay Scales, Job Announcements, Promotions Lists, etc.

(f) Such other items as may be approved by the Department Head upon request of the Union.

7.2 - Posted Notices - Posted notices shall not be defamatory or violate any of the City's policies, nor shall they advocate election or defeat of candidates for public office. All notices to be posted may be dated and signed by an authorized representative of the Union. The Union may give notices to the represented employees through the use of the City mail system and/or the City computer e-mail system.

ARTICLE 8 - MEMORANDUM OF UNDERSTANDING COPIES

8.1-The City shall provide the Union with one (1) original and one (1) electronic (PDF) copy of this Memorandum after it has been fully executed by the parties. The City shall also provide a copy of the executed MOU to any represented employee hired or promoted into the representation unit after the effective date of the Agreement. The City may charge for any additional hard copies. The Union shall be responsible for providing hard copies of this MOU to current represented employees at Union expense. Electronic copies shall be no charge.

ARTICLE 9 - MEETINGS

9.1- Items of Mutual Concern - Upon mutual agreement of both the City and the Union, the parties may meet to discuss items of mutual concern. A meeting conducted under this section shall not constitute a meet and confer or hearing under any grievance procedure.

9.2 - Use of City Facilities - The Union may be granted permission to use City facilities for the purpose of meeting with employees to conduct Union business provided space for such meetings can be made available without interfering with City needs. The Union shall be held fully responsible for any damages to and security of any facility that is used by the Union.

9.3 - Budget Oversight Committee - The City agrees to the creation of a Budget Oversight Committee, with the Union entitled to appoint one (1) member. Said Committee shall have an equal number of members appointed by the City's recognized Employee Associations and the City. Said Committee shall be advisory only to the City Manager.

ARTICLE 10 - HOURS OF WORK

10.1- Schedules - Unless modified by the Department Head as set forth in section 10.2 and 10.4 below, the Police Unit employees described below shall work the following work periods:

(a) Employees assigned to uniform patrol shall have a work schedule of seven (7) twelve (12) hour shifts each fourteen (14)-day work period.

(b) Employees assigned to the detective bureau shall have a work schedule as assigned by the Department Head.

10.2 - Department Head Discretion - Employees may be assigned to a work schedule consisting of the days and hours as determined by the Department Head.

10.3 - Briefing - Pre-shift briefing shall be at the discretion of the Department Head and if required, shall count as hours worked.

10.4 - Schedule Changes -The Department Head, in the exercise of his or her discretion may change the work schedule and/or work period of Police Unit employees. Accordingly, work schedule and work period changes are not subject to meet and confer requirements. The Department Head shall notify the Union regarding any change in work schedule and/or work period no later than fourteen (14) days before the date the change is implemented.

10.4 - Shift Assignments - Each year, the Department Head shall post a shift assignment

notice on which officers shall indicate their shift assignment preference. The Notice will solicit three shift preferences and any additional information regarding their reasons for requesting a particular shift. The Department Head shall consider each request, giving those with seniority a higher priority, and make an effort to accommodate individual preferences. However, it is recognized that the Department Head shall have the ultimate authority to make shift assignments based on the needs of the Department. These shift assignments shall be for the full year except for individual changes as determined by the Department Head.

10.5 - Outside Employment - Prior to any bargaining unit employee accepting outside employment, he or she shall request and receive authorization from the Department Head. Authorization for outside employment shall be made according to the policies and procedures in place at the time of request.

ARTICLE 11 - SHIFT EXCHANGE

Employees may be permitted to trade shifts provided that:

(a) No additional compensation or other cost to the City results from such assignment;

(b) Exchanging employees are fully qualified to perform the required tasks of both assignments; and

(c) Written requests for shift representation must be submitted on the prescribed Department form and approved by the Department Head or his/her designee prior to the start of the requested shift.

ARTICLE 12 - SALARIES, PERFORMANCE EVALUATIONS, INCENTIVE PAY

12.1 Salary Adjustment – All BPOA represented Unit members shall receive a cost of living (COLA) salary increase of base pay with a floor of 2% and a ceiling of 4%, which will be based on Riverside County CPI for January 2025 for the period of March 28, 2025, to March 27, 2026; and an additional salary increase of base pay with a floor of 2% and a ceiling of 4%, which will be based on Riverside County CPI for January 2026 for the period of March 28, 2026, to March 27, 2027. No base wage adjustment in year 1 of the contract period.

In addition to base wage adjustments above, Officers shall receive a 3 grade increase from P67 to P70 with placement at the step equal to or above current pay plus a 1 step increase effective March 28, 2024; Corporals shall receive a 4 grade increase from P71 to P75 with placement at the step equal to or above current pay plus a 1 step increase effective March 28, 2024; and Sergeants shall receive a 4 grade increase from P78 to P82 with placement at the step equal to or above current pay plus a 1 step increase effective March 28, 2024. This will not impact the timing of any step increases per 12.2 and will be retroactive to March 28, 2024, as necessary.

12.2 - Assignment to Ranges - All employees have been placed on ranges with defined steps as shown on the attached salary schedule. The salary table is calibrated in approximate 2.5% increments. Subsequent annual increase for satisfactory performance will be two (2) steps or approximately 5%.

(a) No employee shall be granted a step increase unless and until such employee has obtained an acceptable evaluation consistent with the applicable administrative policies of City.

(b) A first denial of a step increase shall not be an allowable subject of the exercise of employee rights under any grievance procedure afforded by the City or collective bargaining agreement.

(c) An employee denied a step increase for unacceptable performance shall be entitled to be re-evaluated in six (6) months from the date of the performance evaluation which led to the denial of the step increase. If the employee's overall performance is rated acceptable, the employee shall be granted the appropriate step increase effective the first pay period following the six-month re-evaluation period. Such step increase shall not be retroactive.

(d) If the employee's performance continues to be unacceptable after the six (6) month re-evaluation period, the employee shall be given a final denial of a step increase for the remainder of the regular evaluation period. Denial of a step increase under this subsection may, at the employee's option, be subject to the collective bargained grievance procedure for unit members.

(e) An employee at the top of his or her range shall have his or her performance evaluated at least annually within thirty (30) days of his or her anniversary date.

12.3 - Premium Pay - City shall additionally pay a five percent (5%) premium for the following special assignments, provided that no such premium shall attach when the officer is otherwise working an eighty-four (84) hour shift:

- Professional Standards Supervisor (Sgt. Rank only)
- Detective Sergeant
- Detective
- K-9 Officer
- Motor Officer
- School Resource Officer
- CET
- Any other assignment determined to be appropriate and approved by the Chief of Police.

12.4 - Field Training Officer (FTO) - All certified F.T.O.'s will be selected and appointed by the Chief of Police or their designee. F.T.O.'s. can be selected or removed by the Chief of Police or their designee at any time including: Upon the employee's change of assignment, promotion, work schedule, poor performance as an F.T.O., shortages of trainee's, influx of trainees and the needs of the department. Once appointed as a Field Training Officer (F.T.O.). The F.T.O. shall receive an additional pay of **5%** with or without a trainee. The department expectation is that the F.T.O. will provide guidance and leadership while performing their duties with or without a trainee.

12.5 - Bilingual Pay – Employees certified using a CITY designated language proficiency test as being fluent speaking and interpreting (not reading or writing) in sign language or other secondary languages shall be paid an incentive equivalent to five percent (5%) of their base salary, if the need for fluency is necessary in the current job and approved by the Department Head and City Manager. Initial certification, any re-test or recertification as a condition of continued receipt of premium pay, shall be determined by the City using methods selected by the Human Resources Department. Upon receiving satisfactory testing results, implementation of the premium pay shall begin.

12.6 - Disciplinary Reductions in Pay - Any disciplinary reduction in pay due to a formal disciplinary action may be satisfied in the form of the following: (a) Payment based upon a lump sum amount to be deducted in one paycheck provided that the deduction does not violate minimum wage laws or the Fair Labor Standards Act; OR, (b) Payment over a period of pay periods based on a case by case basis provided that there is extraordinary financial hardship and that the maximum number for payment is ten (10) pay periods. Extraordinary financial hardships will be determined by the City Manager.

12.7 - Longevity Pay - Employees shall receive additional compensation, effective on the employee's employment anniversary date, for Longevity as follows:

a) Upon completion of ten (10) years of continuous service employees will receive additional pay of one percent (1.0%) of base salary;

b) Upon completion of fifteen (15) years of continuous service employees will receive additional pay of one and one-half percent (1.5%) of base salary;

c) Upon completion of twenty (20) years of continuous service employees will receive additional pay of two percent (2.0%) of base salary.

ARTICLE 13 - OVERTIME

13.1 - 7(k) Exemption -The City has adopted a fourteen (14) day work period pursuant to the "7k exemption" of 29 U.S.C. section 207(k) under the Fair Labor Standards Act (FLSA). Except

as provided below in connection with uniformed patrol officers, an employee shall be paid at the rate of one and one-half (1-1/2) times the employee's regular hourly base rate of pay for all hours worked in excess of eighty (80) hours in the fourteen (14) day work period. Uniformed patrol officers assigned to work twelve (12) hour shifts as outlined in Article 10.1 above, shall be paid at the rate of one and one-half (1- 1/2) times the employee's regular hourly base rate of pay for all hours worked in excess of eighty-four (84) hours in the fourteen (14) day work period. This section 13.1 does not preclude the Chief of Police from establishing the practice of scheduling an employee to work a pay period of any duration which is not less than eighty (80) hours and not more than eighty-four (84) hours, subject to the shift change provisions of the MOU. At all times, the full eighty-four (84) hours shall be accounted for on the timecard. Unassigned hours of the eighty-four (84) shall be so indicated.

a) The City shall pay the employer CalPERS contribution, as required by the MOU, for the first eighty-four (84) hours of CalPERS eligible time worked during a pay period. Hours earned as overtime and paid at time and one-half (1/2) shall not be counted as CalPERS eligible hours. All overtime worked shall be authorized by a supervisor in advance, if possible. Otherwise, the claim for overtime shall be subject to review by the Department Head. Overtime may be paid as accrued compensatory time subject to the following: Compensatory time may not be accumulated in excess of three hundred fifty (350) hours. Employees may cash out accumulated comp time up to a maximum of one hundred (100) hours per twelve (12) month period, unless otherwise restricted herein. Any cash out will be at the employee's current rate of pay inclusive of all premium pay.

(i) The "regular hourly base rate of pay" includes only salary as described in Article 13.1. Acting pay as set forth in Section 14.1 and educational incentive pay as provided in Article 18.4.

b) In calculating overtime, the practice of the Finance Department shall be as follows:

i. All hours appearing on the timecard as "Reg Hours" shall first be totaled.

ii. All hours otherwise defined as "hours worked" under the MOU shall then be totaled.

iii. Finally, all hours recorded as overtime on the timecard shall be totaled.

iv. All hours totaled above, which are in excess of eighty-four (84) hours for patrol personnel and eighty (80) hours for special assignments during the pay period, shall be treated as overtime.

v. In the case of correction of the timecard by the Finance Department, the affected employee shall be given timely notice of such correction prior to the preparation of the paycheck.

c) Any assigned hours which are not worked, and are not otherwise accounted for through a reduction in accrued leave, shall be treated as Leave-Without-Pay ("LWOP") and the employee may be subject to a personnel action as prescribed in the personnel policies of the City.

d) Accruals, and reductions in accruals, are based on an eighty {80) hour pay period.

13.2 - Hours Worked - "Hours worked" means time spent in required court appearances as set forth in Article 15, and time paid for vacation, holidays, sick leave, CTO and administrative leave for officer involved shooting or other non-disciplinary leave.

13.3 - Call Out Minimum - Bargaining Unit employees shall be paid a minimum of two (2) hours' pay for any time worked during the first hour when called-out for emergencies, and time and one-half (1/2) for each hour worked thereafter. For example, should an employee be called-out to work two (2) hours of emergency duty he or she would be compensated with three and one- half (3 1/2) hours' pay at the regular hourly base rate of pay; two (2) hours' pay for the first hour worked and one and one-half (1.5) hours pay for the second hour worked.

13.4 - Pyramiding of Overtime - There shall be no pyramiding or duplication of overtime payments and other premiums for the same hour worked.

13.5 - Compensatory Time - Accrued compensatory time may be taken by the employee on an "hour accrued/hour off' basis. However, in the event an employee terminates his employment and/or the City is otherwise obligated or desires to "cash out" accrued compensatory time, the employee shall be paid for any accrued time at his or her then regular hourly base rate of pay.

13.6 - Maximum Comp Time Accrual - Comp time may be accrued to a maximum of three hundred-fifty (350) hours.

ARTICLE 14 - ACTING PAY AND PROMOTION PAY

14.1 - Represented employees temporarily assigned to work in a higher classification by management shall be compensated for working their thirty-first (31st) consecutive day of such assignment within the fiscal year, and consecutive days worked thereafter, at a rate of five percent (5%) above their normal rate of compensation while working in the higher classification. The conditions of this subsection are prerequisites to the receipt of any higher acting pay. At such time as an employee is no longer performing work out of his or her pertinent classification, he or she shall be compensated at his or her regular rate of pay for his or her pertinent classification.

14.2 - Represented employees promoted to work in a higher classification shall be placed in the lowest step of the higher classification that pays more than the employee received in the lower classification but not less than five percent (5%) more than the employee received in

the lower classification.

ARTICLE 15- PAY FOR JURY DUTY: COURT APPEARANCES, "ON- CALL" DUTY

15.1 - Any employee who shall be summoned for attendance to any court for jury duty during his or her normal working hours shall be deemed to be on duty and there shall be no loss of salary, but any jury fees received by him or her shall be paid into the City treasury. Any employee who shall be called as a witness arising out of and in the course of his or her City employment shall be deemed to be on duty and there shall be no loss of salary, but any witness fees received by him or her, shall be paid into the City treasury. An employee absent as a witness in a private matter shall not be entitled to be paid during such absence, except that he or she may, however, use Vacation Leave, Holiday Leave and Compensatory Leave for such absence.

15.2 - Represented employees shall be compensated for off-duty court appearances. Employees required to appear telephonically shall be compensated for a minimum of one (1) hour. The City will pay a minimum of three (3) hours for travel to and appearances in court at a rate of one and one-half (1.5) times the base rate of pay. All travel shall be calculated based on the time required to travel from any Banning Police Station to the destination. All hours required in excess of three (3) hours shall be compensated at one and one-half (1.5) times the base rate of pay.

15.3 - Employees required to be on-call for court appearances before noon shall be compensated for one (1) hour. Those required to be on-call for court purposes after noon shall be compensated for one (1) hour. Requirement for multiple court appearances in the same time frame shall constitute one (1) period of on-call. For purposes of this section, an employee shall not be deemed to be on-call while appearing in court. Employees shall not be paid for being on-call under this Section for a day on which the employee is compensated for being in court under Section 15.2.

15.4 – On-call pay for Detective or Detective Sergeant scheduled for "on-call" duty shall receive (8) hours of either compensatory time off or pay for each day of on-call. The duty of assigning on-call, will be tasked to the Detective Bureau Sergeant and can be modified at any time by the Chief of Police. The Detective Bureau Sergeant is responsible to schedule (2) Detectives to on-call from Friday to Sunday of each week. The on-call schedule will compensate a total of 24 hours of premium straight time over the (3) days between the on-call Detectives or Detective Sergeant.

15.5 - An employee shall be on-call for purposes of the receipt of the four (4) hours where:

(a) The employee is scheduled to provide a mandatory response; and

(b) That response is to be to the station, or other designated location

within two (2) hours; and

(c) The employee is required to provide the Department Head with sufficient information to obtain immediate contact with the employee.

15.6 - All Police Unit members who are required to respond to a traffic accident call out would receive a minimum of two (2) hours double time pay commencing thirty (30) minutes before their arrival time. The Evidence Technician will be entitled to receive a minimum of two (2) hours double time pay commencing thirty (30) minutes before his/her arrival for any call outs.

15.7 - Scheduled Training – Any employee who is scheduled by the Department to attend day long training during his or her normal shift or working hours shall be deemed to be on duty and there shall be no loss of salary. The Department will abide by the "day for a day" theory for any day long training not lasting more than four (4) days. This policy provides that the employee will not owe the Department time should the day long training course be shorter than the officer's regularly scheduled workday. This theory applies only to scheduled full- day training courses. For overtime calculation purposes, only actual hours in training will count as actual hours worked.

ARTICLE 16- EQUIPMENT, UNIFORM ALLOWANCE, SAFETY AND TRAINING

16.1 - The City will provide covered employees safety equipment in accordance with California State Law. Said safety devices and safeguards shall remain the property of the City of Banning and their use may be required and regulated by the Department Head or his or her designee.

16.2 - The Department Head or his or her designee shall have sole authority to assign the use of or regulate the use of City property by represented employees including but not limited to City vehicles.

16.3 - The City agrees to pay a uniform allowance of <u>one-hundred-fifty dollars ($150)</u> per month to Police Unit members. Payment of the uniform allowance will be paid equally between the first two pay periods each month. Such money shall be used for the purpose of purchasing and maintaining uniforms in order that individual officers and civilian employees who wear regulation uniforms may maintain a professional appearance.

16.4 - The City shall reimburse Police Unit employees the reasonable replacement value of personal property, not including uniforms for which the above uniform allowance is paid, which is destroyed in the course and scope of their employment. The employee shall make application for reimbursement by presenting to the Department Head the damaged or destroyed article. Personal property subject to this provision consists of personal property necessary to fulfill the employee's job duties and that is approved in advance for use on the job. Replacement for prescription eyewear is limited to two-hundred dollars

($200) per pair. Replacement for watches is limited to fifty dollars ($50). Sums paid hereunder shall be secondary to any applicable insurance. If an individual pays a sum of money to the City pursuant to a court order as restitution for damaging the uniform of a bargaining unit employee, then the City will reimburse that amount to the Police Unit employee.

16.5 - The Department Head or his designee may at his or her discretion authorize an employee to carry optional weapons. Nothing in this Agreement shall require the Chief of Police to approve the use of any specific weapon or ammunition.

ARTICLE 17- MILEAGE, MEALS AND OTHER TRAVEL REIMBURSEMENT

17.1 - The City will reimburse expenses for meals, lodging and tuition when a Police Unit employee attends a City directed educational program. Reimbursement shall be equal to but not exceed the amount permitted under applicable P.O.S.T. standards. If the employee's meals and lodging expenses exceed reimbursement provided by P.O.S.T., then the employee may be required to demonstrate that such expenses are reasonable by providing receipts for all expenses and written justification. Only reasonable expenses will be reimbursed.

17.2 Accommodation arrangements for attendance at a City directed educational program shall be made by the Police Unit employee. The City agrees to provide any accompanying information concerning available lodging arrangements for the program to the employee as soon as it becomes available to the City.

17.3 - Upon request, an employee attending a City directed educational program shall receive an advance up to the P.O.S.T. established limits established for the particular educational program.

17.4 - At the conclusion of the educational program, the employee shall show by certificate awarded or some other manner that the program was attended and completed.

17.5 - Except as otherwise set forth in this MOU, the scheduling of training/educational programs shall be done in accordance with Departmental procedures.

ARTICLE 18-TUITION AND BOOKS REIMBURSEMENT; EDUCATION INCENTIVE

18.1 - Qualifications - The City agrees to compensate members of the bargaining unit for an Associate's Degree, Bachelor's Degree, Master's Degree and a PhD. The pay will be paid for employees' regularly scheduled hours, not overtime hours. The employee's degree must be issued from a college or university accredited by either or both the Council for Higher Education Accreditation ("CHEA") and/or the U.S. Department of Education ("USDE"). The pay for earning a degree is not cumulative. An employee can only receive one level of pay for a degree. An employee will start to receive education incentive pay as outlined in 18.4

beginning on the pay period following their provision of proof of their degree to the Human Resources Department. Unit members shall be eligible to receive reimbursement for tuition and cost of books actually paid, for their approved professional and technical courses subject to the provisions below:

(a) The employee has furnished evidence that the course has been completed with at least a "C" grade or "pass."

(b) Police Unit employees will receive a maximum of four-thousand dollars ($4,000) for tuition and actual expenses paid for books for expenses incurred per fiscal year for any academic training in a university or college recognized by an accrediting institution as determined by the Human Resources Director.

18.2- Reimbursement Requirements.

(a) Requests for reimbursement must be completed and returned to the Human Resources Department within three (3) weeks after receipt of course completion documentation. (No reimbursement will be made without bona fide receipts or documentation).

(b) Reimbursements will be made only after proof of completion of course with a minimum of "C" average or "pass" and satisfactory receipts of payment for books and tuition are approved by the Human Resources Department.

18.3 Attendance - Employees may utilize shift changes and one (1) hour or more increments of Vacation or Holiday Leave to attend courses that have been approved under this Article. Employees may also convert Sick Leave to Vacation Leave for this purpose.

18.4 - Education Incentive Pay - Educational incentive pay shall be earned as follows:

a. The employee shall receive the POST Certificate salary increase effective the date noticed on the certificate after submission of the documentation showing completion. The Police Department shall notify an employee of POST correspondence, and it is the employee's responsibility to submit said documents in a timely manner to receive full benefits of the salary increase.

b. Possession of an Associate of Arts/Science Degree in any academic field entitles the employee to seventy-five dollars ($75) per month, if the employee began receiving this incentive pay prior to July 1, 2025.

c. Possession of a Bachelor of Arts/Science Degree in any academic field entitles the employee to one-hundred-fifty dollars ($150) per month, if the employee began receiving this incentive pay prior to July 1, 2025.

d. Possession of a Masters of Arts/Science Degree in any academic field entitles the employee to two- hundred- twenty- five dollars ($ 225) per month.

e. Possession of a Ph.D. in any academic field entitles the employee to three- hundred dollars ($ 300) per month.

f. Possession of an Intermediate POST Certificate and an Associate of Arts/Science Degree in any academic field entitles the employee to $275 per month, if the employee began receiving this incentive pay prior to July 1, 2025; Possession of an Intermediate POST Certificate and a Bachelors of Arts/Science Degree in any academic field entitles the employee to three-hundred-fifty dollars $350 per month, if the employee began receiving this incentive pay prior to July 1, 2025; Possession of an Intermediate POST Certificate and a Masters of Arts/Science Degree in any academic field entitles the employee to four-hundred twenty-five dollars ($425) per month; Possession of an Intermediate POST Certificate, and a Ph.D. in any academic field entitles the employee to five-hundred dollars ($500) per month.

g. Possession of the Regular or Specialized Advanced Certificate, Regular or Specialized Supervisory Certificate, Regular or Specialized Management Certificate, Regular or Specialized Executive Certificate and an Associate of Arts/Science Degree in any academic field entitles the employee to three-hundred-seventy-five dollars ($375) per month, if the employee began receiving this incentive pay prior to July 1, 2025; Possession of the Regular or Specialized Advanced Certificate, Regular or Specialized Supervisory Certificate, Regular or Specialized Management Certificate, Regular or Specialized Executive Certificate, and a Bachelors of Arts/Science Degree in any academic field entitles the employee to four-hundred-fifty dollars ($450) per month, if the employee began receiving this incentive pay prior to July 1, 2025; Possession of the Regular or Specialized Advanced Certificate, Regular or Specialized Supervisory Certificate, Regular or Specialized Management Certificate, Regular or Specialized Executive Certificate, and a Masters of Arts/Science Degree in any academic field entitles the employee to five-hundred-twenty-five dollars ($525) per month; Possession of the Regular or Specialized Advanced Certificate, Regular or Specialized Supervisory Certificate, Regular or Specialized Management Certificate, Regular or Specialized Executive Certificate, and a Ph.D. in any academic field entitles the employee to six-hundred dollars ($600) per month.

h. For all Police Unit members who are employed with the City at the time of the execution of this MOU, possession of sixty (60) semester units from an accredited college with a minimum of thirty-nine (39) units being in an occupationally related field (i.e. Police Science, Social Science, Political Science, Public Administration, etc.) shall entitle the employee to receive pay of one-hundred dollars ($100) per month. Determination as to whether courses are occupationally related will be made by the Department Head with right of appeal to the City Manager, if the employee began receiving this incentive pay prior to July 1, 2025. ($350) per month; Possession of an Intermediate POST Certificate and a Master of Arts/Science Degree in any academic field entitles the employee to four-hundred- twenty-five dollars ($425) per month; Possession of an Intermediate POST Certificate, and a Ph.D. in any academic field entitles the employee to five-hundred dollars ($500)

per month.

i. The amounts in this article shall not be pyramided except as set forth above.

ARTICLE 19-SICK AND BEREAVEMENT LEAVE

19.1- Sick Leave Accrual - Represented employees shall accrue three and sixty-nine hundredth (3.69) hours of Sick leave per pay period. Sick leave shall accrue without limit.

19.2 - Use of Sick Leave - Sick Leave shall be granted only where consistent with the City's sick leave and Pregnancy Leave policy (currently AP-1 and AP-02).

19.3 - Cash out of Sick Leave - Employees may make an irrevocable election to cash out sick leave via a written City irrevocable election form by no later than December 31 of the calendar year prior to the calendar year in which the employee receives cash-out. If the employee does not accrue sick leave (in the following year prior to cash out payment) in the amount elected on form, the cash-out amount will be reduced accordingly to the amount accrued. Employees may choose to have a cash-out amount made as an employee contribution to the employee's 457 deferred compensation plan or retiree health savings plan, subject to any applicable contribution limits imposed by IRS regulations. Once per year cash out for a total of up to 50 hours per year to be paid on the last paycheck of November. Cash-out must not reduce employee's available sick leave bank at time of cash-out below 120 hours.

19.4 - Conversion to Vacation -Any employee who has taken forty (40) hours of Sick Leave or less during the fiscal year ending June 30 of each year shall be entitled to convert up to forty (40) hours of unused sick leave to vacation. The month of August will be the month for annual conversion. Only those employees who have completed twelve (12) months of service with the City as of June 30th of any year will be eligible for such annual conversion and there shall be no interim pro-rata conversion.

19.5 - Cash Out Upon Separation -After ten (10) years continuous City service, and upon voluntary separation under satisfactory conditions or involuntary disability retirement, sworn personnel shall be eligible to receive a cash payment equivalent to forty percent (40%) of all unused sick leave less the total number of hours converted to vacation, as set forth above. Civilian personnel shall be eligible to receive a cash payment equivalent to thirty percent (30%) of all unused sick leave less the total number of hours converted to vacation, as set forth above. Such reimbursement will be computed based upon the employee's final compensation rate.

19.6 - Conversion to Deferred Compensation - Beginning with the 11th year of City service, unit members may convert the value of the total amount of their sick leave bank, minus forty (40) hours, to either Deferred Compensation, or the Retiree Health Savings. Thereafter, the employee may contribute one hundred percent (100%) of the value of unused sick leave,

minus forty (40) hours for such purposes.

19.7 - Use of Other Leave -An employee who has exhausted all accumulated Sick leave while on Sick leave may utilize accrued Vacation or Holiday Leave or accrued compensated time off for the purposes described in 19.2 above or 19.8 below.

19.8 - Bereavement Leave - Employees covered by this Agreement are eligible for bereavement leave if they have been employed for at least 30 days prior to the commencement of the leave. Employees will be allowed five (5) shifts off duty with pay for Bereavement leave upon the death of a member of their family. The days of leave need not be taken consecutively but must be taken within three months of the date of death of the family member. For this section, family includes the following persons: spouse, domestic partner, mother, father, brother, sister, child, stepchild, grandchild, or grandparent of the employee or any one of the same relatives of the employee's spouse or domestic partner. For the unpaid time after the five days, an employee may use vacation, compensatory time, sick leave, or any other paid leave that would otherwise be available. An employee shall be allowed a maximum of sixty (60) hours bereavement leave under this section for multiple family deaths occurring during the same twenty-four (24) hour period.

Employees are required to provide documentation of the death of the family member within 30 days of the first day of the leave. Documentation may be a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or governmental agency.

19.9 - Military Leave - Banning's policy relating to military leave and compensation, therefore, shall be in accordance with the provisions of the Military and Veteran's Code of the State of California (Section 389-399.5) and with all Federal provisions (the Uniformed Services Employment and Reemployment Rights Act of 1994, USERRA, Pub. L. 103- 353, codified as amended at 38 U.S.C. §§4301-4335).

ARTICLE 20 – VACATION AND HOLIDAY LEAVE

20.1 - Vacation Leave Accrual- For employees of the City as of date of this Agreement, Vacation Leave shall accrue in accordance with the following schedules:

(a) One (1) through four (4) years of service: ten (10) days per year= three and eight-hundredth (3.08) hours per pay period;

(b) Beginning the fifth (5th) year through the ninth (9th) year: fifteen (15) days per year= four and sixty-two hundredth (4.62) hours per pay period;

(c) Beginning the tenth (10th) year & thereafter: twenty (20) days per year= six and fifteen hundredth (6.15) hours per pay period.

20.2 - Maximum Accrual - Vacation Leave may be accrued to a maximum of three-hundred fifty (350) hours for all members. Holiday leave may be accrued to a maximum of two- hundred (200) hours per employee.

20.3 - Approval Required -Vacation Leave shall be taken with approval of the Department Head at any time following the completion of the eighteen (18) month probationary period for entry-level Unit members and one (1) year probationary period for lateral hire Unit members, but the Vacation Leave taken shall not be in excess of that actually accrued at the time such Vacation Leave is taken. Vacation Leave must be approved a minimum of fourteen (14) days in advance of the first day of such Vacation by the Department Head or his or her designee. Exceptions may be made to the fourteen (14) day notice requirement for emergencies or at the discretion of the City by the Department Head or Division Supervisor.

20.4 - Payment Upon Separation - Any employee, who has been in continuous full-time service of the City for a period of 1 year or more, who is about to separate from his or her employment and has earned Vacation Leave to his or her credit, shall be paid for such Vacation Leave on the effective date of such separation up to the maximum accrual. It shall not be necessary to carry such employee on the payroll for the Vacation Leave period, and the vacancy created may be filled at any time after the employee ceases to perform the duties of his or her office or employment. When separation is caused by death, payment of all outstanding compensation, including Salary and all remaining Sick Leave, Vacation, Comp Time or Holiday Time accruals shall be paid into the employee's direct deposit account the same as regular payroll.

20.5 - Payment of Excess Hours - Employees may make an irrevocable election to cash out vacation leave via a written City irrevocable election form by no later than December 31 of the calendar year prior to the calendar year in which the employee receives cash-out. If the employee does not accrue vacation leave (in the following year prior to cash out payment) in the amount elected on form, the cash-out amount will be reduced accordingly to the amount accrued. Employees may choose to have a cash-out amount made as an employee contribution to the employee's 457 deferred compensation plan or retiree health savings plan, subject to any applicable contribution limits imposed by IRS regulations. Once per year cash out for a total of up to 80 hours per year to be paid on the last paycheck of November. Cash-out must not reduce employee's available vacation leave bank at time of cash-out below 120 hours. Unused or uncashed vacation accrual in excess of the employee's annual entitlement, if any, may result in the employee being scheduled for mandatory vacation time off by the Department Head for a period of time equal to the excess accrual.

20.6 - Holidays - City Holidays are as follows:

New Year's Day
Martin Luther King Day
Presidents' Day
Memorial Day
Juneteenth
Fourth of July
Labor Day
Veterans' Day
Thanksgiving Day
Day after Thanksgiving
Christmas
One (1) floating holiday

20.7 - Holiday Accrual - Employees shall accrue Holiday Leave at the rate of five and fifty-four hundredths (5.54) hours per pay period.

20.8 Approval Required - Holiday Leave must be approved a minimum of fourteen (14) days in advance by the Department Head or his or her designee of the first day of such Holiday leave. Exceptions may be made to the fourteen (14) day notice requirement for emergencies or at the discretion of the City by the Department Head or immediate supervisor.

20.9 - Cash Out - Employees may make an irrevocable election to cash out holiday leave via a written City irrevocable election form by no later than December 31 of the calendar year prior to the calendar year in which the employee receives cash-out. If the employee does not accrue holiday leave (in the following year prior to cash out payment) in the amount elected on form, the cash-out amount will be reduced accordingly to the amount accrued. Employees may choose to have a cash-out amount made as an employee contribution to the employee's 457 deferred compensation plan or retiree health savings plan, subject to any applicable contribution limits imposed by IRS regulations. Once per year cash out for a total of up to 120 hours per year to be paid on the last paycheck of November. There is no floor for hours for this payout to occur.

20.10 - Payment Upon Termination -Any employee who is about to terminate his or her employment and has earned Holiday Leave to his or her credit, shall be paid for such Holiday Leave on the effective date of such termination.

ARTICLE 21 - MEDICAL AND DENTAL INSURANCE

21.1- Health Benefit Contributions and Benefit Money – City Contributions to health plans and benefit money shall be as follows:

a. For employees participating in a City sponsored health plan:

i. Healthcare Plan Contributions - Effective March 28, 2024, the City shall contribute for each employee who participates in a City Healthcare Plan a maximum amount up to the 2024 rates for mid-tier HMO Healthcare Plan (Blue Shield Access+), which are stated below.

BS ACCESS+	
Single Employee	$756.65 per month
2 party	$1,513.30 per month
Family	$1,967.29 per month

Beginning January 1, 2025, and annually thereafter on January 1, the maximum annual inflator for the City contribution increase is up to 2.5% above the maximum contribution amount for rates for mid-tier HMO Healthcare Plan (Blue Shield Access+ in 2024) of the prior year.

ii. In addition to the healthcare plan contribution, employees participating in the City Healthcare Plan shall receive the following amounts as cafeteria plan Benefit Money.

Single Employee	$600 per month
2 party	$250 per month
Family	$250 per month

Employees may use the Benefit Money stated above for any combination of the following cafeteria plan benefits: (1) dental insurance for employee, spouse, and/or dependents; (2) vision insurance for employee, spouse, and/or dependents; (3) health flexible spending account (health FSA); and/or (4) additional City offered health benefits. Any leftover unused Benefit Money is forfeited.

*Because of requirements related to the 457-plan election, those employees who are currently contributing to their 457-plan amounts for 2024 from their cafeteria plan contribution would continue to maintain their current level of contribution using the cafeteria plan contribution through the end of 2024 only.

Employees shall be responsible for paying any cost for the employee's selected cafeteria plan benefits that exceed the City's contribution described above.

b. Option to Opt-Out with Proof of Alternative Minimum Essential Coverage - Employees who provide the City with reasonable evidence of alternative minimum

essential coverage can decline, in writing, coverage under the City's Healthcare Plans and will not receive any cafeteria plan contribution from the City.

i. Employees hired before July 1, 2024, may opt out and choose to receive a maximum cash out of $1,000 per month as taxable income that is not includable as compensation earnable or pensionable compensation for CalPERS purposes if they meet the conditions of the eligible opt out arrangement described below. Such employees would also receive $150 per month as Non-Medical Benefit Money that may be used for (1) dental insurance for employee, spouse, and/or dependents; (2) vision insurance for employee, spouse, and/or dependents; (3) health flexible spending account (health FSA); and/or (4) additional City offered health benefits. Any leftover unused Non-Medical Benefit Money is forfeited.

ii. Employees hired after July 1, 2024, may opt out and choose to receive a maximum cash out of $500 per month as taxable income that is not includable as compensation earnable or pensionable compensation for CalPERS purposes if they meet the conditions of the eligible opt out arrangement described below. Such employees would also receive $150 per month as Non-Medical Benefit Money that may be used for (1) dental insurance for employee, spouse, and/or dependents; (2) vision insurance for employee, spouse, and/or dependents; (3) health flexible spending account (health FSA); and/or (4) additional City offered health benefits. Any leftover unused Non-Medical Benefit Money is forfeited.

*Because of requirements related to the 457-plan election, those employees who are currently contributing to their 457-plan amounts for 2024 from their cafeteria plan contribution would continue to maintain their current level of contribution using the cafeteria plan contribution through the end of 2024 only.

iii. Eligible Opt Out Arrangement - The eligible opt out arrangement conditions that must be satisfied in order for an employee to receive cash for opting out of the City's Healthcare Plan coverage are as follows:

a. The employee and the employee's Tax Family must have (or will have) minimum essential coverage through another source (other than coverage in the individual market, whether or not obtained through Covered California);

b. A Tax Family means all individuals for whom the employee reasonably expects to claim a personal exemption deduction for the taxable year(s) that cover the employee's plan year for which the eligible opt out arrangement applies;

c. The employee must provide reasonable evidence of the alternative minimum essential coverage for the employee and their Tax Family

for applicable period. Reasonable evidence may include an attestation by the employee;

d. The employee must provide the evidence/attestation every plan year;

e. The employee must provide the evidence/attestation no earlier than a reasonable time before coverage starts (e.g., open enrollment). The evidence/attestation may also be provided within a reasonable time after the plan year starts; and

f. The cash for opting out cannot be made if the City knows or has reason to know that the employee or the employee's tax family member does not have alternative minimum essential coverage.

21.2 - IRS 125 Plan - Police Unit employees may participate in the City's Internal Revenue Section 125 program which will allow employees to allocate specified amounts of monthly pretax salary or wages for the reimbursement of medical care expenses, dependent care expenses, or both. Premiums for Long-Term Care and other defined exceptions are excluded from the pretax provisions of the Section 125 program.

21.3 - Insurance Advisory Committee - The City shall maintain the Insurance Advisory Committee to which the Association may appoint two (2) representatives.

21.3.1- Purpose -The purpose of the Advisory Insurance Committee shall be to advise the City relative to health, life, and related insurance plans which may be provided to employees of the City of Banning including the type of plans, scope of coverage, and the selection of insurance carriers.

21.3.2 - Voting- The Insurance Committee shall determine issues by a majority vote of the members, each member having one (1) vote, except that any such determination shall constitute an advisory recommendation only to the City Manager.

21.3.3 -Selection of Members - Insurance Committee Members shall be selected as follows:

(a) Representatives of bargaining units shall be selected in a manner to be determined by each respective unit.

(b) The City's Representative shall be the City Manager or his/her designee.

21.3.4 - Meetings - The Insurance Advisory Committee shall meet as may be necessary to conduct the business of the Committee.

21.3.5 - Status - The Insurance Advisory Committee will be advisory only, with no power or prerogative to decide on behalf of the City on issues pertaining to employee insurance coverage.

ARTICLE 22 - RETIREMENT AND MEDICARE

22.1- Contributions to CalPERS.

(a) All CalPERS Classic employees are responsible for paying their contributions for their respective retirement plans to CalPERS at five percent (5%) for safety members and eight percent (8%) for non-sworn miscellaneous members. The City shall contribute four percent (4%) for safety members, to total the required nine percent (9%) contribution.

(b) Per the Public Employees' Pension Reform Act of 2013 and related laws and regulations, new employees hired after January 1, 2013, are subject to paying at least 50% of the normal costs or as otherwise determined by CalPERS.

22.2 - CalPERS Formulas.

(a) The City agrees to continue to pay the employer's portion of the CalPERS "Three Percent at Fifty" (3%@ 50) public safety retirement formula and the "Two Point Five Percent at Fifty-Five" (2.5%@ 55) public miscellaneous retirement formula for employees hired on or before December 20, 2012. All employees shall pay their full member contributions under their respective retirement plans.

(b) The City previously adopted Resolution 2012-99 approving the Side Letter Agreement between the City and the BPOA which authorized implementation of a two tiered retirement plan providing the CalPERS "Two Percent at Fifty" (2%@ 50) retirement formula for public safety employees and the 'Two Percent at Sixty" (2%@ 60) retirement formula for public miscellaneous employees. The new two-tiered retirement plans applied to all new employees hired after December 20, 2012. All Unit employees hired on or before December 20, 2012, remained at the previously existing 'Three Percent at Fifty" (3%@ 50) retirement formula for public safety employees and the 'Two Point Five Percent at Fifty- Five" (2.5%@ 55) formula for public miscellaneous employees.

(c) Unit employees hired on or after January 1, 2013, shall be enrolled in either the "Two Percent at Fifty" (2%@ 50) formula for public safety employees and the "Two Percent at Sixty" (2% @ 60) formula for public miscellaneous employees or the 'Two Point Seven Percent at Fifty-Seven" (2.7%@ 57) formula for public safety employees and the "Two Percent at Sixty-Two" (2%@ 62) formula for public miscellaneous employees depending upon eligibility rules as established by CalPERS under the Public Employees' Pension Reform Act of 2013 and related laws and regulations.

(d) Per the Public Employees' Pension Reform Act of 2013 and related laws and regulations, all Unit employees hired on or after January 1, 2013, shall also be required to have their final compensation defined as the highest average annual final compensation during a consecutive thirty- six (36) month period, subject to the cap. Unit employees hired before January 1, 2013 will maintain the "single highest year" benefit.

22.3 - F.I.C.A. - Police Unit have voted to withdraw from F.I.C.A., which could result in loss of some Social Security benefits. The City will assist the Union in filing the appropriate federal forms for removal from F.I.C.A. deductions. Payroll will comply upon notification and documentation of approval.

ARTICLE 23 - MISCELLANEOUS BENEFITS

23.1- Life Insurance -The City shall provide a life insurance policy to each employee in the Police Unit in the amount of $50,000.00.

23.2 - Direct Deposit - All Police Unit employees shall be paid by direct deposit of their payroll check into an account of their choice, except those employees who either do not hold an account with a financial institution that offers direct deposit or who do not hold an account of any type and such employees will be required to pay a $10 administration fee per payroll. It shall be the responsibility of the employee to establish and maintain such account.

23.3 - Computer Loan - Every Police Unit employee shall be entitled to participate in an interest free loan program for the purchase of a computer. The maximum amount of any individual loan shall be equal to one (1) month of an employee's salary. The cumulative amount of loans outstanding hereunder shall not exceed $20,000. The loan shall be upon the terms and conditions established by the City. These conditions shall include the prohibition against developing, maintaining or storing any department files or department related files or information or any criminal justice files, including but not limited to Megan's Law files and information, on such equipment. Wrongful possession of such information on the equipment shall constitute grounds for discipline up to and including dismissal. For purposes of this section "department files or department related files" are information concerning any individual or group of individuals, developed or obtained in the course and scope of the duties of the owner of the equipment purchased hereunder, or the course and scope of the duties of the provider of the information to such owner, as a law enforcement officer or employee of a law enforcement agency. The definition includes, but is not limited to, information regarding an individual or group of individuals which is not available to the general public, and which is available to the owner of the equipment because, and not necessarily solely because, of their status as a public safety officer.

23.4 - Utility Allowance -Any Police Unit employee who resides within the City shall receive one-hundred-fifty dollars ($150) per month as a discount against the cost of

electric and water service during the period of such residency.

23.5 - Deferred Compensation Plan - The City has established a deferred compensation plan under Section 457 of the IRS code. Police Unit employees may participate in this plan at their own expense and at their option. Employees may opt to deposit into their established deferred compensation account, any funds paid to them under any leave pay out provisions in this MOU. Deposits into deferred compensation accounts shall be subject to IRS rules and regulations. The City will match employee contributions up to but not exceeding five percent (5%) of employee's contributions.

23.6 - Gun Loan - The City has established a loan program for those police officers approved by the Chief of Police who wish to purchase a weapon. Repayment of the loan shall be through payroll deduction. The complete policy is established in Resolution 2005-66. The cumulative amount of loans outstanding here under is being increased and shall not exceed $35,000.

23.7 - Take Home Vehicles - The City has established a program for those police officers living within forty (40) miles driving distance and cleared for full duty to take home marked police vehicles. The complete policy is established in Departmental Policies 704.9.

ARTICLE 24- LAYOFFS AND RE-EMPLOYMENT

24.1- Purpose -The purpose of this Article is to provide a fair and equitable basis for the reduction in force of full-time classified personnel due to insufficient work or lack of funds.

24.2 - Reasons for Lay Off - The City of Banning retains the right to determine when a lack of work or lack of funds condition exists. Lack of work means that a category of work effort within the City can be fulfilled with fewer employees at a level of service acceptable to the City. Lack of funds means that the City in its sole discretion has determined that it cannot sustain operations at the current level of employment within the funding available. For the purpose of this subsection, the determination of the City shall be binding.

24.3 - Notice of Lay Off - Any lay off initiated under the provisions of this Agreement can take place at any time during the year. The City shall notify the affected employees in writing at least ten (10) working days prior to the employee's last day of work. The City reserves the right to pay the employee for such ten (10) day period or any remaining portion thereof, and to require the employee to immediately vacate City property. A copy of any notice will be forwarded to the appropriate Police Unit representative. Any notice of lay off shall specify the reason for the lay off and the effective date. The form and timing of any such notice shall be subject to the established grievance procedure, provided however, the City's decision to lay off is not subject to the grievance procedure. The date of the layoff shall not be delayed by the pendency of a grievance.

24.4 - Order of Lay Off - Any lay off shall be effective within the job classification or job

classifications selected by the City. Once the City has determined which classification or classifications will be affected by the layoff, the order of lay off shall be based on seniority among employees in the classification with "satisfactory job performance." "Satisfactory job performance" as used in this section shall be established when an employee has not more than two (2) overall less than satisfactory evaluations within the past five (5) years. For purposes of this Article, seniority is defined as the length of uninterrupted service within the classification of employees to be laid off as measured from the date of the layoff notice.

24.5 - Reduction of Class - Any employee who has been designated to be laid off may choose to be reduced in class and compensation if the employee has greater seniority in a class than those employees in a lower class or position.

24.6 - Equal Seniority - If two (2) or more employees subject to lay off have equal class seniority, then the determination as to who has greater seniority shall be based upon total length of uninterrupted service with the City.

24.7 - Reemployment Rights - Laid off employees will be eligible for reemployment under the provisions of the Personnel Rules.

24.8 - Reduction in Work Week - The Personnel Rules authorize the City Council to change or alter the work week by resolution.

24.9 - Probationary Period - The Probationary Period for entry-level Unit members shall be eighteen (18) months and for lateral hired Unit members the Probationary Period shall be twelve (12) months. The Probationary period for Unit members promoted to Corporal or Sergeant positions shall be twelve (12) months. The Probationary period for Unit members, including new hired and promoted members shall be extended on a day-by-day basis if employee is out on extended leave exceeding 3 consecutive scheduled working days.

ARTICLE 25 - GRIEVANCE AND DISCIPLINE APPEALS PROCEDURE

25.1 - Procedure – Subject to the provisions of this MOU, any permanent Police Unit employee who has a grievance, as defined below, or has been disciplined, as defined below, shall be entitled to have the matter reviewed through the procedures outlined in this Article. This Article shall also include and satisfy all rights which a permanent bargaining unit employee may have under California Government Code Section 3304(b).

25.2 – Definitions - For the purposes of, and subject to the terms, provisions and conditions of, this MOU, “grievance" is defined as a dispute between the employee and the City, or the Union and the City, over the interpretation or application of this MOU, or the second denial of a step increase to an employee. The term "grievance" does not include "discipline" as defined herein.

For the purposes of, and subject to the terms, provisions and conditions of, this MOU, “discipline" is limited to any action taken by the City against a permanent Police Unit employee which (1) is punishment or discipline of the employee, (2) will result in a reduction or loss in the employee's salary, (3) is either (i) an involuntary termination from City employment (ii) involuntary suspension from employment without pay, (iii) involuntary move from one (1) job classification to another job classification where the second job classification has a lower rate of pay at the top step than the top step of the job classification from which the employee was moved, or (iv) involuntary reduction in step within a job classification, and (4) is not the result of a lay off or (v) a written reprimand.

25.3 – Informal Step – An attempt shall be made to ascertain all facts and adjust such grievance or discipline on an informal basis between the employee and, if he or she desires, the employee's representative, on the one hand, and the immediate supervisor, on the other hand. Presentation of such grievance or discipline shall be made within fourteen (14) calendar days of the incident causing the grievance or discipline, or the date on which the employee first became aware of it.

25.4 – Step One – If the grievance or discipline is not adjusted to the satisfaction of the employee within fourteen (14) calendar days after presentation to the grievance or discipline to the immediate supervisor, and if the employee or the Union wishes to resolve the matter, the grievance or discipline shall be submitted in writing by the employee or his or her representative to the Police Chief in consultation with the Human Resources Director within the next fourteen (14) calendar days. The Police Chief shall meet with the employee, his or her representative or both within fourteen (14) calendar days of receipt of such written grievance; and deliver his or her decision in writing to the employee, along with reasons for such decision, within fourteen (14) calendar days after meeting.

25.5 – Step Two – If the grievance or discipline is not adjusted to the satisfaction of the employee under the procedures set forth in Sections 25.4 above, the employee or his/her steward may submit the grievance, in writing, to the City Manager, within fourteen (14) calendar days after the completion of the last step under paragraph 25.4 above. The City Manager shall meet with the employee, and his/her steward, if applicable, within fourteen (14) calendar days of receipt of such written grievance, and shall deliver his decision in writing, to the employee, along with the reasons for such decision, within fourteen (14) calendar days after the meeting.

25.6 – Step Three - If the grievance or discipline is not adjusted to the satisfaction of the employee under the procedures set forth in Sections 25.3, 25.4 and 25.5 above, the employee or his/her representative may submit written notice to the City Manager within fourteen (14) calendar days after the completion of the last step under paragraph 25.5 above of his/her intent to submit the matter to arbitration. In matters of interpretation of this MOU, BPOA shall have the exclusive authority to determine whether a grievance shall be taken to arbitration. In disciplinary cases where BPOA may be required to pay for any part of the cost of such arbitration, BPOA may elect to proceed to arbitration. If BPOA does not elect to do so,

then the employee may do so at his/her own expense. The procedures set forth below shall be followed for arbitrations:

a. Within seven (7) calendar days of receipt of the written notice, the parties shall request a list of seven (7) arbitrators from the Federal Mediation and Conciliation Service or any other mutually agreeable mediation service.

b. Within fourteen (14) calendar days of receipt of the list of arbitrators the parties shall attempt to reach an agreement on an arbitrator. Failing to agree on an arbitrator, BPOA and the City shall take turns striking the names or arbitrators from the FMCS list until one (1) name remains. BPOA shall strike the first name.

c. The parties shall contact the arbitrator to arrange for a mutually convenient time and date for the arbitration hearing.

d. The cost of the arbitrator shall be split equally by the City and BPOA.

e. All arbitration proceedings shall be recorded. The arbitrator shall be required to provide both parties with a decision and with written findings of fact in support of the decision. The arbitrator's decision shall be consistent with and supported by the substantive law.

25.6 – Step Four - Within fourteen (14) calendar days after the parties receive the arbitrator's recommendation the opinion of the arbitrator will be final on matters relating to the interpretation or administration of this MOU. Arbitration on discipline is advisory only. If the decision relates to discipline, within fourteen (14) calendar days after the parties receive the arbitrator's recommendation on disciplinary matters, the City Manager shall advise BPOA and/or the employee and the Police Chief whether the City Manager is accepting, rejecting, or modifying the recommended decision. The decision of the City Manager shall be the final decision of the City.

25.7- Modification of Time Limits -The above time limits may be modified by mutual agreement.

ARTICLE 26-SEVERABILITY CLAUSE

26.1- Severability - If any of the provisions contained in this MOU are determined to be unlawful, then only such provision(s) shall be deleted from this MOU with the remainder of this MOU remaining in force and effect. Upon the issuance of a decision by a Court of Competent Jurisdiction declaring any section of this MOU to be unlawful, unenforceable, unconstitutional, or not applicable, the parties agree to meet and confer as soon as possible concerning only those sections.

ARTICLE 27 - COMPLETE AGREEMENT

27.1- Entire Agreement -This Agreement is the entire Agreement between the parties, terminating all prior agreements, whether written or oral, arrangements and practices, and, except as otherwise provided herein, shall conclude all meetings and conferences during the term of this Agreement.

27.2 - Items Not Covered - All terms and conditions of employment not covered by this Agreement shall continue to be subject to the City's direction and control.

ARTICLE 28 - INVESTIGATION DOCUMENTS AND MATERIALS

The City shall continue to maintain investigation documents and material in accordance with its Records Management Program. No. A-28 in the Administrative Policy which was adopted by Resolution No. 2003-26.

ARTICLE 29 - RE-OPENERS

During the term of this MOU, unless otherwise provided, the parties shall not meet and confer with respect to any subject or matter, unless mutually agreed to otherwise.

ARTICLE 30 - RATIFICATION AND EXECUTION

This MOU has been developed as a result of meet and confer sessions between representatives of the City and the Union regarding issues related to wages, hours and other terms and conditions of employment. The City's representatives and the Union have reached an understanding as to certain recommendations to be made to the City Council for the City of Banning and have agreed that the parties hereto will jointly urge said Council to adopt a new wage and benefit resolution which will provide for the changes contained in said joint recommendation. The parties hereto acknowledge that this MOU shall not be in full force and effect until adoption by the Banning City Council.

In witness whereof the parties have caused their signatures to be affixed this _____day of _____, _____ (month/year).

Banning Police Officers Unit:

Date: _____, 2024

Roberto Jauregui, Sergeant	Rene Munoz, Sergeant
Eric Campa, Corporal	Daniel Deusenberry, Corporal
Samuel Mendoza, Officer	

City of Banning Representatives:

Date: _____, 2024

Doug Schulze, City Manager	Lincoln Bogard, Administrative Services Director
Nicole Jews, Human Resources & Risk Manager	

Attest:
By: _____
Administrative City Clerk

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Scott Foster,** **Ralph Wright, Parks and Recreation Director**
MEETING DATE:	**August 27, 2024**
SUBJECT:	**Consideration of Resolution 2024-130, Accepting a Donation from First Industrial, LP in the Amount of $2,500**

RECOMMENDATION:

Adopt Resolution 2024-130.

BACKGROUND:

City of Banning Administrative Policy B-27 – Donation to City Funds and Programs/Administration, effective 4/2015 and reviewed on 07/2018, establishes the protocol for acceptance of donations for City programs and services.

Administrative Policy B-27 also establishes the acceptance approval thresholds and per this policy, donations in an amount greater than $1,000 must be approved by the City Council.

The Banning Parks and Recreation Department charges reasonable fees to cover the direct variable program costs of certain Parks and Recreation Programming. To assist the participants that might not be able to participate due to program fee, the City established a Scholarship fund that, when funded, would split 50% of the fee for certain programs for eligible residents of Banning who are designated low to moderate low income.
Interested Banning residents can complete the scholarship fund request application and it is processed in the Parks and Recreation office and provided there is funding in the scholarship fund, they are then able to register for the program at a 50% rate. Eligible residents are able to make two requests for scholarship funds per year.

Donations have been solicited and other fundraising programs have been developed to secure funding for the scholarship fund without increasing General Fund allocations to the department.

Programs potentially covered through the scholarship fund are youth sports, day camps, swim lessons and one day charged events.

Donations such as this one from the First Industrial Trust will ensure that Banning residents will not miss out on recreational programming due to the reasonable program costs.

JUSTIFICATION:

Donations such as this directly and positively impact the Parks and Recreation Services and Programs enhance the City's offerings and aid in the development and improvement of our community.

FISCAL IMPACT:

The acceptance of the donation does not require any matching funding and will allow afford an opportunity for all Banning Residents to participate in Banning Recreation Department Programming.

ALTERNATIVES:

No Alternatives Presented

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. Resolution 2024-130, Donation Scholarship Fund.docx
2. B-27 - Acceptance of Donations.pdf
3. Banning Parks and Recreation Scholarship Fund Application.docx

RESOLUTION 2024-130

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, ACCEPTING A DONATION TO THE BANNING PARKS AND RECREATION DEPARTMENT'S SCHOLARSHIP FUND FROM FIRST INDUSTRIAL, LP IN THE AMOUNT OF $2,500

WHEREAS, the City of Banning Parks and Recreation Department supports its citizens by offering programs and services that enhance and provide opportunities for socialization and improved health for the community; and

WHEREAS, the Banning Parks and Recreation Department charges reasonable fees for our day camp, youth sports swim lessons and single day programs that cover the direct costs of the programs; and

WHEREAS, the City of Banning does not want anyone to miss out on an opportunity to participate in Parks and Recreation programming because of the program cost; and

WHEREAS, the Banning Parks and Recreation Department established a scholarship fund to assist those low to moderate low income customers that would not be able to pay the entire program fee by reducing the fee paid by the customer by 50% and subsidized through the scholarship fund; and

WHEREAS, donations offered for the sole purpose of funding the scholarship fund are appreciated and valued and directly benefit the Citizens of Banning; and

WHEREAS, Administrative Policy B-27 Donations to City Funds and Programs/Administration, establishes the protocol of acceptance of donations; and

WHEREAS, Administrative Policy B-27 – Donations to City Funds and Programs/Administration establishes that donations of greater than $1,000 must be approved by the City of Banning City Council; and

WHEREAS, the First Industrial, LP, has offered to donate $2,500 for the support of the Banning Parks and Recreation Scholarship Fund and its purpose of assisting the eligible customers with a reduced program participation cost.

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

SECTION 1. Accepting the donation to the Parks and Recreation Scholarship fund from the First Industrial, LP., in the amount of $2,500.

SECTION 2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to donation and its use.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 27th day of August 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-130, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 27th day of August 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

CITY OF BANNING ADMINISTRATIVE POLICY		
Subject: Donations to City Funds and Programs/Administration		Policy No. **B-27**
Reference:	**Effective: 4/2015** **Review Date: 7/2018**	Page No. 1 of 4

Attached is Donations to City Funds and Programs/Administration Policy

City of Banning

Donations to City Funds and Programs/Administration

Effective Date: 4/2015
Review Date: 7/2018
Prepared by: Administrative Services

Approved:

Department

City Manager

PURPOSE:

The City of Banning recognizes that there are programs administered by the City that residents may wish to support by donating cash, equipment, or materials and supplies. This policy outlines the parameters under which the City will accept a donation and how the funds will be administered and accounted for.

- Provide procedures related to the requirements for acceptance of cash donations.
- Ensure that City departments are accountable for proper documentation, administration and activities, in accordance with donor instructions and as a fiduciary custodian of such donations. .

POLICY:

Approval of Donations

Prior to acceptance of cash, equipment, or materials and supplies for any City fund, program or activity, the City Manager or the City Council (as outlined in this policy) must approve acceptance of the donation and establishment of a new trust fund (where required).

Donation Requirements

Donations must reflect positively on the City or its image (e.g., donations from an organization or individual known to promote or permit discriminatory practices or behavior would be unacceptable). Donations must relate to City approved programs, projects, or activities.

Donations in an amount less than $1,000 will, at the discretion of the City Manager, be placed in an appropriate line item account and fund related to the purpose of the donation. Amounts greater than $1,000 must be approved by the City Council and will be placed in a fiduciary type (then existing or newly created) fund dedicated solely for the purpose of that donation. The City reserves the right to decline any donation with restrictions that would create an undue administrative burden upon the City.

Donation amounts greater than $250 will be acknowledged in writing by the City. Consistent with IRS regulations, non-cash donations will not stipulate a value but will simply provide a description of what was donated. In the latter case, the donor should consult a tax expert, but in any event, is responsible for assigning a value for taxable write off purposes.

Donation Submittal Process

A donor may obtain a donation submittal form from the City or simply submit a letter to the City along with the donation amount. The form or letter should indicate for what purpose the donation is made and any restrictions the donor would like placed on the donated funds. The City will provide written acknowledgement of the donation and related restrictions. The acknowledgement will also note how the City will account for the funds.

Maintenance and Monitoring of Donations

Donations which are determined to not require a new fund, but instead are deposited into a fund already established for the purpose the donation was given, will receive the accounting and reporting accorded that particular fund. Any donation set up as its own distinct fund will be handled consistent with government fund accounting. Reporting on that fund will be provided with the annual audited financial statements. Any donor desiring information prior to issuance of the audited financial statements can request, on a quarterly basis, unaudited information by contacting the City Finance Department.

City of Banning
DONATION ACCEPTANCE FORM

Per City of Banning Policy gifts, grants, or bequests of less than $1,000 in value may be accepted by the City Manager. Anything $1,000 or above shall be approved by the Banning City Council.

Acceptance of Monetary Gifts, Grants and Other Revenues from Private Sources

Donor (Entity Name):		
Recipient Organization:		
Are Funds to be used for a Specific Purpose?	No ☐ (General Donation)	Yes ☐
If for a Specific Purpose Description is Required:		
Amount($):		

Acceptance of Non-Monetary Gifts, Grants and Other Revenues from Private Sources

Type of Item Donated:	**Purpose:**

Approval Signatures

City Manager's Approval Yes ☐ No ☐ **Signature:**_____

Date:_____

City Council Approval Yes ☐ No ☐ **Signature:**_____

Date:_____

City of Banning Parks and Recreation Department Youth Scholarship Program

The City of Banning Parks and Recreation Department offers assistance to Banning Residents through our Youth Scholarship Program. Eligibility in our Scholarship Program gives low and moderate low income residents a 50% discount on program registration fees. Families can enroll by meeting income level restrictions and by submitting documentation of enrollment in other subsidized programs. Scholarships are offered to Youth Sports, Swimming Lessons, Day Camps and single day event programming.

WHO IS ELIGIBLE:

1. Applicants must live in Banning
2. Applicant's household must have income equal or less than 250% of the current federal poverty level as determined by the U.S. Department of Health and Human Services. Federal Poverty Guidelines 2023

NOTES:

- Eligible residents may apply up to twice per Calendar Year. (Each Program, Day, Season, or Session counts as one scholarship.)
- Review of Scholarship and Approval requires a minimum of two weeks prior to each program's registration deadline date.
- Scholarships are offered on a first come first served basis and only offered if funds are available.

How Do I Apply:

New applicants can apply by downloading an application, filling it out completely, and submitting the application with the supporting income documentation via email to recreation@Banningca.gov or mailing the application and supporting income documentation to:

Scott Foster
P.O. Box 99
Banning, CA 92220
(951) 922-3244

City of Banning Parks and Recreation Department
Youth Scholarship Application (Page 1)

Date:_____ ☐ New Applicant ☐ Re-Apply

APPLICANT INFORMATION: (Proof of Banning Residency Required)
Parent/Guardian
Name: _____
Address: _____ City:_____ Zip: _____
Phone Number: (____) _____ Is this a cell phone Y/N_____ Text Messages Okay Y/N ____
Email Address: _____

HOUSEHOLD INFORMATION:

1. How many persons are living in your household? (A household is defined as the persons currently living in the address you provided in the information above, inclusive of children and or dependents)
   _____

2. List monthly household income inclusive of all wage-earners living in address listed above:

_____

_____

3. List additional monthly income generated from welfare, child support, alimony and/or social security:

_____

_____

4. List the total monthly household income $_____ (Please provide the last two current copies of source of income, i.e., past paycheck stubs, tax returns)

5. List the name(s) and date(s) of birth of the child(ren) you are requesting a scholarship for:

Child's Name	Child's Date of Birth	Program Desired
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

City of Banning Parks and Recreation Department
Youth Scholarship Application (Page 2)

I certify that all statements on this application are true and correct and that I can verify this information if requested to do so. I understand that the Banning Parks and Recreation Department Youth Scholarship is a privilege and not a right, and that is subject to the income verification statements submitted by me. I also understand that the scholarship may pay for 50% of my program fees, and I am responsible for paying the balance of the program fees directly to the City prior to the start of the program in which my child is to participate. I understand that if any statements submitted are later determined to be inaccurate, it may immediately terminate my child's privilege to benefit from this program. I also understand that the availability of youth scholarships are based on available program funds and are awarded on a first come/first served basis.

_____ Date: _____
Signature of Parent or Guardian

Drop-Off/Mail/Email your application to:

Banning Parks and Recreation
789 N. San Gorgonio Avenue
Banning, CA 92220
Email: recreation@banningca.gov

Questions? Call Scott Foster at (951) 922-3244 or email recreation@banningca.gov

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Scott Foster,** **Ralph Wright, Parks and Recreation Director**
MEETING DATE:	**August 27, 2024**
SUBJECT:	**Consideration of Resolution 2024-131, Accepting a Donation from Sun Lakes Charitable Trust in the Amount of $2,000**

RECOMMENDATION:

Adopt Resolution 2024-131.

BACKGROUND:

City of Banning Administrative Policy B-27 – Donation to City Funds and Programs/Administration, effective 4/2015 and reviewed on 07/2018, establishes the protocol for acceptance of donations for City programs and services.

Administrative Policy B-27 also establishes the acceptance approval thresholds and per this policy, donations in an amount greater than $1,000 must be approved by the City Council.

The Banning Senior Center and its programming is substantially funded under the Parks and Recreation Budget allocation for the Senior Center within the General Fund and is also supported through donations and fund raising throughout the year.

Sun Lakes Country Club Charitable Trust has been a continuous supporter of the Banning Senior Center and has graciously donated $2,000. The Sun Lakes Charitable Trust made the donation with the requirement that the funds are used for the Senior Center operations. After evaluation of programming, the donation will be used to continue the Happiness Campaign and support monthly events and programming through purchase of supplies or equipment for that purpose. All items will significantly improve and enhance the experience of our senior population that call the Banning Senior Center home.

JUSTIFICATION:

Donations such as this directly and positively impact the Parks and Recreation Services and Programs enhance the City's offerings and aid in the development and improvement of our community.

FISCAL IMPACT:

The acceptance of the donation does not require any matching funding and will allow for increased programming for the Senior Center without additional General Fund allocations.

ALTERNATIVES:

No Alternatives Presented

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. Resolution 2024-131, Donation Sun Lakes CT.docx
2. B-27 - Acceptance of Donations.pdf

RESOLUTION 2024-131

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, ACCEPTING A DONATION TO THE BANNING SENIOR CENTER FROM SUN LAKES CHARITABLE TRUST IN THE AMOUNT OF $2,000

WHEREAS, the City of Banning Senior Center supports its citizens by offering programs and services that enhance and provide opportunities for socialization and improved health for its senior population; and

WHEREAS, the Banning Senior Center is substantially supported by a General Fund allocation for FY 2023-24; and

WHEREAS, donations offered for the sole purpose of improving the facility or program offerings of the Banning Senior Center are appreciated and valued; and

WHEREAS, Administrative Policy B-27 Donations to City Funds and Programs/Administration, establishes the protocol of acceptance of donations; and

WHEREAS, Administrative Policy B-27 – Donations to City Funds and Programs/Administration establishes that donations of greater than $1,000 must be approved by the City of Banning City Council; and

WHEREAS, the Sun Lakes Country Club Charitable Trust has offered to donate $2,000 for the support of the Banning Senior Center and its purpose of providing socialization, healthy food and healthy programming for the City's senior population.

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

SECTION 1. Accepting the donation to the Banning Senior Center from the Sun Lakes Country Club Charitable Trust in the amount of $2,000.

SECTION 2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to donation for the sole purpose of programming at the Banning Senior Center.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 27th day of August 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-131, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 27th day of August 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

CITY OF BANNING ADMINISTRATIVE POLICY		
Subject: Donations to City Funds and Programs/Administration		Policy No. **B-27**
Reference:	**Effective: 4/2015** **Review Date: 7/2018**	Page No. 1 of 4

Attached is Donations to City Funds and Programs/Administration Policy

City of Banning

Donations to City Funds and Programs/Administration

Effective Date: 4/2015
Review Date: 7/2018
Prepared by: Administrative Services

Approved:

Department

City Manager

PURPOSE:

The City of Banning recognizes that there are programs administered by the City that residents may wish to support by donating cash, equipment, or materials and supplies. This policy outlines the parameters under which the City will accept a donation and how the funds will be administered and accounted for.

- Provide procedures related to the requirements for acceptance of cash donations.
- Ensure that City departments are accountable for proper documentation, administration and activities, in accordance with donor instructions and as a fiduciary custodian of such donations. .

POLICY:

Approval of Donations

Prior to acceptance of cash, equipment, or materials and supplies for any City fund, program or activity, the City Manager or the City Council (as outlined in this policy) must approve acceptance of the donation and establishment of a new trust fund (where required).

Donation Requirements

Donations must reflect positively on the City or its image (e.g., donations from an organization or individual known to promote or permit discriminatory practices or behavior would be unacceptable). Donations must relate to City approved programs, projects, or activities.

Donations in an amount less than $1,000 will, at the discretion of the City Manager, be placed in an appropriate line item account and fund related to the purpose of the donation. Amounts greater than $1,000 must be approved by the City Council and will be placed in a fiduciary type (then existing or newly created) fund dedicated solely for the purpose of that donation. The City reserves the right to decline any donation with restrictions that would create an undue administrative burden upon the City.

Donation amounts greater than $250 will be acknowledged in writing by the City. Consistent with IRS regulations, non-cash donations will not stipulate a value but will simply provide a description of what was donated. In the latter case, the donor should consult a tax expert, but in any event, is responsible for assigning a value for taxable write off purposes.

Donation Submittal Process

A donor may obtain a donation submittal form from the City or simply submit a letter to the City along with the donation amount. The form or letter should indicate for what purpose the donation is made and any restrictions the donor would like placed on the donated funds. The City will provide written acknowledgement of the donation and related restrictions. The acknowledgement will also note how the City will account for the funds.

Maintenance and Monitoring of Donations

Donations which are determined to not require a new fund, but instead are deposited into a fund already established for the purpose the donation was given, will receive the accounting and reporting accorded that particular fund. Any donation set up as its own distinct fund will be handled consistent with government fund accounting. Reporting on that fund will be provided with the annual audited financial statements. Any donor desiring information prior to issuance of the audited financial statements can request, on a quarterly basis, unaudited information by contacting the City Finance Department.

City of Banning
DONATION ACCEPTANCE FORM

Per City of Banning Policy gifts, grants, or bequests of less than $1,000 in value may be accepted by the City Manager. Anything $1,000 or above shall be approved by the Banning City Council.

Acceptance of Monetary Gifts, Grants and Other Revenues from Private Sources

Donor (Entity Name):		
Recipient Organization:		
Are Funds to be used for a Specific Purpose?	No ☐ (General Donation)	Yes ☐
If for a Specific Purpose Description is Required:		
Amount($):		

Acceptance of Non-Monetary Gifts, Grants and Other Revenues from Private Sources

Type of Item Donated:	**Purpose:**

Approval Signatures

City Manager's Approval Yes ☐ No ☐ **Signature:**_____

Date:_____

City Council Approval Yes ☐ No ☐ **Signature:**_____

Date:_____

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Patrick Safari, Capital Improvement Projects Manager** **Art Vela, Director of Public Works**
MEETING DATE:	**August 27, 2024**
SUBJECT:	**Consideration of Resolution 2024-132, Awarding A Professional Services Agreement for the Construction Management and Inspections Services of Charles Street and Lincoln Street Non-Potable Water Booster Stations and Reservoirs Project to TKE Engineering, Inc. in the amount of $910,880 and Approving a 10% Contingency for a Total Project Budget of "Not-to-Exceed" $1,001,968.**

RECOMMENDATION:

Adopt Resolution 2024-132.

BACKGROUND:

The City recently completed the installation of a non-potable water trunk main that will deliver non-potable water from the newly constructed NP -1 Well located near the Wastewater Treatment Plant (WWTP) to Sun Lakes Country Club (SLCC) located at the west end of the City of Banning. In the future said truck main will deliver recycled water produced at the WWTP.

Two (2) booster stations are needed to achieve the delivery of non-potable water to SLCC. The Charles Street Booster Station will pump non-potable water from NP-1 Well to Lincoln Street Booster Station. The Lincoln Booster Station will then pump non-potable water to SLCC to be used to irrigate two golf courses.

The construction of the two (2) booster stations will require construction management and inspections services. Due to City staff shortage and special inspection requirements, it is necessary to hire a consultant to carry out construction management and inspection services on behalf of the City.

On March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law by the President establishing the Coronavirus State Fiscal Recovery Fund intended to provide support to state, local and tribal governments in responding to the economic impact of COVID-19. The funds were intended to be used for public health emergencies as well as for necessary investments in water infrastructure projects.

On September 13, 2022, the City Council approved Resolution 2022-123 approving a Funding Agreement with the Riverside County in the amount of $5,049,202 for the delivery of Charles Street and Lincoln Street Non-Potable Water Booster Station/Reservoir construction projects. Via said agreement, Riverside County has allocated it's ARPA funds for these City projects.

On May 10, 2024, staff released a Request for Proposals (RFP) for Charles Street and Lincoln Street Booster Stations and Reservoir Construction Management and Inspection Services on the City's public

bidding platform. The proposals were due on June 4, 2024. In response to the RFP, four (4) proposals were received from the following consultants:

Consultant	Score (Out of 100)
1) TKE Engineering, Inc.	81.67
2) Albert A. Webb Associates	80.33
3) Lee & Ro, Inc.	79.33
4) Valley Construction Management	77.00

The scope will consist of construction management and inspection services for the construction of Charles Street and Lincoln Street Non-Potable Booster Stations/Reservoirs Projects.

JUSTIFICATION:

The non-potable water infrastructure projects will provide benefits to the City including reduction in demand for potable water for activities such as irrigation of golf courses and public parks; reduction in energy usage for water treatment purposes; and continuous provision of non-potable irrigation water during drought times.

Staff evaluated the proposals based on qualifications, cost, experience with the requested scope of services and response to the request for proposals. As a result, staff recommend the award of a Professional Services Agreement to TKE Engineering, Inc., in the amount of $910,880.

FISCAL IMPACT:

Staff recommends awarding a Professional Services Agreement to TKE Engineering, Inc. in the amount of $910,880 and approving a 10% contingency in the amount of $91,088 for a total “not-to-exceed” project budget of $1,001,968.

An appropriation from the Water Operations Fund 660 to Account No. 660-6300-471.95-10 in the amount of $1,001,968 is necessary to fund the Professional Services Agreement with TKE Engineering, Inc. Fund 660 has a cash balance of $23,513,454.

ALTERNATIVES:

Do not approve Resolution 2024-132 and provide alternative direction to staff.

BUDGETED?:

Yes

CONTRACT/AGREEMENT:

Yes

ATTACHMENTS:

1. Resolution 2024-132, Lincoln-Charles Booster Station Agreements.docx
2. Resolution No. 2022-123.pdf
3. Funding Agreement_COR & City of Banning.pdf
4. TKE_Proposal.pdf
5. C01056 PSA for TKE Eng - Booster Station Construction Mgmt.pdf

RESOLUTION 2024-132

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AWARDING A PROFESSIONAL SERVICES AGREEMENT FOR THE CONSTRUCTION MANAGEMENT AND INSPECTIONS SERVICES OF CHARLES STREET AND LINCOLN STREET NON-POTABLE WATER BOOSTER STATIONS AND RESERVOIRS PROJECT TO TKE ENGINEERING, INC. IN THE AMOUNT OF $910,880 AND APPROVING A 10% CONTINGENCY FOR A TOTAL PROJECT BUDGET OF "NOT-TO-EXCEED" $1,001,968

WHEREAS, the City recently completed the installation of a non-potable water trunk main that will deliver non-potable water from the newly constructed NP-1 Well located adjacent to the City's Wastewater Treatment Plant to Sun Lakes Country Club (SLCC) located at the west end of the City of Banning; and

WHEREAS, two booster stations are needed to achieve the delivery of non-potable water to SLCC. The Charles Street Booster Station will pump non-potable water from NP-1 Well to Lincoln Street Booster Station. The Lincoln Booster Station will then pump non-potable water to SLCC to be used to irrigate two golf courses; and

WHEREAS, the construction of the two (2) booster stations will require construction management and inspections services. Due to City staff shortage and special inspection requirements, it is necessary to hire a consultant to carry out construction management and inspection services on behalf of the City; and

WHEREAS, on March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law by the President establishing the Coronavirus State Fiscal Recovery Fund intended to provide support to state, local and tribal governments in responding to the economic impact of COVID-19 including necessary investments in water infrastructure projects; and

WHEREAS, on September 13, 2022, the City Council approved Resolution 2022-123 approving a Funding Agreement with the Riverside County in the amount of $5,049,202 for the delivery of Charles Street and Lincoln Street Non-Potable Water Booster Station/Reservoir construction projects. Riverside County is utilizing their ARPA funds to fund the Funding Agreement; and

WHEREAS, on May 10, 2024, staff released a Request for Proposals (RFP) for Charles Street and Lincoln Street Booster Stations and Reservoir Construction Management and Inspection Services on the City's public bidding platform and received four (4) proposals ranging in score from 81.67 to 77; and

WHEREAS, the scope will consist of construction management and inspection services for the construction of Charles Street and Lincoln Street Non-Potable Booster Stations/Reservoirs Projects; and

WHEREAS, the non-potable water infrastructure projects will provide benefits to the City including reduction in demand for potable water for activities such as irrigation of golf courses and public parks; reduction in energy usage for water treatment purposes; and continuous provision of non-potable irrigation water during drought times; and

WHEREAS, staff recommend awarding a Professional Services Agreement to TKE Engineering, Inc. in the amount of $910,880 and approving a 10% contingency in the amount of $91,088 for a total "not-to-exceed" project budget of $1,001,968; and

WHEREAS, an appropriation from the Water Operations Fund 660 balance to Account No. 660-6300-471.95-10 in the amount of $1,001,968 is necessary to fund the Professional Services Agreement with TKE Engineering, Inc.

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

SECTION 1. The City Council approves the Professional Services Agreement with TKE Engineering, Inc. for Construction Management and Inspection Services in the amount of $910,880 and approving a 10% contingency in the amount of $91,088 for a total "not-to-exceed" budget amount of $1,001,968.

SECTION 2. The City Council authorizes the City Manager to make non-substantive changes to the Professional Services Agreement and to execute the Professional Services Agreement with TKE Engineering, Inc. on behalf of the City Council.

SECTION 3. The City Council authorizes the City Manager, or designee, to make necessary budget adjustments, appropriations, and transfers related to the Professional Services Agreement with TKE Engineering, Inc.

SECTION 4. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 27th day of August 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, do hereby certify that the foregoing Resolution 2024-132, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 27th day of August 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

Exhibit A
Professional Services Agreement with TKE Engineering, Inc.

RESOLUTION 2022-123

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A FUNDING AGREEMENT BETWEEN THE COUNTY OF RIVERSIDE AND THE CITY OF BANNING IN THE AMOUNT OF $5,049,202 FOR TWO NON-POTABLE WATER INFRASTRUCTURE PROJECTS

WHEREAS, on March 11, 2021, President Biden signed into law a $1.9 trillion economic stimulus bill also known as the COVID-19 Stimulus Package or the American Rescue Plan Act (ARPA), with the intent to accelerate the United States recovery from the economic and health impacts of the COVID-19 pandemic; and

WHEREAS, Riverside County's share of the American Rescue Plan funding is estimated to be $479 million; and

WHEREAS, on February 8, 2022, the Riverside County Board of Supervisors approved establishing the ARPA infrastructure funding category in the amount of $82 million which included an allocation of $5,049,202 to the City of Banning for two non-potable water infrastructure projects.

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

SECTION 1. The Funding Agreement between the County of Riverside and the City of Banning is hereby approved; and

SECTION 2. The City Council hereby authorizes and directs the City Manager to execute the Funding Agreement on behalf of the City of Banning.

PASSED, APPROVED AND ADOPTED this 13th day of September 2022.

Colleen Wallace, Mayor
City of Banning

ATTEST:

Caroline Patton, Deputy City Clerk
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

Kevin G. Ennis, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2022-123, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 13th day of September 2022 by the following vote, to wit:

AYES: Happe, Minjares, Sanchez, and Wallace.

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Deputy City Clerk
City of Banning, California

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

ITEM: 3.6
(ID # 20187)
MEETING DATE:
Tuesday, October 18, 2022

FROM : EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: Approve and Execute the Infrastructure Project Funding Agreement Between the County of Riverside and the City of Banning for Delivery of Water System Infrastructure Projects, through Fiscal Year 23/24. District 5. [$5,049,202 Total Cost; 100% ARPA Funds]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Infrastructure Project Funding Agreement Between the County of Riverside and the City of Banning for Delivery of the NP-1 Booster/Reservoir Project, and NP-2 Booster Pump Station Project, for a Total Cost of $5,049,202, through Fiscal Year 23/24; and

2. Authorize the Chair of the Board of Supervisors to Execute the Agreement on Behalf of the County; and

3. Direct the Executive Officer, or Designee, to take all Necessary Steps to Approve, Sign and Execute any Future Non-Substantive Amendments within the Agreement that do not Increase Costs to the County and do not Materially Change the Scope of Services, Subject to Approval as to Form by County Counsel.

ACTION:Policy

Rania Odenbaugh
Rania Odenbaugh, Director of Constituent Services 10/12/2022

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes:	Jeffries, Spiegel, Washington, Perez and Hewitt
Nays:	None
Absent:	None
Date:	October 18, 2022
xc:	E.O.

Kecia R. Harper
Clerk of the Board
By: Deputy

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	$ 2,000,000	$ 3,049,202	$ 5,049,202	$ 0
NET COUNTY COST	$ 0	$ 0	$ 0	$ 0
SOURCE OF FUNDS: 100% ARPA Funds			**Budget Adjustment:** No	
			For Fiscal Year: 22/23 – 23/24	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On March 11, 2021, President Biden signed into law a $1.9 trillion economic stimulus bill also known as the COVID-19 Stimulus Package or the American Rescue Plan Act (ARPA). The intent of the bill is to accelerate the United States recovery from the economic and health impacts of the COVID-19 pandemic. ARPA includes $362 billion in Coronavirus State and Local Fiscal Recovery Funds (ARPA Fiscal Recovery Funds) for eligible state, local, territorial, and tribal governments. These ARPA Fiscal Recovery Funds can be utilized for four categories of eligible uses:

a) To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality.
b) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers.
c) For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and
d) To make necessary investments in water, sewer, or broadband infrastructure.

Riverside County's share of the American Rescue Plan funding is estimated to be $479 million, of which the first installment of $239,937,299 was received on May 10, 2021. Funds must be obligated by December 31, 2024, and expended by December 31, 2026.

On April 27, 2021, the Executive Office presented the Board of Supervisors with a preliminary ARPA funding allocation and on October 19, 2021, presented a revised funding allocation after the U.S. Treasury released the ARPA interim funding guidelines. The revised allocation included a new category for Child Care. The funding allocation obligates funds to 7 categories: Infrastructure, Housing & Homelessness, Economic Recovery, County Departments Response, Non-Profit Assistance, Child Care and Revenue Backfill.

In its final funding guidelines issued on January 6, 2022 , the U.S. Treasury broadened the use of the ARPA funds to include disproportionately impacted communities projects to develop

neighborhood features that promote improved health and safety outcomes, such as parks, green spaces, recreational facilities, sidewalks, pedestrian safety features like crosswalks, projects that increase access to healthy foods, streetlights, neighborhood clean-up, and other projects to revitalize public access.

On February 8, 2022, the Board approved establishing the ARPA infrastructure funding category in the amount of $82 million. This amount dedicated $75 million to water and sewer infrastructure projects, distributed $15 million per district and the remaining $7 million was allocated to the Broadband affordability program.

The attached proposed Infrastructure Funding Agreement between the County of Riverside and the City of Banning (City) addresses two (2) infrastructure projects which were determined by the County Executive Office to be in compliance with ARPA funding objectives and US Treasury eligibility criteria. The City will administer, construct and maintain the following infrastructure projects, which will be completed on or before December of 2026, utilizing a combination of City funding and proposed ARPA Infrastructure funding. On May 24, 2022 (Agenda Item 3.4), the County Board of Supervisors approved allocation of a total of $5,049,202 in ARPA funds toward the following water infrastructure projects at the recommendation of the County's 5th District:

NP-1 Reservoir Project – This $3.1 million Project will expand the capability of the City's non-potable water supply for use in irrigation, thereby lessening reliance on imported water supplies. The Project includes installation of a 54' diameter above ground steel tank and booster pump station adjacent to the existing City of Banning Wastewater Treatment Plant. The attached proposed funding agreement reflects the Board approved contribution of $2,669,725 from the ARPA infrastructure category to the City for project delivery.

NP-2 Booster Station Project - This $2.7 million Project will work in conjunction with the above listed NP-1 Reservoir project through construction of a pump station on Lincoln Street, to deliver stored non-potable water to end users. The attached proposed funding agreement reflects the Board approved contribution of $2,379,477 from the ARPA infrastructure category to the City for project delivery.

Impact on Residents and Businesses

The proposed water infrastructure projects will improve quality of life and promote economic recovery in communities within the County by improving water systems and lessening reliance on imported water supplies.

ATTACHMENTS:

- Infrastructure Funding Agreement Between County of Riverside and City of Banning

Scott Bruckner 9/30/2022

FUNDING AGREEMENT FOR
CITY OF BANNING AGENCY INFRASTRUCTURE PROJECTS

This Funding Agreement ("Agreement") is entered into by and between the County of Riverside, a political subdivision of the State of California, ("County") and the City of Banning, ("Subrecipient"). County and Subrecipient are sometimes individually referred to as "Party" and collectively as "Parties."

RECITALS

WHEREAS, on March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law, amending Section 9901 of Title VI of the Social Security Act which establishes the Coronavirus State and Local Fiscal Recovery Funds (Fiscal Recovery Funds) to provide state, local and Tribal governments with the resources needed to respond to the pandemic and its economic effects and to build a stronger, more equitable economy during the recovery; and

WHEREAS, on February 8, 2022, Minute Order 3.3, the Board of Supervisors of the County of Riverside approved allocation of ARPA funds to support eligible infrastructure projects within Riverside County; and

WHEREAS, on January 6, 2022, the U.S. Department of the Treasury (U.S. Treasury) adopted a final rule implementing the Fiscal Recovery Funds which takes effect on April 1, 2022 (Final Rule), however, Subrecipient may generally take actions and use funds in a manner consistent with the terms of the Final Rule prior to April 1, 2022, to the extent they are more restrictive than those in the interim final rule, issued on May 10, 2021; and

WHEREAS, to respond to the negative effects of the pandemic, which in turn affect our community as a whole, the County has dedicated a portion of the allotted ARPA funds to local agencies for the delivery and implementation of vital and eligible infrastructure projects; and

WHEREAS, the County desires to reimburse and the Subrecipient desires to accept ARPA Fiscal Recovery Funds in a total amount not to exceed $5,049,202, for expenditures identified in Attachment A related to the NP-1 Booster/Reservoir Project, and NP-2 Booster Pump Station Project; and

NOW THEREFORE, in consideration of the mutual benefits, covenants, terms and conditions contained herein, the Parties agree as follows:

AGREEMENT

1. Incorporation of Recitals. The Recitals set forth above are incorporated herein and made an operative part of this Agreement.

2. Contract Documents. This Agreement consists of this Agreement and the following attachments, attached hereto and by this reference incorporated herein:
   2.1 Attachment A – Infrastructure Projects Scope
   2.2 Attachment B – U.S. Treasury ARPA Fiscal Recovery Funds Final Rule

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2.3 Attachment C – Uniform Administrative Requirements, Cost Principles, Federal Provisions and Audit Requirements for Federal Awards -2 CFR Part 200 et seq
2.4 Attachment D – Indemnification and Insurance Requirements
2.5 Attachment E – Project Monitoring Requirements
2.6 Attachment F – Construction Requirements

3. Infrastructure Projects; Scope of Work. Subrecipient shall be responsible for completion of all activities associated with design, implementation, installation and construction of the Infrastructure Projects, as described in **Attachment A**, on or before December 31, 2026, by first using funds received from the County in the amount provided in Section 4 of this Agreement. The Subrecipient shall also furnish timely reporting and documentation assuring Subrecipient's compliance with the U.S. Treasury ARPA Guidelines (as stated in the Final Rule of the U.S. Department of the Treasury published in the Federal Register on January 27, 2022), and within the timelines and specifications provided in **Attachment E**. Under the provisions of the Agreement, the County shall bear no responsibility for the Infrastructure Projects, including without limitation any activities associated with implementation, installation and construction, or any future operation or maintenance of the Infrastructure Projects.

3.1 Project Signage. Subrecipient shall include appropriate acknowledgement of credit to the County for its support when promoting the Infrastructure Projects or using any data and/or information developed under this Agreement. Signage shall be posted in a prominent location at Infrastructure Project site(s) and shall include the U.S. Department of Treasury's, and the County's color logos, along with the following disclosure statement: "Funding for this project has been provided in full or in part from the American Rescue Plan Act, and through an agreement with the County of Riverside." The Recipient shall also include in each of its contracts for work under this Agreement a provision that incorporates the requirements stated within this Paragraph.

4. Funding.

4.1 County shall provide funding to Subrecipient in a total amount not to exceed $5,049,202 ("Award"), in quarterly payments in accordance with progress pay estimates submittals, and in compliance with ARPA Guidelines as set forth in **Attachment B**, attached hereto and by this reference incorporated herein, for the completion of the Infrastructure Projects. In the event that there is a conflict in the terms for payment in this Agreement and the terms in Attachments B and C, the terms in Attachments B and C shall take precedence. Subrecipient shall provide other non-federal funding at least equal to the amounts shown in **Attachment A**, attached hereto and by this reference incorporated herein, as a match to the funds provided by the County for the Infrastructure Projects.

4.2 Except as expressly provided in **Attachment A** of this Agreement, Subrecipient shall not be entitled to, nor receive from County any additional funding or other type of remuneration for services rendered under this Agreement. The Award amounts described in this Section are specifically for each Infrastructure Project and make up the entire amount which the County has approved to fund for each Infrastructure Project. Subrecipient shall not be entitled by virtue of this Agreement to consideration in excess of specified per-project Award amounts, and Subrecipient shall be responsible for any and all costs incurred above any Award amount for its implementation and completion of the specified Infrastructure Project. Any subsequent amendments to Infrastructure Project scopes or descriptions are not covered by this Agreement, and the funding for any such amendments or for any Infrastructure Project cost overruns shall be the sole responsibility of Subrecipient, unless otherwise approved in writing by the County.

4.3 Should it be determined at any time by the Subrecipient or the County that the Subrecipient cannot, will not or is unable to complete an Infrastructure Project subject to this Agreement in accordance with the applicable State and Federal requirements and the provisions of this

Agreement on or before December 31, 2026, then the subrecipient shall return 100% of the Award amount reimbursed to Subrecipient for any uncompleted Infrastructure Project as of the date of notification to the County, within thirty (30) days of notification.

4.4 In the event the actual cost for any Infrastructure Project is less than Award, Subrecipient shall refund the difference to County within thirty (30) days of filing the Notice of Completion for the Infrastructure Project, or by June 30, 2026, whichever occurs first. Subrecipient shall return any reimbursed Award Funds that have not been expended or are not adequately supported by invoices and documentation to the County, within thirty (30) days of completion of construction of the Infrastructure Project, or upon request by the County, whichever occurs first.

5. Invoicing and Billing

5.1 Invoices.

5.1.1 Invoices shall be submitted via e-mail to RIVCOARPA@RIVCO.ORG. The final invoice from the Subrecipient will be submitted with enough time for the County to reimburse the Subrecipient prior to December 31, 2026, per the final rule of ARPA.

5.1.2 Supporting documentation shall accompany each invoice: copies of paid receipts and invoices of all Subrecipient Infrastructure Project costs incurred by Subrecipient.

5.1.3 To ensure compliance with Federal and State regulations, County may require additional supporting documentation or clarification of claimed expenses as follows:

5.1.3.1 County Executive Office staff shall notify Subrecipient to obtain necessary additional documentation or clarification.

5.1.3.2 Subrecipient shall respond within three (3) business days with required additional documentation or clarification to avoid disallowances/partial payment of invoice.

5.1.3.3 All invoices containing expenses that need additional documentation or clarification not provided to County within three (3) business days of request shall have those expenses disallowed and only the allowed expenses shall be paid.

5.1.3.4 Subrecipient may resubmit disallowed expenses as a supplemental invoice only and must be accompanied by required documentation.

5.2 Payments

5.2.1 If the conditions set forth in this Agreement are met, County shall pay, on/or before the thirtieth (30th) day after receipt of a complete and accurate invoice, the sum of money claimed by the approved invoice, (less any credit due County for adjustments of prior invoices). If the conditions are not met, County shall pay when the necessary processing is completed and/or proper backup documentation is provided.

5.2.2 County shall not pay for unauthorized costs incurred by Subrecipient or for the claimed work which County monitoring shows have not been provided as authorized.

5.2.3 County retains the right to withhold payment on disputed claims.

6. Term. The Term of this Agreement shall be from the date of approval of this Agreement until filing of notice of completion for all Infrastructure Projects, or on December 31, 2026, whichever is sooner, unless sooner terminated as provided herein.

7. Subrecipient Compliance Obligations. The Subrecipient agrees to comply with the terms and conditions of this Agreement. The Subrecipient also agrees to apply the terms and conditions of this Agreement to all of its subcontractors (if applicable) and to require their strict compliance therewith. If it is determined that the Subrecipient is noncompliant, County may temporarily withhold or disallow reimbursement of costs, under 2 C.F.R. Part 200, as supplemented by 2 C.F.R. Part 910.

7.1 Federal Provisions. Subrecipient and all of its subcontractors shall comply with the Uniform Administrative Requirements, Cost Principles, Federal Provisions and Audit Requirements for Federal Awards Provisions contained in **Attachment C**.

7.2 Additional terms and conditions for Infrastructure Projects. The Subrecipient and all of its subcontractors shall comply with the Drinking Water and / or the Clean Water State Revolving Fund compliance requirements as reflected in the U.S. Treasury ARPA Fiscal Recovery Funds Final Rule.

8. Contract Representatives.

8.1 County Representative. The County Executive Officer, or designee, shall be the designated representative who shall administer this Agreement on behalf of the County.

8.2 Subrecipient Representative. The City Manager, or designee, shall be the designated representative who shall administer this Agreement on behalf of the Subrecipient.

8.3 The Contract Representatives may be contacted as described in Section 11, below.

9. Records and Audit.

9.1 Subrecipient shall store and maintain all writings, documents and records prepared or compiled in connection with the performance of this Agreement for a minimum of five (5) years from the termination or completion of this Agreement. This includes any handwriting, typewriting, printing, photostatic, photographing and every other means of recording upon any tangible thing, any form of communication or representation including letters, words, pictures, sounds or symbols or any combination thereof. Any authorized representative of County shall have access to any writings as defined above for the purposes of making a report, audit, evaluation, or examination Further, County has the right at all reasonable times to audit, inspect or otherwise evaluate the work performed or being performed under this Agreement.

9.2 If it is determined pursuant to an audit that any funds provided pursuant to this Agreement have been improperly expended, Subrecipient shall, at the direction of the agency performing the audit, reimburse the County within thirty (30) days the full amount of such improperly expended funds. The funds shall be reimbursed in accordance with the recommendations in the audit.

10. Monitoring of Contract Compliance and Infrastructure Progress Reports.

10.1 Contract Compliance. The Subrecipient shall comply with the monitoring arrangements set forth in **Project Monitoring Requirements,** and **Construction Requirements,** attached as **Attachments E** and **F,** respectively.

10.2 Infrastructure Projects Progress Reports and Progress Pay Estimates. Subrecipient shall, as specified herein, provide quarterly reports detailing each Infrastructure Project's progress, including a financial status report and milestone progress report as described in **Attachment E**.

11. Notices. As used in this Agreement, notice includes but is not limited to the communications

of any notice, request, demand, approval, statement, report, acceptance, consent, waiver, and appointment. All notices must be in writing. All such notices from one Party to another may be delivered in person, sent via reputable overnight courier, or served by first-class mail, certified or registered, postage prepaid, to each and all of the addresses set forth below.

If to County:
Riverside County Executive Office
Attention: Rania Odenbaugh and Scott Bruckner
4080 Lemon Street, 4th Floor,
Riverside, CA. 92501

If to Subrecipient:
City of Banning
Attention: Director of Public Works
99 E. Ramsey Street
Banning, CA 92220

12. Conflicts of Interest. Subrecipient covenants that it presently has no interest, including but not limited to, other projects or independent contracts, and shall not acquire any such interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this Agreement. RECIPIENT further covenants that in the performance of this Agreement, no person having any such interest shall be employed or retained by it under this Agreement. In the event federal funds are used, in whole or in part, for this Project, Subrecipient understands and agrees it must maintain a conflict of interest policy consistent with 2. C.F.R. section 200.318 (c) and that such conflict of interest policy is applicable to each activity funded under this award. Subrecipient must disclose in writing to the U.S. Treasury or through Recipient, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2. C.F.R. section 200.12.

13. Nondiscrimination. During any period in which Subrecipient is in receipt of funds from Recipient, Subrecipient and its City Council, officers, employees, agents, representatives or subcontractors shall not unlawfully discriminate in violation of any Federal, State or local law, rule or regulation against any employee, applicant for employment or person receiving services under this Agreement because of race, religious creed, color, national origin, ancestry, physical or mental disability including perception of disability, medical condition, genetic information, pregnancy related condition, marital status, gender/sex, sexual orientation, gender identity, gender expression, age (over 40), political affiliation or belief, or military and veteran status. Subrecipient and its officers, employees, agents, representatives or subcontractors shall comply with all applicable Federal, State and local laws and regulations related to non- discrimination and equal opportunity, including without limitation the County's non- discrimination policy; Title VI of the Civil Rights Act of 1964 (42 US.C. sections 2000d *et seq.*) and U.S. Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance; The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. sections 3601 *et seq.*), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability; Section 504 of the Rehabilitation Act of 1973, as amended (42 U.S.C. sections 6101 *et seq.*), and the U.S. Treasury's implementing regulations at 31 C.F.R. part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. sections 12101 *et seq.*) which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto; The Fair Employment and Housing Act (Government Code sections 12900 *et seq.*); California Labor Code sections 1101, and 1102; the Federal Civil Rights Act of 1964 (P.L. 88-352), as amended; and all applicable regulations promulgated in the California Code of Regulations or the Code of Federal Regulations, and Riverside County's non-discrimination policy.

Subrecipient shall include the non-discrimination and compliance provisions of this Section in all subcontracts to perform work under or as a derivative of this Agreement.

14. Indemnification. The Subrecipient shall be bound by the indemnification, hold harmless and defend provisions contained in **Attachment D**.

15. Insurance. Subrecipient shall obtain, and maintain, or caused to be obtained and maintained, at all times during the Term of this Agreement, insurance coverage in the amounts and coverage specified in **Attachment D**.

16. Termination. The County may terminate this agreement upon a determination that Subrecipient is not complying with ARPA terms and conditions. The County may withhold additional planned distributions of funding to Subrecipient pending receipt of requisite reporting requirements by Subrecipient to the County as described herein.

17. Compliance with Laws. The Subrecipient is required to comply with all applicable federal, state and local laws and regulations for all work performed or funded by and through this Agreement. The Subrecipient is required to obtain all necessary federal, state and local permits, authorizations and approvals for all work performed under this Agreement.

18. Disputes. The parties shall attempt to resolve any disputes amicably at the working level. If that is not successful, the dispute shall be referred to the senior management of the parties. The Subrecipient shall proceed diligently with the Infrastructure Projects described in this Agreement pending the resolution of a dispute. The Parties reserve the right to pursue any remedies at law or in equity should any dispute relating to this Agreement not by resolved by the Parties. Notwithstanding the foregoing, prior to the filing of any legal action related to this Agreement, the Parties shall be obligated to attend a mediation session in Riverside County before a neutral third party mediator. A second mediation session shall be required if the first session is not successful. The parties shall share the cost of the mediations.

19. Status of Subrecipient. The Subrecipient is, for purposes relating to this Agreement, an independent contractor and shall not be deemed an employee of the County. It is expressly understood and agreed that the Subrecipient (including its employees, agents, and subcontractors) shall in no event be entitled to any benefits to which County employees are entitled, including but not limited to overtime, any retirement benefits, worker's compensation benefits, and injury leave or other leave benefits. There shall be no employer-employee relationship between the parties nor is there a joint venture; and Subrecipient shall indemnify and hold County harmless from any and all claims that may be made against County based upon any contention by a third party that an employer-employee relationship exists by reason of this Agreement.

19.1 All acts of Subrecipient and its officers, employees, agents, representatives, subcontractors, and all others acting on behalf of Subrecipient relating to the performance of this Agreement, shall be performed as independent contractors and not as agents, officers, or employees of County. Subrecipient, by virtue of this Agreement, has no authority to bind or incur any obligation on behalf of County. No agent, officer or employee of the County is to be considered an employee of Subrecipient. At all times during the term of this Agreement, the Subrecipient and its officers, employees, agents, representatives, or subcontractors are, and shall represent and conduct themselves as, independent contractors and not employees of County.

19.2 Subrecipient shall determine the method, details, and means of performing the work and services to be provided by Subrecipient under this Agreement. Subrecipient shall be responsible to County only for the requirements and results specified in this Agreement and, except as expressly provided in this Agreement, shall not be subjected to County's control with respect to the physical action or activities of Subrecipient in fulfillment of this Agreement. Subrecipient has control over the manner and means for completion of the Infrastructure Project described in this Agreement. If necessary, Subrecipient has the responsibility for employing or engaging other persons or firms to assist Subrecipient in fulfilling the terms and obligations under this Agreement.

19.3 If in the performance of this Agreement any third persons are employed by Subrecipient, such persons shall be entirely and exclusively under the direction, supervision, and control of Subrecipient. All terms of employment including hours, wages, working conditions, discipline, hiring and discharging or any other term of employment or requirements of law shall be determined by the Subrecipient. It is further understood and agreed that Subrecipient must issue W-2 forms or other forms as required by law for income and employment tax purposes for all Subrecipient's assigned personnel under the terms and conditions of this Agreement.

20. Entire Agreement. This Agreement is the result of negotiations between the Parties. This Agreement is intended by the Parties as a full and final expression of their understanding with respect to the matters contained in this Agreement and shall not be modified in any manner except by an instrument in writing executed by the Parties or their respective successors in interest.

21. Amendment; Modification. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing and signed by both Parties.

22. Governing Law and Venue. The interpretation and performance of this Agreement shall be governed by the laws of the State of California. Venue shall be in Riverside County, California.

23. Construction/Interpretation. Headings or captions to the provisions of this Agreement are solely for the convenience of the Parties, are not part of this Agreement, and shall not be used to interpret or determine the validity of this Agreement. Any ambiguity in this Agreement shall not be construed against the drafter, but rather the terms and provisions hereof shall be given a reasonable interpretation as if both parties had in fact drafted this Agreement.

24. No Waiver. Failure of the Parties to insist upon strict compliance with any of the terms, covenants or conditions hereof shall not be deemed a waiver of such term, covenant or condition, nor shall any waiver or relinquishment of any rights or powers hereunder at any one time or more times be deemed a waiver or relinquishment of such other right or power at any other time or times.

25. No Third-Party Beneficiaries. There are no intended third-party beneficiaries of any right or obligation assumed by the Parties.

26. Severability. It is intended that each paragraph of this Agreement shall be treated as separate and divisible, and in the event that any paragraphs are deemed unenforceable, the remainder shall continue to be in full force and effect so long as the primary purpose of this Agreement is unaffected.

27. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

28. Use of Electronic (Digital) Signatures. This Agreement may be executed in any number of counterparts, each of which will be an original, but all of which together will constitute one instrument. Each Party of this Agreement agrees to the use of electronic signatures, such as digital signatures that meet the requirements of the California Uniform Electronic Transactions Act (("CUETA") Cal. Civ. Code §§ 1633.1 to 1633.17), for executing this Agreement. The parties further agree that the electronic signatures of the parties included in this Agreement are intended to authenticate this writing and to have the same force and effect as manual signatures. Electronic signature means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record pursuant to the CUETA as amended from time to time. The CUETA authorizes use of an electronic signature for transactions and contracts among parties in California, including a government agency. Digital signature means an electronic identifier, created by computer, intended by the Party using it to have the same force and effect as the use of a manual signature, and shall be reasonably relied upon by the parties. For purposes of this section, a digital signature is a type of "electronic signature" as defined in subdivision (i) of Section 1633.2 of the Civil Code

[Signature Provisions on Following Page]

28. Authority to Enter Agreement. Each Party to this Agreement warrants to the other that it is duly organized and existing and that it and the respective signatories have full right and authority to enter into and consummate this Agreement and all related documents and bind the parties thereto.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date as indicated beside each Party's signature.

COUNTY:
COUNTY OF RIVERSIDE, a political subdivision of the State of California

By: _____
JEFF HEWITT
Chair, Board of Supervisors

SUBRECIPIENT:
CITY OF BANNING
City Manager

By: _____
Doug Schulze

ATTEST:
Clerk of the Board
Kecia Harper

By: _____
Deputy

ATTEST:
Deputy City Clerk

By: _____
Caroline Patton

(Seal)

(Seal)

APPROVED AS TO FORM
County Counsel

By: _____

APPROVED AS TO FORM:
City Attorney

By: _____
Kevin G. Ennis

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Attachment A – Infrastructure Project Scope

NP- 1 Booster/Reservoir Project

Scope of Work

The NP-2 Booster Pump Station will be located adjacent to the existing City of Banning Wastewater Treatment Plant. On Charles Street in the City of Banning. The non-potable water supply will be from Well NP-1. The NP-1 Booster Pump Station will pump to the NP-2 Booster Pump Station on Lincoln Street.

The NP-1 Booster Pump Station will be designed to pump a maximum of 1,000 gpm. The Booster Station will have two (2) vertical turbine can mounted pumps, one (1) duty and one (1) standby and pump can for a future pump. The Booster Pumps will be enclosed in a masonry building. A diesel fueled emergency engine generator will be provided. The design includes mechanical, architectural, structural, electrical, instrumentation and SCADA.

The NP-1 Non-Potable Water Reservoir will be a 54' diameter above ground steel tank with ring wall foundation. The height of the tank will be approximately 27' tall, with 21' to the high-water level. The design will include, inlet and outlet pipes, overflow pipe, access manholes, exterior and interior access ladders and other appurtenances as required. The design includes mechanical, structural, electrical instrumentation and SCADA.

Project Budget

ITEM	DESCRIPTION	COUNTY OF RIVERSIDE ARPA PROJECT FUNDING AMOUNT (Not to Exceed)	SUBRECIPIENT NON-FEDERAL FUNDING AMOUNT	ESTIMATED PROJECT COST
1	Facility Planning	$0	$20,200	$20,200
2	Preliminary Design	$0	$41,000	$41,000
3	Final Design	$0	$368,000	$368,000
4	Spec Review, Bid/Award	$0	$13,500	$13,500
5	Construction	$2,669,725	$0	$2,669,725
6	Admin Closeout	$0	$0	$0
	TOTAL:	$2,669,725	$442,700	$3,112,425

Project Schedule

ITEM	DESCRIPTION OF SUBMITTAL	ESTIMATED DUE DATE
1	Feasibility Report	Complete
2	Preliminary Design Report	Complete
3	Final Design	November 1, 2022
4	Spec Review, Bid/Award	January 15, 2023
5	Construction and Implementation	January 15, 2024
6	Admin Closeout	March 15, 2024

NP-2 Booster Pump Station Project

Scope of Work

The NP-2 Booster Pump Station will be located on Lincoln Street in the City of Banning future park site. NP-2 Booster Pump Station will pump to the Sun Lakes irrigation lakes.

The NP-2 Booster Pump Station will be designed to pump a maximum of 1,000 gpm. The Booster Station will have two (2) vertical turbine can mounted pumps, one (1) duty and one (1) standby and pump can for a future pump. The Booster Pumps will be enclosed in a masonry building. The design includes mechanical, architectural, structural, electrical, instrumentation and SCADA.

Project Budget

ITEM	DESCRIPTION	COUNTY OF RIVERSIDE ARPA PROJECT FUNDING AMOUNT (Not to Exceed)	SUBRECIPIENT NON-FEDERAL FUNDING AMOUNT	ESTIMATED PROJECT COST
1	Facility Planning	$0	$13,000	$13,000
2	Preliminary Design	$0	$30,000	$30,000
3	Final Design	$0	$272,000	$272,000
4	Spec Review, Bid/Award	$0	$9,000	$9,000
5	Construction	$2,379,477	$0	$2,379,477
6	Admin Closeout	$0	$0	$0
	TOTAL:	$2,379,477	$324,000	$2,703,477

Project Schedule

ITEM	DESCRIPTION OF SUBMITTAL	ESTIMATED DUE DATE
1	Feasibility Report	Complete
2	Preliminary Design Report	Complete
3	Final Design	November 1, 2022
4	Spec Review, Bid/Award	January 15, 2023
5	Construction and Implementation	January 15, 2024
6	Admin Closeout	March 15, 2024

Attachment B – U.S. Treasury ARPA Fiscal Recovery Funds Final Rule

Attachment C – Uniform Administrative Requirements, Cost Principles, Federal Provisions and Audit Requirements for Federal Awards -2 CFR Part 200 *et seq.*

2 CFR Part 200 attached hereto

ATTACHMENT C CONTINUED

FEDERAL PROVISIONS

Should funding be allocated through American Rescue Plan Act (ARPA; (Title VI of the Social Security Act Section 602 *et seq.*), the COUNTY will administer and distribute those funds in accordance with ARPA. ARPA requires that payments from the Coronavirus Fiscal Recovery Fund be used to respond to the public health emergency or its negative economic impacts, to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay, provide government services to the extent the reduction of revenue due to COVID-19 public health emergency, and to make necessary investments in water, sewer or broadband infrastructure. It is effective beginning May 17, 2021 and ends on December 31, 2026.

Subrecipient acknowledges and agrees that this Agreement is subject to the federal requirements, including but not limited to the federal provisions provided below:

1. NON-DISCRIMINATION. Subrecipient shall not be discriminate in the provision of services, allocation of benefits, accommodation in facilities, or employment of personnel on the basis of ethnic group identification, race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status or sex in the performance of this Agreement; and, to the extent they shall be found to be applicable hereto, shall comply with the provisions of the California Fair Employment and Housing Act (Gov. Code 12900 *et seq.*), the Federal Civil Rights Act of 1964 (P.L. 88-352), the Americans with Disabilities Act of 1990 (42 U.S.C. S1210 *et seq.*) and all other applicable laws or regulations.

2. EQUAL EMPLOYMENT OPPORTUNITY/ FAIR EMPLOYMENT PRACTICES/ FEDERAL PROVISIONS. During the performance of this Agreement, the Subrecipient shall not deny benefits to any person on the basis of religion, color, ethnic group identification, sex, age, physical or mental disability, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical handicap, mental disability, medical condition, marital status, age, or sex. Subrecipient shall ensure that the evaluation and treatment of employees and applicants for employment are free of such discrimination.

A. Subrecipient shall comply with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900 *et seq.*), the regulations promulgated thereunder (California Code of Regulations, Title 2, Section 11000 *et seq.*), the provisions of Executive Order 11246 of Sept. 23, 1965 and of the rules, regulations, and relevant orders of the Secretary of Labor, the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Government Code, Sections 11135-11139.8), and of the rules, regulations or standards adopted by the County to implement such article.
B. The Subrecipient shall comply with the provisions of the Copeland "Anti-Kickback" Act, 18 U.S.C. § 874, 40 U.S.C. § 3145, and the requirements of 29 C.F.R. pt. 3 as may be applicable, which are incorporated by reference into this Agreement.

3. CLEAN AIR ACT. The Subrecipient agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. Section 7401 *et seq.* The Subrecipient agrees to report each violation to the County and understands and agrees that the County will, in turn, report each violation as required to assure notification to the California

Governor's Office of Emergency Services, Federal Emergency Management Agency (FEMA), and the appropriate Environmental Protection Agency Regional Office. The Subrecipient agrees to include these requirements in each subcontract exceeding $150,000 financed in whole or in part with Federal assistance provided by FEMA.

4. FEDERAL WATER POLLUTION CONTROL ACT

The Subrecipient agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. Sections 1251 *et seq.*

The Subrecipient agrees to report each violation to the County and understands and agrees that the County will, in turn, report each violation as required to assure notification to the Federal Emergency Management Agency (FEMA), and the appropriate Environmental Protection Agency Regional Office.

The Subrecipient agrees to include these requirements in each subcontract exceeding $150,000 financed in whole or in part with Federal assistance provided by FEMA.

5. DEBARMENT AND SUSPENSION CLAUSE

This Agreement is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such the Subrecipient is required to verify that none of the Subrecipient, its principals (defined at 2 C.F.R. § 180.995), or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).

The Subrecipient must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into.

This certification is a material representation of fact relied upon by the County. If it is later determined that the Subrecipient did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to the County, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment.

The bidder or proposer agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

6. BYRD ANTI- LOBBYING AMENDMENT, 31 U.S.C. § 1352 (AS AMENDED)

Subrecipients who apply or bid for an award of $100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient who in turn will forward the certification(s) to the County.

APPENDIX A, 44 C.F.R. PART 18- CERTIFICATION REGARDING LOBBYING

The undersigned [Subrecipient] certifies, to the best of his or her knowledge, that:

A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection

with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

C. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

The Subrecipient certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Subrecipient understands and agrees that the provisions of 31 U.S.C. § 3801 *et seq.*, apply to this certification and disclosure, if any.

SUBRECIPIENT

By _____

Date _____

7. PROCUREMENT OF RECOVERED MATERIALS

In the performance of this Agreement, the Subrecipient shall make maximum use of products containing recovered materials that are EPA-designated items unless the product cannot be acquired

A. Competitively within a timeframe providing for compliance with the contract performance schedule;
B. Meeting contract performance requirements; or
C. At a reasonable price.

Information about this requirement, along with the list of EPA-designated items, is available at EPA's Comprehensive Procurement Guidelines web site, https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program

The Subrecipient also agrees to comply with all other applicable requirements of Section 6002 of the Solid Waste Disposal Act.

8. ACCESS TO RECORDS

The following access to records requirements apply to this Agreement:

A. The Subrecipient agrees to provide the County, the FEMA Administrator, the Comptroller General of the United States, or any of their authorized representatives access to any books, documents, papers, and records of the Subrecipient which are directly pertinent to this Agreement for the purposes of making audits, examinations, excerpts, and transcriptions.
B. The Subrecipient agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.

C. The Subrecipient agrees to provide the FEMA Administrator or his or her authorized representatives access to construction or other work sites pertaining to the work being completed under the contract.
D. In compliance with the Disaster Recovery Act of 2018, the County and the Subrecipient acknowledge and agree that no language in this contract is intended to prohibit audits or internal reviews by the FEMA Administrator or the Comptroller General of the United States.

9. DEPARTMENT OF HOMELAND SECURITY SEAL, LOGO, FLAGS

The Subrecipient shall not use the DHS seal(s), logos, crests, or reproductions of flags or likenesses of DHS agency officials without specific FEMA pre-approval.

10. COMPLIANCE WITH FEDERAL LAW, REGULATIONS, AND EXECUTIVE ORDERS

This is an acknowledgement that FEMA financial assistance will be used to fund all or a portion of the contract. The Subrecipient will comply with all applicable Federal law, regulations, executive orders, FEMA policies, procedures, and directives.

11. NO OBLIGATION BY FEDERAL GOVERNMENT

The Federal Government is not a party to this Agreement and is not subject to any obligations or liabilities to the non-Federal entity, contractor, or any other party pertaining to any matter resulting from the contract.

12. PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS OR RELATED ACTS

The Subrecipient acknowledges that 31 U.S.C. Chapter 38 (Administrative Remedies for False Claims and Statements) applies to the Subrecipient's actions pertaining to this Agreement.

13. FEDERAL PREVAILING WAGE

DAVIS-BACON ACT COMPLIANCE (applicable to construction contracts in excess of $2,000 awarded by grantees and subgrantees when required by Federal grant program legislation)

To the extent required by any Federal grant programs applicable to expected funding or reimbursement expenses incurred in connection with the services provided under this Agreement, Subrecipient agrees to comply with the Davis-Bacon Act (40 U.S.C. §§ 3141-3144 and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5) as set forth below.
A. The Subrecipient shall be bound to the provisions of the Davis-Bacon Act, and agrees to be bound by all the provisions of Labor Code section 1771 regarding prevailing wages. All labor on this project shall be paid neither less than the greater of the minimum wage rates established by the U.S. Secretary of Labor (Federal Wage Rates), or by the State of California Director of Department of Industrial Relations (State Wage Rates). Current DIR requirements may be found at http://www.dir.ca.gov/lcp.asp. Additionally, wages are required to be paid not less than once a week.
B. The general prevailing wage rates may be accessed at the Department of Labor Home Page at www.wdol.gov. Under the Davis Bacon heading, click on "Selecting DBA WDs." In the drop down menu

for State, select, "California." In the drop down menu for County, select "Riverside." In the drop down menu for Construction Type, make the appropriate selection. Then, click Search.

The Federal minimum wage rates for this project are predetermined by the United States Secretary of Labor. If there is a difference between the minimum wage rates predetermined by the Secretary of Labor and the general prevailing wage rates determined by the Director of the California DIR for similar classifications of labor, the Subrecipient and subcontractors shall pay not less than the higher wage rate. The County will not accept lower State wage rates not specifically included in the Federal minimum wage determinations. This includes "helper" (or other classifications based on hours of experience) or any other classification not appearing in the Federal wage determinations. Where Federal wage determinations do not contain the State wage rate determination otherwise available for use by the Subrecipient and subcontractors, the Subrecipient and subcontractors shall pay not less than the Federal minimum wage rate which most closely approximates the duties of the employees in question.

14. CONTRACT WORK HOURS AND SAFETY STANDARDS (applicable to all contracts in excess of $100,000 that involve the employment of mechanics or laborers, but not to purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence)

A. Compliance: Subrecipient agrees that it shall comply with Sections 3702 and 3704 of the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 3701–3708) as supplemented by Department of Labor regulations (29 CFR Part 5), which are incorporated herein.

B. Overtime: No contractor or subcontractor contracting for any part of the work under this Agreement which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

C. Violation; liability for unpaid wages; liquidated damages: In the event of any violation of the provisions of paragraph B of this section, the Subrecipient and any subcontractor responsible therefore shall be liable for the unpaid wages. In addition, such Subrecipient and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violation of the provisions of paragraph B, in the sum of $10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by paragraph B.

D. Withholding for unpaid wages and liquidated damages: Subrecipient shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set for in paragraph C of this section.

E. Subcontracts: The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraphs A through D of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs A through D of this section.

15. RIGHTS TO INVENTIONS MADE UNDER A CONTRACT OR AGREEMENT— Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the recipient in any resulting invention in accordance with 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by HUD.

16. RIGHTS TO DATA AND COPYRIGHTS – Subrecipients and consultants agree to comply with all applicable provisions pertaining to the use of data and copyrights pursuant to 48 CFR Part 27.4, Federal Acquisition Regulations (FAR).

17. PROHIBITION ON CONTRACTING FOR COVERED TELECOMMUNICATIONS EQUIPMENT OR SERVICES

A. Definitions. As used in this clause, the terms backhaul; covered foreign country; covered telecommunications equipment or services; interconnection arrangements; roaming; substantial or essential component; and telecommunications equipment or services have the meaning as defined in FEMA Policy, #405-143-1 Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services As used in this clause—

B. Prohibitions.

(1) Section 889(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232, and 2 C.F.R. § 200.216 prohibit the head of an executive agency on or after Aug.13, 2020, from obligating or expending grant, cooperative agreement, loan, or loan guarantee funds on certain telecommunications products or from certain entities for national security reasons.

(2) Unless an exception in paragraph (c) of this clause applies, the contractor and its subcontractors may not use grant, cooperative agreement, loan, or loan guarantee funds from the Federal Emergency Management Agency to:

(i) Procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;

(ii) Enter into, extend, or renew a contract to procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;

(iii) Enter into, extend, or renew contracts with entities that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system; or (iv)Provide, as part of its performance of this contract, subcontract, or other contractual instrument, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

C. Exceptions.

(1) This clause does not prohibit contractors from providing—

a. A service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

b. Telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(2) By necessary implication and regulation, the prohibitions also do not apply to:

a. Covered telecommunications equipment or services that:

i. Are not used as a substantial or essential component of any system; and

ii. Are not used as critical technology of any system.

b. Other telecommunications equipment or services that are not considered covered telecommunications equipment or services.

D. Reporting requirement.

(1) In the event the contractor identifies covered telecommunications equipment or services used as a substantial or essential component of any system, or as critical technology as part of any system, during contract performance, or the contractor is notified of such by a subcontractor at any tier or by any other source, the contractor shall report the information in paragraph (d)(2) of this clause to the recipient or subrecipient, unless elsewhere in this contract are established procedures for reporting the information.

(2) The Subrecipient shall report the following information pursuant to paragraph (d)(1) of this clause:

(i) Within one business day from the date of such identification or notification: The contract number; the order number(s), if applicable; supplier name; supplier unique entity identifier (if known); supplier Commercial and Government Entity (CAGE) code (if known); brand; model number (original equipment manufacturer number, manufacturer part number, or wholesaler number); item description; and any readily available information about mitigation actions undertaken or recommended.

ii) Within 10 business days of submitting the information in paragraph (d)(2)(i) of this clause: Any further available information about mitigation actions undertaken or recommended. In addition, the contractor shall describe the efforts it undertook to prevent use or submission of covered telecommunications equipment or services, and any additional efforts that will be incorporated to prevent future use or submission of covered telecommunications equipment or services. Page 10

E. Subcontracts. The Subrecipient shall insert the substance of this clause, including this paragraph (e), in all subcontracts and other contractual instruments.

18. REPORTING OF MATTERS RELATED TO RECIPIENT INTEGRITY AND PERFORMANCE

A. General Reporting Requirement

If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

B. Proceedings About Which You Must Report

Submit the information required about each proceeding that:

a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;

b. Reached its final disposition during the most recent five-year period; and

c. Is one of the following:

(1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition;

(2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more;

(3) An administrative proceeding, as defined in paragraph 5. of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of $5,000 or more or reimbursement, restitution, or damages in excess of $100,000; or

(4) Any other criminal, civil, or administrative proceeding if:

(i) It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;

(ii) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and

(iii) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

C. Reporting Procedures

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.

D. Reporting Frequency

During any period of time when you are subject to the requirement in paragraph 1 of this award term and condition, you must report proceedings information through SAM for the most recent five year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than $10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

E. Definitions

For purposes of this award term and condition:

a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (*e.g.,* Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.

b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

c. Total value of currently active grants, cooperative agreements, and procurement contracts includes -

(1) Only the Federal share of the funding under any Federal award with a recipient cost share or match; and

(2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.

Attachment D – Indemnification and Insurance Requirements

INDEMNIFICATION

A. Basic Indemnity

1. To the fullest extent permitted by applicable law, Subrecipient agrees to indemnify, hold harmless and defend the County of Riverside, its Agencies, Districts, Departments and Special Districts, Board of Supervisors, elected and appointed officials, and each of their respective directors, members officers, employees, agents, volunteers and representatives ("Indemnitees") and each of them from any and all Losses that arise out of or relate to any act or omission constituting ordinary and not professional negligence (including, without limitation, negligent breach of contract), recklessness, or willful misconduct on the part of Subrecipient or its subconsultants or their respective employees, agents, representatives, or independent contractors.

2. "Losses" shall mean any and all economic and non-economic losses, costs, liabilities, claims, damages, actions, judgements, settlements and expenses, including, without limitation, full and actual attorney's fees (including, without limitation, attorney's fees for trial and on appeal), expert and non-expert witness fees, arbitrator and arbitration fees and mediator and mediation fees.

3. Subrecipient further agrees to and shall indemnify and hold harmless the Indemnitees from all liability arising from suits, claims, demands, actions, or proceedings made by agents, employees or subcontractors of Subrecipient for salary, wages, compensation, health benefits, insurance, retirement or any other benefit not explicitly set forth in this Agreement and arising out of work performed for County pursuant to this Agreement. The Indemnitees shall be entitled to the defense and indemnification provided for hereunder regardless of whether the Loss is in part caused or contributed to by the acts or omissions of an Indemnitee or any other person or entity; provided however, that nothing contained herein shall be construed as obligating Subrecipient to indemnify and hold harmless any Indemnitee to the extent not required under the provisions of Paragraph B below.

B. Indemnity for Design Professionals

1. To the fullest extent permitted by Applicable Law, Subrecipient agrees to defend (through legal counsel reasonably acceptable to County), indemnify and hold harmless the Indemnitees, and each of them, against any and all Losses that arise out of, pertain to, or relate to, any negligence, recklessness or willful misconduct constituting professional negligence on the part of Subrecipient or its Subconsultants, or their respective employees, agents, representatives, or independent contractors. The Indemnitees shall be entitled to the defense, and indemnification provided for hereunder regardless of whether the Loss is, in part, caused or contributed to by the acts or omissions of an Indemnitee or any other person or entity; provided, however, that nothing contained herein shall be construed as obligating Subrecipient to indemnify and hold harmless any Indemnitee to the extent not required under the provisions of this section. Subrecipient shall defend and pay, all costs and fees, including but not limited to attorney fees, cost of investigation, and defense, in any loss, suits, claims, demands, actions, or proceedings to the extent and in proportion to the percentage, such costs and fees arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of Subrecipient arising out of or from the performance of professional design services under this Agreement. The duty to defend applies to any alleged or actual negligence, recklessness, willful misconduct of Subrecipient. The cost for defense shall apply whether or not Subrecipient is a party to the lawsuit and shall apply whether or not Subrecipient is directly liable to the plaintiffs in the lawsuit. The duty to defend applies even if Indemnitees are alleged or found to be actively negligent, but only in proportion to the percentage of fault or negligence of Subrecipient.

2. Without affecting the rights of County under any other provision of this Agreement, Subrecipient shall not be required to indemnify or hold harmless or provide defense or defense costs to an Indemnitee for a loss due to that Indemnitee's negligence, recklessness or willful misconduct; provided, however, that such negligence, recklessness or willful misconduct has been determined by agreement of Subrecipient and Indemnitee or has been adjudged by the findings of a court of competent jurisdiction.

C. Subrecipient agrees to obtain or cause to be obtained executed defense and indemnity agreements with provisions identical to those set forth in this section from each and every Subconsultant, of every Tier.

D. Subrecipient's indemnification obligations under this Agreement shall not be limited by the amount or type of damages, compensation or benefits payable under any policy of insurance, workers' compensation acts, disability benefit acts or other employee benefit acts.

E. The Indemnitees shall be entitled to recover their attorneys' fees, costs and expert and consultant costs in pursuing or enforcing their right to defense and/or indemnification under this Agreement.

INSURANCE REQUIREMENTS

Without limiting or diminishing the Subrecipient's obligation to indemnify or hold the County harmless, Subrecipient shall procure and maintain or cause to be maintained, at its sole cost and expense, the following insurance coverages during the term of this Agreement. As respects to the insurance section only, the County herein refers to the County of Riverside, its Agencies, Districts, Special Districts, and Departments, their respective directors, officers, Board of Supervisors, employees, elected or appointed officials, agents or representatives as Additional Insureds.

A. Workers' Compensation: If the Subrecipient has employees as defined by the State of California, the Subrecipient shall maintain statutory Workers Compensation Insurance (Coverage A) as prescribed by the laws of the State of California. Policy shall include Employers' Liability (Coverage B) including Occupational Disease with limits not less than $1,000,000 per person per accident. The policy shall be endorsed to waive subrogation in favor of The County of Riverside.

B. Commercial General Liability: Commercial General Liability insurance coverage, including but not limited to, premises liability, unmodified contractual liability, products and completed operations liability, personal and advertising injury, and cross liability coverage, covering claims which may arise from or out of Subrecipient's performance of its obligations hereunder. Policy shall name the County as Additional Insured. Policy's limit of liability shall not be less than $2,000,000 per occurrence combined single limit. If such insurance contains a general aggregate limit, it shall apply separately to this agreement or be no less than two (2) times the occurrence limit. Policy shall name the County as Additional Insureds.

C. Vehicle Liability: If vehicles or mobile equipment are used in the performance of the obligations under this Agreement, then Subrecipient shall maintain liability insurance for all owned, non-owned or hired vehicles so used in an amount not less than $1,000,000 per occurrence combined single limit. If such insurance contains a general aggregate limit, it shall apply separately to this agreement or be no less than two (2) times the occurrence limit. Policy shall name the County as Additional Insureds.

D. Professional Liability (ONLY TO BE INCLUDED IN CONTRACTS WITH SERVICE PROVIDERS INCLUDING BUT NOT LIMITED TO ENGINEERS, DESIGN PROFESSIONALS, DOCTORS, AND LAWYERS) Contractor shall maintain Professional Liability Insurance providing coverage for the Contractor's performance of work included within this Agreement, with a limit of liability of not less than $1,000,000 per occurrence and $2,000,000 annual aggregate. If Contractor's Professional Liability Insurance is written on a claims made basis rather than an occurrence basis, such insurance shall continue through the term of this Agreement and Subrecipient shall purchase at his sole expense either 1) an Extended Reporting Endorsement (also, known as Tail Coverage); or 2) Prior Dates Coverage from new insurer with a retroactive date back to the date of, or prior to, the inception of this Agreement; or 3) demonstrate through Certificates of Insurance that Subrecipient has Maintained continuous coverage with the same or original insurer. Coverage provided under items 1), 2), or 3) will continue as long as the law allows. Policy shall name the County as Additional Insureds.

E. General Insurance Provisions - All lines:

1. Any insurance carrier providing insurance coverage hereunder shall be admitted to the State of California and have an A M BEST rating of not less than A: VIII (A:8) unless such requirements are waived, in writing, by the County Risk Manager. If the County's Risk Manager waives a requirement for a particular insurer such waiver is only valid for that specific insurer and only for one policy term.

2. The Subrecipient must declare its insurance self-insured retention for each coverage required herein. If any such self-insured retention exceed $500,000 per occurrence each such retention shall have the prior written consent of the County Risk Manager before the commencement of operations under this Agreement. Upon notification of self-insured retention unacceptable to the County, and at the election of the County's Risk Manager, Subrecipient's carriers shall either; 1) reduce or eliminate such self-insured retention as respects this Agreement with the County, or 2) procure a bond which guarantees payment of losses and related investigations, claims administration, and defense costs and expenses.

3. Subrecipient shall cause Subrecipient's insurance carrier(s) to furnish the County of Riverside with either 1) a properly executed original Certificate(s) of Insurance and certified original copies of Endorsements effecting coverage as required herein, and 2) if requested to do so orally or in writing by the County Risk Manager, provide original Certified copies of policies including all Endorsements and all attachments thereto, showing such insurance is in full force and effect. Further, said Certificate(s) and policies of insurance shall contain the covenant of the insurance carrier(s) that a minimum of thirty (30) days written notice shall be given to the County of Riverside prior to any material modification, cancellation, expiration or reduction in coverage of such insurance. If Subrecipient insurance carrier(s) policies does not meet the minimum notice requirement found herein, Subrecipient shall cause Subrecipient's insurance carrier(s) to furnish a 30 day Notice of Cancellation Endorsement.

4. In the event of a material modification, cancellation, expiration, or reduction in coverage, this Agreement shall terminate forthwith, unless the County of Riverside receives, prior to such effective date, another properly executed original Certificate of Insurance and original copies of endorsements or certified original policies, including all endorsements and attachments thereto evidencing coverage's set forth herein and the insurance required herein is in full force and effect. Subrecipient shall not commence operations until the County has been furnished original Certificate (s) of Insurance and certified original copies of endorsements and if requested, certified original policies of insurance including all endorsements and any and all other attachments as required in this Section. An individual authorized by the insurance carrier to do so on its behalf shall sign the original endorsements for each policy and the Certificate of Insurance.

5. It is understood and agreed to by the Parties hereto that the Subrecipient's insurance shall be construed as primary insurance, and the County's insurance and/or deductibles and/or self-insured retentions or self-insured programs shall not be construed as contributory.

6. If, during the term of this Agreement or any extension thereof, there is a material change in the scope of services; or, there is a material change in the equipment to be used in the performance of the scope of work; or, the term of this Agreement, including any extensions thereof, exceeds five (5) years; the County reserves the right to adjust the types of insurance and the monetary limits of liability required under this Agreement, if in the County Risk Management's reasonable judgment, the amount or type of insurance carried by the Subrecipient has become inadequate.

7. Subrecipient shall pass down the insurance obligations contained herein to all tiers of subcontractors working under this Agreement.

8. The insurance requirements contained in this Agreement may be met with a program(s) of self-insurance acceptable to the County.

9. Subrecipient agrees to notify County of any claim by a third party or any incident or event that may give rise to a claim arising from the performance of this Agreement

Attachment E - Project Monitoring Requirements

Quarterly Progress Reports shall be submitted on the 21st of the month following the previous quarter. Quarterly reports shall be sent via e-mail to RIVCOARPA@RIVCO.ORG. The quarterly report shall include a brief description of the work performed during the reporting period, including construction status, milestones achieved, financial status report including cost incurred to date, cash flow projections, schedule updates, and any problems encountered in the performance of the work under this Agreement. The progress pay estimate for the reporting period shall be included as part of the quarterly progress report submittal.

In addition to the above, project schedule and cashflow projection updates shall be emailed to the County on a monthly basis.

Attachment F - Construction Requirements

Subrecipient shall:

1. Pursuant to the California Environmental Quality Act ("CEQA") and National Environmental Policy Act ("NEPA"), act as Lead Agency and assume responsibility for preparation, circulation and adoption of all necessary and appropriate CEQA documents pertaining to the construction, operation and maintenance of Infrastructure Projects.

2. To the extent that it has not already done so, the Subrecipient shall prepare or cause plans and specifications ("Plans") to be prepared for the Infrastructure Projects prior to advertising Infrastructure Projects for construction bids.

3. Provide County a copy of the engineering design cost proposal and associated design schedule for each Infrastructure Project.

4. Advertise and award a public works construction contract for the Infrastructure Projects and begin construction per the schedules included in **Attachment A** of this Agreement.

5. Prior to advertising Infrastructure Projects for public works construction contract, obtain all necessary permits, approvals, or agreements as may be required by any federal, state and local resource or regulatory agencies pertaining to the construction, operation and maintenance of Infrastructure Projects. Assume sole responsibility for compliance with the requirements of all regulatory permits, including any amendments thereto, pertaining to the construction, operation and maintenance of Infrastructure Projects.

6. Implement or cause to be implemented, all environmental mitigation required in association with the construction, operation and maintenance of Infrastructure Projects.

7. Prior to advertising Infrastructure Projects for public works construction contract, obtain all necessary permits, licenses, agreements, approvals, rights of way, rights of entry, encroachment permits, and temporary construction easements as may be needed to construct, operate and maintain the Infrastructure Projects.

8. Advertise, award and administer a public works construction contract for the Infrastructure Projects pursuant to the provisions of applicable laws for public works of improvements, including but not limited to the California Public Contract Code, Government Code and Labor Code.

9. Shall certify and cause its contractor to certify, that it is not a target of economic sanctions imposed in response to Russia's actions in Ukraine imposed by the United States government or the State of California. The Recipient and its Contractor is required to comply with the economic sanctions imposed in response to Russia's actions in Ukraine, including with respect to, but not limited to, the federal executive orders identified in California Executive Order N-6-22, located at https://www.gov.ca.gov/wp-content/uploads/2022/03/3.4.22-Russia-Ukraine-Executive-Order.pdf and the sanctions identified on the United States Department of the Treasury website (https://home.treasury.gov/policy-issues/financial-sanctions/sanctions-programs-and-country-information/ukraine-russia-related-sanctions). The Subrecipient and its Contractor is required to comply with all applicable reporting requirements regarding compliance with the economic sanctions, including, but not limited to, those reporting requirements set forth in California Executive Order N-6-22 for all parties with one or more agreements with the State of California, the County of Riverside, or any other local agency, with a value of Five Million Dollars ($5,000,000) or more. Notwithstanding any other provision in these documents, failure to comply with the economic sanctions and all applicable reporting

requirements may result in disqualification or termination of the Construction Agreement, if awarded.

For parties and contractors with an agreement value of Five Million Dollars ($5,000,000) or more with the State of California, the County of Riverside, or any other local agency, reporting requirements include, but are not limited to, information related to steps taken in response to Russia's actions in Ukraine, including but not limited to:

a. Desisting from making any new investments or engaging in financial transactions with Russian institutions or companies that are headquartered or have their principal place of business in Russia;
b. Not transferring technology to Russia or companies that are headquartered or have their principal place of business in Russia; and
c. Direct support to the government and people of Ukraine.

To comply with this requirement, Subrecipient and its contractors shall insert their name and Federal ID Number (if available) on the Certification Form attached hereto, and cause the certification to be executed by a duly authorized representative for the Subrecipient or contractor and return to the County.

10. The Subrecipient shall require, and the specifications, bid and contract documents shall require all contractors, subcontractors, vendors, equipment operators and owner operators, in each such case to the extent such individuals or entities are engaged to perform work on the Infrastructure Projects, to pay at least general prevailing wage rates to all workers employed in the execution of the contract, to post a copy of the general prevailing wage rates at the job-site in a conspicuous place available to all employees and applicants for employment, and to otherwise comply with applicable provisions of the California Labor Code and applicable laws relating to general prevailing wage rates.

11. Each contractor engaged to perform work on the Infrastructure Projects shall be required to furnish (i) labor and material payment bonds, and (ii) contract performance bonds, each in an amount equal to 100% of the contract price naming the Subrecipient as obligee and issued by a California admitted surety which complies with the provisions of Section 995.660 of the California Code of Civil Procedure.

12. Provide County with written notice that Subrecipient has awarded a public works construction contract for Infrastructure Projects. The written notice shall include the Contractor's actual bid amounts for Infrastructure Projects, setting forth herein the lowest responsible bid contract amount.

13. Prior to commencing Infrastructure Projects construction, provide to County:

a. A construction schedule which shall show the order and dates in which Subrecipient or Subrecipient's contractor proposes to carry on the various parts of work, including estimated start and completion dates, and

b. A confined space procedure specific to Infrastructure Projects. The procedure shall comply with requirements contained in California Code of Regulations, Title 8, Section 5156 et seq. and County's Confined Space Procedures, SOM-18.

14. Require its construction contractor(s) to comply with all Cal/OSHA safety

regulations including regulations concerning confined space and maintain a safe working environment for all working on the site.

15. Order the relocation of all utilities within Subrecipient rights of way which conflict with the construction of Infrastructure Projects and which must be relocated at the expense of who may have superior property rights.

16. Procure or caused to be procured insurance coverages during the term of this Agreement. Subrecipient shall require its Infrastructure Projects construction contractor(s) to furnish original certificate(s) of insurance and original certified copies of endorsements and if requested, certified original policies of insurance including all endorsements and any and all other attachments. Prior to Subrecipient issuing a Notice to Proceed to its construction contractor(s) to begin construction of Infrastructure Projects, an original certificate of insurance evidencing the required insurance coverage shall be provided to County. At minimum, the procured insurance coverages should adhere to the County's required insurance provided in **Attachment D** to this Agreement.

17. Construct, or cause to be constructed, Infrastructure Projects pursuant to a Subrecipient administered public works construction contract, in accordance with the Plans, and pay all costs associated therewith.

18. Inspect each Infrastructure Projects construction or cause each Infrastructure Project's construction to be inspected by its construction manager and pay all costs associated therewith.

19. Provide County with a copy of the Subrecipient's recorded Notice of Completion.

20. Keep an accurate accounting of all Infrastructure Projects cost and provide this accounting to County with Subrecipient's Notice of Completion. The final accounting of construction cost shall include a detailed breakdown of all costs, including, but not limited to, payment vouchers, Subrecipient approved change orders and other such construction contract documents as may be necessary to establish the actual cost of construction for the PLANS. Subrecipient shall be responsible to pay any amounts in excess of Award amount provided in this Agreement.

21. Refund to County, at the time of providing a Notice of Completion, any unexpended portions of Award amount within thirty (30) days of the Notice of Completion is filed for recordation.

COMPLIANCE WITH ECONOMIC SANCTIONS IN RESPONSE TO RUSSIA'S ACTIONS IN UKRAINE

Prior to bidding on, submitting a proposal, or executing a contract, a party/contractor must certify: 1) it is not a target of economic sanctions and 2) in compliance with economic sanctions imposed by the U.S. government in response to Russia's actions in Ukraine, as well as any requirements related to the Russian sanctions imposed by the California Governor's Executive Order N-6-22 issued on March 4, 2022 and under state law, if any.

To comply with this requirement, please insert the party/contractor name and Federal ID Number (if available), complete the information described below and execute by an authorized representative of the contractor.

CERTIFICATION

I, the authorized representative for contractor named below, certify I am duly authorized to execute this certification on behalf of the contractor below, and the contractor identified below has conducted a good faith review of existing contracts. I attest that the contractor is not a target of economic sanctions, and that contractor is in compliance with the economic sanctions imposed by the U.S. government in response to Russia's actions in Ukraine, as well as any requirements related to the Russian sanctions imposed by the California Governor's Executive Order N-6-22 issued on March 4, 2022 and under state law, if any.

Party/Contractor Name (Printed)	*Federal ID Number (or n/a)*
By (Authorized Signature)	
Printed Name and Title of Person Signing	
Date	

REQUEST FOR PROPOSAL

BOOSTER STATIONS CONSTRUCTION MANAGEMENT & INSPECTION SERVICES

RFP-24-069

for:

CITY OF BANNING, CA

Attn: Barbara Mason
Purchasing Manager

99 E. Ramsey Street
Banning, CA 92220

June 4, 2024
11:59 p.m.

Prepared by:

TKE ENGINEERING, INC.

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Riverside, California 92507
(951) 680-0440

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Prepared For:

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SECTION A | UNDERSTANDING AND APPROACH

1. PROJECT UNDERSTANDING

The City of Banning (City) is requesting proposals to establish a contract for construction management and inspection services for the construction of Charles Non-Potable Water Booster/Reservoir Project and Lincoln Non-Potable Water Booster Pump Station/ Forebay TankProject.

Charles Non-Potable Water Booster Station/Reservoir Project:

Project located on Charles Street will consist of the construction of a booster pump station designed to pump a maximum of 1,000 Gallons per Minute and it will have two (2) vertical turbine, can mounted, pumps housed in a masonry building including a diesel fueled emergency engine generator. The Non-Potable Water Reservoir will be a 54' diameter, 27' high above ground steel tank with a ring foundation.

Lincoln Non-Potable Water Booster Station/Forebay Tank Project:

Project located on Lincoln Street, will consist of the construction of a booster pump station designed to pump a maximum of 1,000 Gallons per Minute, and it will have two (2) vertical turbine, can mounted, pumps housed in a masonry building. The Non-Potable Water Forebay Tank will be a 24' diameter, 24' high above ground steel tank with a ring foundation.

2. APPROACH

Successful project delivery is our goal. Our definition of successful project delivery is:

- Project Completion that Meets all Project Requirements and Specifications
- Project Completion within Budget
- Project Completion on Schedule

Our approach to your project, recognizing that both cost effectiveness and expedited construction are of primary concern, dictates that very close working partnership between the selected consultant, TKE Engineering and City is vital to successful project completion. When this is coupled with the various site and project constraints, it is critical that the City choose a consultant construction manager and inspector with a proven track record of delivering water system improvement projects. With a familiar team of senior level design and construction professionals, TKE is the right choice for this project.

As mentioned above, our experience tells us that there must be a proactive approach to completing the work in order to complete a cost effective, fully functioning public works project. This approach includes early identification of critical elements, and development of project schedule and tasks.

Critical elements for the project include project management, QA/QC, cost control, dispute resolution, public relations, standards compliance, and site safety.

The most important key to every public works project is management. TKE, working closely with the City staff, will ensure that the project is managed properly to expedite project delivery. Project construction will generate a series of considerations requiring the City responses. Our close working partnership will lead to the proper decisions and ultimately fully operating, cost effective water system improvements.

3. IMPLEMENTATION PLAN

Whether the services required are construction, inspection, city engineering, traffic, survey, planning, or design-related, successful project delivery is our goal. Our definition of successful project delivery is:

- Project Completion that Protects City Interests
- Project Completion that Meets All Project Requirements
- Project Completion on Schedule
- Project Completion within Budget

IMPLEMENTATION PLAN

TKE's implementation plan includes the following key elements which we routinely provide for each of our projects:

PROJECT MANAGEMENT

TKE provides effective project management services to a variety of clients. We have successfully delivered extensive and highly visible water, wastewater, street improvement, traffic improvement, drainage improvement, water, wastewater and facility improvement projects for numerous municipal clients throughout Southern California. TKE's approach has consistently allowed our partner agencies to fulfill their missions of delivering the best value for the public's investment.

TKE's management approach includes:

MONTHLY PROGRESS REPORTS

TKE documents project progress for all projects assigned to TKE by a comprehensive project management summary. The summary includes project name and related number, description of progress, budget status, schedule compliance, and anticipated upcoming accomplishments.

COMMUNICATION

Communications with the City staff is another important component to effective project management. In addition to the monthly progress reports, TKE meets with clients as needed to ensure the projects are proceeding as anticipated. We document each discussion or meeting with notes and electronically mail them to the project team within three days of the meeting / conference indicating action items and a schedule for completion of these items.

RECORD KEEPING

TKE keeps records in an organized filing system both in hard copy and electronic forms. This organized filing system allows TKE to access records immediately should they be needed.

MEETINGS

TKE meets with project stakeholders as needed including the public, permitting agencies, utilities, etc. We meet with them at the project's onset and throughout the course of project development to ensure all stakeholder project needs are considered in the project design. All meeting preparation (City/Board Staff Reports, agendas, exhibits, slide shows, etc.) will be prepared by TKE for each meeting. Again, meetings will be documented. TKE has provided numerous similar presentations to Councils/Boards (closed sessions, council meetings, community meetings, etc.).

TEAM MEETINGS

Team meetings include all parties that have any interest in the project development. In particular, the City's Engineering Department and design consultants will be close working partners with TKE in project development and environmental compliance for capital projects. TKE will function as an extension of the City staff in meeting and coordinating with design consultants, while ensuring accurate minutes are kept for all pertinent meetings to ensure critical design decisions are memorialized and adhered to throughout the construction process.

CIP PROJECT MANAGEMENT

Project management will be an essential element in all types of project delivery. Effective communications will lead to effective management. Management will include weekly reviews of project budget and schedules and regular meetings with all project shareholders.

For all projects, the most important aspect of management will be to ensure that the City's interests are protected to the maximum extent possible and project schedules are met. TKE will ensure that public funds and impact fees are used for the benefit of the community. Any deviation from standards and requirements will be referred to the Engineering Manager, and TKE will implement direction given by the City. Maintaining excellent communications will prevent any project processing misunderstandings and will avoid project delays. TKE management techniques always result in efficient project delivery.

Managing other consultants is another area that TKE excels. Due to our extensive variety of project experience, specifically in these types of roles, TKE has a vast amount of knowledge with all public works improvement projects and operating as owner representative. With this understanding, TKE is able to manage others and avoid any costly project changed conditions and delays.

FINANCE AND ADMINISTRATION

TKE is familiar with a number of funding sources for capital improvement projects. TKE has prepared numerous applications and administered these funds for a number of agencies. TKE has extensive experience with Federal and State funded projects including the following related to water and wastewater infrastructure:

- Proposition 1 and 68
  - Drinking Water SRF
  - Clean Water SRF
  - Storm Water Grant Program
  - Integrated Regional Watershed Management Program
  - Flood Management Program
- State Water Board Drinking Water Funds
- State Water Board Clean Water Funds
- U.S. EPA Clean Water Grant
- U.S. Army Corp Environmental Infrastructure

We will apply this knowledge to process current projects and continue to work with City staff to match funding streams with proposed capital improvement projects.

ENVIRONMENTAL COMPLIANCE

Environmental permitting for projects of this nature may be complex and involve coordination with multiple jurisdictional agencies, in addition to the normal CEQA analysis and determination. Notwithstanding, TKE has experience in successfully managing Initial Studies, Mitigated Negative Declarations, and Environmental Impact Reports. Other projects may require some additional environmental permit requirements including Clean Water Act (CWA) Section 404 permits from the United States Army Corps of Engineers, CWA Section 401 or Lake and Streambed Alteration permits from the Regional Water Quality Control Board, Section 1602 Permits from the California Department of Fish and Wildlife, and potential US ESA Section 7 permitting from the United States Fish and Wildlife Service. While environmental compliance wasn't requested by the City as part of the scope. TKE has experience in the acquisition of each of these different permit types and can provide excellent management and oversight to ensure environmental compliance permitting is implemented, should it be needed.

PROJECT BUDGETS AND SCHEDULING

TKE has extensive experience in monitoring budgets and evaluating project / construction schedules to ensure delivery of projects that are within budget and on-schedule. The evaluation of the budget and schedule will consist of comparing historical design / construction phase costs and time frames, best practices, agency and manufacturer recommendations, budget and scheduling requirements against the approved contracts. The review of this will take into considerations input from Subject Matter Experts (SME), stakeholders, project plans / specifications, the risk register, and the approved budget and schedule.

The main reason for the evaluation of the budgets and schedule is to ensure that resources, equipment, materials, and staff (personnel, contractors, and inspectors) are available when needed and projects delivery meets the City's requirements. The availability of personnel, alternate priorities, multiple levels of approval, unfamiliarity with the project, internal / external politics, and numerous other factors can impact both the project budget and schedule. TKE has the experience to oversee the project budget scheduling with consultants and contractors to identify potential cost or time overruns and apply corrective action to mitigate any potential impacts. For example, the motor control center is expected to have a 12-month or more procurement timeline. As such, TKE will prioritize this and other material submittals to ensure they don't impact the overall project schedule.

SOFTWARE AVAILABILITY

The TKE team staff are familiar with various construction and project management software that we utilize for monitoring budget and schedule as well as other project factors, including Microsoft Project, Primavera, Microsoft Word, Microsoft Excel, AutoCAD, and BlueBeam. Our key personnel also use SmartSheets, Procore, VPM, Zoom, Microsoft Teams, Base Camp, SharePoint, and others needed to implement projects.

4. SCOPE OF WORK

TASK 1. CONSTRUCTION MANAGEMENT WORK PLAN

TKE will prepare a Construction Management Plan (CM Plan). The CM Plan will define the procedures, staff responsibilities and workflow.

The City utilizes a web-based construction management system called Virtual Project Manager (VPM) to receive, transmit, log, track, monitor, process payments, and create reports for construction correspondence and documents. Such construction correspondence and documents include, but not be limited to daily inspection reports, shop drawings/construction submittals approvals, contractor's requests for information, design change notices, contract change orders, project schedules, test reports, construction progress photos and other documents necessary to administer the construction contract.

TKE will provide CM and inspection services shall familiarize itself with VPM and utilize it as a basis for construction project management. TKE will submit a draft CM Plan to the City for review within two weeks after Notice of Award.

Deliverables: CM Work Plan.

TASK 2. PROJECT COORDINATION

TKE will provide project kick-off meeting, weekly project meetings, and special meetings as needed, including but not limited to meetings with the contractor and/or City staff outside of weekly project meetings; meetings to coordinate work with the design consultant's representatives; meetings to coordinate the activities of special inspectors and testing; meetings with utilities; meetings with jurisdictional agencies and regulators; and, other meetings as necessary to maintain timely project progress.

Coordinate and Conduct the Pre-construction Meeting.

TKE will prepare the agenda and conduct the pre-construction meeting, with input from the City. The agenda shall address all project administration and reporting procedures, team roles and responsibilities, maintaining existing facilities in operation and other procedures to ensure a responsive project.

TKE will record meeting minutes. Distribute typed minutes to all meeting attendees.

Coordinate and Conduct Weekly Construction Progress Meetings

TKE will prepare agendas and conduct weekly construction progress meetings. The agenda shall include reviewing the contractor's 3-week rolling schedule, project construction schedule, monthly updates schedule, status of submittals, requests for information (RFI), design clarifications, change orders (CO), delays, potential claims, and construction problem resolutions.

TKE will record meeting minutes and distribute typed minutes to all meeting attendees no later than the beginning of the next weekly meeting. The meeting minutes shall track and record each agenda item chronologically and include it until it is resolved. The party (or parties) responsible for action items shall also be noted.

Coordinate and Conduct Project Close-out field inspections

TKE will coordinate a meeting for stakeholders to inspect the project near the end of the construction period. Maintain a log of items requiring further contractor attention before substantial completion and final project acceptances can be issued.

TKE will coordinate follow-up meetings as necessary to resolve outstanding items noted in close-out field inspections.

Deliverables: Project Meeting Agendas, Minutes, Attendance and Schedules

TASK 3. PRE- AND POST-PROJECT PHOTO AND VIDEO DOCUMENTATION

TKE will take pre-construction photographs of existing site conditions for the Record. Upon completion of the project, TKE will take post-construction photographs of the site. Upon completion of construction, compile both pre and post construction photos into a report with information that describes the image subject, date, and location.

Deliverables: Project video and photo files in native format. Pre and Post project photo reports with captions.

TASK 4. MAINTAIN DOCUMENT MANAGEMENT SYSTEM

TKE will use VPM to organize and share all documents. We will be assigned a project name, number and entered in VPM by the City.

TKE will be responsible for organizing, maintaining, and sharing files through VPM. TKE will be responsible for providing electronic equipment with access to wireless internet for jobsite use, such as Microsoft SurfacePro.

Deliverables: Organize, Maintain, Share Files in VPM

TASK 5. COMMUNICATION AND CORRESPONDENCE

TKE will manage and issue field memos to address field problems as determined by the design team, our CM team, and the City staff. These shall be reviewed during each weekly construction progress meeting. Any Field Memos that have the potential to involve work outside of the existing contract will be reviewed by City staff prior to issuing and will also be assigned a Change Order (CO) number in VPM for tracking and resolution purposes.

TKE's Construction Manager will develop and implement any additional written or oral communication necessary to facilitate the ongoing construction and documentation of the project.

TKE will track and file all project documentation including all communications between the contractor and the designer, and the City staff. In addition, TKE will facilitate distribution of all projects related communications to appropriate parties.

Deliverables: Field Memos, Written Communication

TASK 6. CONSTRUCTION SCHEDULE REVIEW AND MONITORING

TKE will Review of the contractor's construction schedule and monitor progress.

TKE will perform a detailed review of the contractor's baseline Construction Schedule to review logic between activities, key activity durations, stated resources and verification of the critical path.

TKE will confirm that specified construction sequencing and schedule constraints, as well as submittal, procurement, testing and startup, and closeout activities are included for contract work.

TKE will provide a monthly review of updated construction schedules and compare to daily report records to confirm that they are current including incorporating change order work.

TKE will evaluate legitimacy of contractor requests for time extension, delays caused by City, Contractor, or outside of both parties' control, and guide City staff in resolving time and delay-related issues.

Deliverables: Review Contractor Schedule.

TASK 7. SUBMITTAL REVIEW MANAGEMENT

TKE will manage, coordinate, and review contractor submittals.

TKE will request the construction contractor to provide a submittal schedule for our review. TKE will review the submittal schedule to identify critical path items, provide suggested corrections, and ensure the schedule comprehensively addresses contract requirements.

Through VPM, TKE will maintain a log to track and process all submittals including shop drawings, O&M submittals, samples, warranties, certifications, schedules, testing and startup plans and other items.

We will review the submittal schedule with City staff to determine which submittals should be prioritized for review by City staff, the design team, or others.

TKE will check each submittal for completeness and note where the submittal proposes an equipment substitution from the design documents. We will transmit complete submittals to City staff or design team, as appropriate, for review. TKE will review comments to selected submittal with City staff prior to returning to the contractor.

TKE will discuss submittal status at each weekly construction meeting. Submittals becoming due or

overdue shall be identified and discussed. As appropriate, pre-submittal meetings with the design team, contractor and supplier/manufacturer shall be conducted to facilitate long lead-time equipment submittal preparation and approval.

Deliverables: Comments to contractor submittal schedule, Processed submittal reviews.

TASK 8. CONSTRUCTION MONITORING, OBSERVATION, INSPECTION, AND TESTING

TKE will monitor the contractor's work for compliance with contract document requirements during construction, provide necessary personnel, coordinate special inspection and testing, and coordinate design team construction observation (by others).

TKE will document the contractor's daily work activities through preparation of daily construction reports and logs. Each daily report shall document work completed, contractor manpower and equipment, weather, visitors to the site and other pertinent information. Logs shall include immediately available results of field testing.

We will consultant shall verify all certification records are received from the construction contractor completed by the proper personnel having inspected and tested equipment as stated in the specifications.

TKE will take still digital photos and video records shall be taken of work progress to document the contractor's work. Photos shall be annotated in reports with subject, location, date/time taken.

Deficient work will be identified, tracked and corrected by our team.

TKE and our subconsultant's will provide special inspection and testing for construction monitoring of the projects. TKE and team will provide the necessary personnel to perform the testing and special inspection. TKE's Construction Manager will be responsible for coordinating and scheduling these services, providing field directions, ensuring the timely distribution of test results to the appropriate recipients, and securing final reports for each service.

In addition, TKE's general construction inspection will be in compliance with the contract documents, including conformance to City requirements, perform the following specific electrical inspection services for industrial power distribution and control system automation related work for the two projects. Major equipment to be inspected include, but are not limited to: switchboard, panelboard, motor control center, metering equipment, motors, electrical duct banks and raceways, lighting, manholes and handholes, junction boxes, grounding and bonding, Uninterruptible Power Supply (UPS's), instrumentation, control, and associated wiring and conduits installation. Provide field commissioning support for acceptance testing of electrical equipment according to NETA (National Electrical Testing Association) standards, instrumentation loop checks, inspection of rotating electrical machinery, and verification of protective device settings against approved coordination study. TKE's team will provide quality control and perform quality assurance inspections to ensure materials and installation methods are in compliance with National Electrical Code (NEC), NETA, Institute of Electrical and Electronics Engineers (IEEE), Contract drawings and specifications, City's standards, and industry best practices.

Deliverables: Daily Construction Reports, Construction Photos, Non-Conformance Reports.

TASK 9. NPDES COMPLIANCE

TKE will monitor and document the contractor's compliance with the temporary and permanent stormwater controls and all other permit requirements in the Contract Documents for the two booster stations construction sites. This includes Water Quality Management Plan (WQMP), Storm Water Pollution Prevention Plan (SWPPP) and other stormwater Best Management Practices (BMPs) requirements.

TKE will provide a Qualified SWPPP Practitioner (QSP) to perform weekly inspections to ensure that specified BMPs within the SWPPP are maintained including project reporting into the SMARTS system. We will support the City's Qualified SWPPP Developer (QSD) in performing periodic inspections to ensure compliance with NPDES requirements.

Before, during and after a qualifying rain event, TKE's QSP will perform BMP visual inspections of BMPs and document findings. Runoff samples will be taken where stormwater is leaving the sites or where BMPs are compromised.

Deliverables: SWPPP Reporting Logs, BMP Daily Logs

TASK 10. REQUEST FOR INFORMATION (RFI) MANAGEMENT

TKE will maintain a log through VPM for all contractor Requests for Information (RFI). We will coordinate the RFI process with potential change orders and establish an individual change order number and file so that each item involving extra work is properly tracked and the City staff is kept informed and can approve all change order work in advance.

Deliverables: RFI Logs in VPM

TASK 11. CHANGE ORDER (CO) MANAGEMENT

TKE will Manage Change Order Requests and provide recommendation to City staff.

TKE will receive and log change order requests from the contractor.

TKE will assign a Change Order number in VPM, to facilitate tracking and filing, to all change order requests and quotations as directed by City staff and the design team. TKE will coordinate with the design team the preparation of any revised specifications and/or sketches needed to define the scope of the extra work. TKE will provide daily verification of changes performed on a time-and-materials basis.

TKE will verify that the contractor's requested price, and potential schedule impacts associated with potential change orders are fair, reasonable, and accurate.

TKE will recommend acceptance or rejection of the change order to City staff. If there is disputed extra work, coordinate with City staff, the design team and the contractor until the item has been satisfactorily resolved. If it is not resolved, TKE will track the item as a potential claim. TKE will prepare a Monthly Status Report that includes change order status.

Deliverables: CO Log in VPM, Evaluations of Change Order Impact on the Construction Schedule, Change Order Cost Estimates, Monthly Status Reports.

TASK 12. MANAGEMENT OF PROGRESS PAYMENTS

TKE will review contractor progress estimates and provide recommendation to the City.

TKE will compare the contractor's monthly progress payment request to the bid schedule and the Construction Management daily and weekly report records to confirm that the requested compensation is consistent with the work completed.

TKE will provide confirmation of "materials on hand" by checking materials stored on site with paid invoice or purchase order records.

TKE will provide confirmation of contract change order work, record drawings, and construction schedules.

TKE will recommend to City staff the monthly progress payment amount and prepare the Document for approval signatures routing in VPM.

TKE will include a copy of the monthly progress payment summary in each Monthly Status Report.

Deliverables: Review Contractor Progress Payment Requests.

TASK 13. CLAIMS AND DISPUTES REVIEW

TKE will discuss extra work and claims during each weekly meeting. We will Track any disputed work items and attempt to resolve the issue.

TKE will provide complete documentation, review of merit/entitlement, a claims response strategy, and cost analysis for the City staff review.

Deliverables: Claims and Disputes Analysis Reports and Supporting Documentation.

TASK 14. PROJECT CLOSEOUT COORDINATION

TKE will conduct a final walkthrough with the City, the design team and the contractor to develop a final punch list. Items remaining from preliminary punch

lists and any uncompleted non-conforming work reports will be added to the final punch list.

When the work is completed and all outstanding paperwork has been submitted (warranties, stop notice releases, equipment certifications, record drawings, O&M manuals, training documents, etc.), TKE will process the final payment request, recommend for project acceptance by the City, and assist with the filing of the Notice of Completion with the County Recorder.

TKE will prepare an estimate of the value of the punch list work so that any items the contractor does not complete can be deducted from the final payment due the contractor, as required.

TKE will provide all field office files including email correspondence, photographs and other items to the City.

Deliverables: Completion Punchlist

TASK 15. RECORD DRAWINGS REVIEW

TKE will review the contractor-maintained redline markups of the contract drawings showing all change order and RFI items.

Each month before progress payment approval, TKE will review the contractor's set of marked up drawings to ensure that they are complete.

TKE will reconcile the inspector's markups with the contractors at the end of the project and provide them to the design team for back drafting and delivery to the City. It is understood and agreed that only the contractor's set of marked up drawings will be the Record Drawings set.

Deliverables: Project Drawing Markups.

5. PROJECT SCHEDULE

City of Banning
Booster Stations Construction Management and Inspection Services (RFP-24-069)
June 4, 2024

ID	Task Name	Duration	Start	Finish
1	**GENERAL**	**270 days**	**Mon 7/22/24**	**Fri 8/1/25**
2	Construction Management	270 days	Mon 7/22/24	Fri 8/1/25
3	*Construction Management NTP (Anticipated)*	*0 days*	*Mon 7/22/24*	*Mon 7/22/24*
4	**CHARLES BOOSTER STATION/ RESERVOIR**	**270 days**	**Mon 7/22/24**	**Fri 8/1/25**
5	Pre-Construction	0 days	Mon 7/22/24	Mon 7/22/24
6	Material Submittals	35 days	Mon 7/22/24	Fri 9/6/24
7	Material Procurment	75 days	Mon 8/5/24	Fri 11/15/24
8	MCC Material Procurement	180 days	Mon 8/19/24	Fri 4/25/25
9	Construction	210 days	Mon 8/5/24	Fri 5/23/25
10	Weekly Meetings/RFI's/RFC's	240 days	Mon 8/5/24	Fri 7/4/25
11	MCC Construction	30 days	Mon 4/28/25	Fri 6/6/25
12	Substantial Completion	0 days	Fri 6/6/25	Fri 6/6/25
13	Punch List	20 days	Mon 6/9/25	Fri 7/4/25
14	Start Up and Testing	20 days	Mon 7/7/25	Fri 8/1/25
15	**LINCOLN BOOSTER STATION/ RESERVOIR**	**270 days**	**Mon 7/22/24**	**Fri 8/1/25**
16	Pre-Construction	0 days	Mon 7/22/24	Mon 7/22/24
17	Material Submittals	35 days	Mon 7/22/24	Fri 9/6/24
18	Material Procurment	75 days	Mon 8/5/24	Fri 11/15/24
19	MCC Material Procurement	180 days	Mon 8/19/24	Fri 4/25/25
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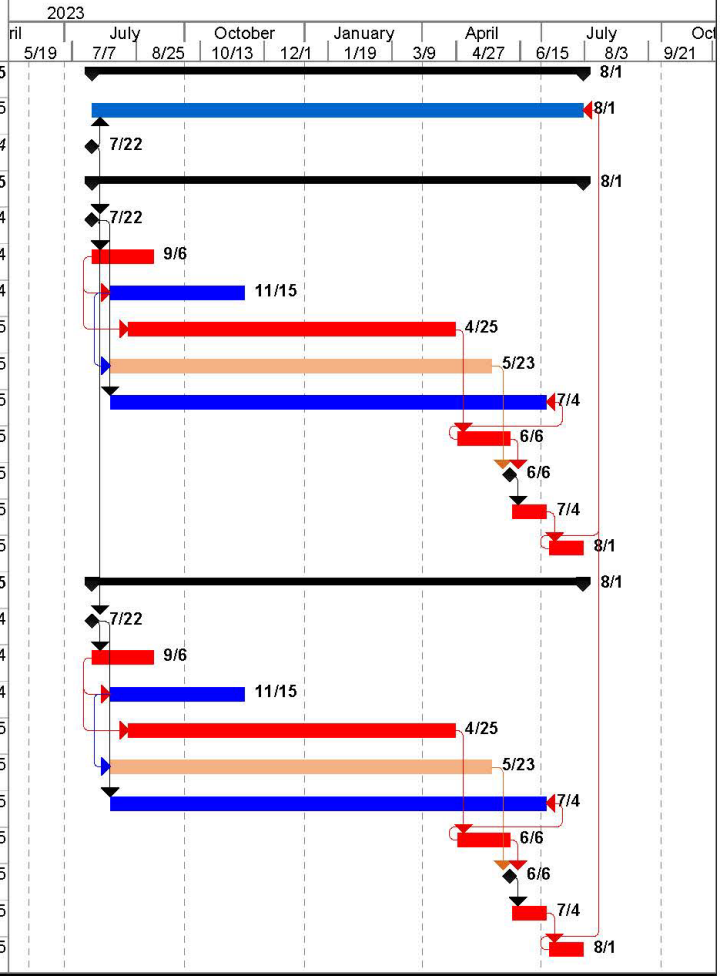
22	MCC Construction	30 days	Mon 4/28/25	Fri 6/6/25
23	Substantial Completion	0 days	Fri 6/6/25	Fri 6/6/25
24	Punch List	20 days	Mon 6/9/25	Fri 7/4/25
25	Start Up and Testing	20 days	Mon 7/7/25	Fri 8/1/25



Construction Schedule_06-04-24 Page 1

6. WHAT WE REQUIRE FROM THE CITY

TKE requires a partnership with the City in delivering these critical water supply infrastructure projects. To that end, we will require support from the City on the following items:

- Issuing encroachment and building permits to the contractor in a timely manner;
- Review and confirmation on TKE's proposed responses to RFIs and change orders prior to issuing to the contractor to ensure project delays are minimized; and
- Coordination with City water operations staff on required shut-downs to accommodate connections with the new boosters.

We will work with the City at every step to ensure successful project delivery. We will use this opportunity to show our expertise and develop a trusted partnership in successfully delivering CIP projects for years to come.

7. QUALITY ASSURANCE/QUALITY CONTROL

TKE takes pride in our reputation for thoroughness, rapid turnaround, cost efficiency and overall quality of work, and believes that a high level of quality is needed on all construction progress. High quality construction management and inspection services yields the following tangible results:

- Ease of Oversight
- Smoother Processing
- Minimized Construction Support Cost
- Minimize Change Orders
- Reduced Claims and Dispute Resolution Costs

TKE's quality assurance program is vital to successful project completion. Our quality assurance program is one that is applied inherently throughout the entire construction process and all decision-making activities. This program requires not only formal procedures for checking at each intermittent project task, but encourages the conscientious effort of experienced people to always "create quality" in every task performed throughout the construction process.

This program has become a natural element in all aspects of TKE's oversight and management activities, and will guide our work on this contract:

- Staff Training and Development
- Assignment of Experienced Staff
- Continuity of Staffing
- Project-Specific Construction Management Work Plan
- Schedule Compliance
- Comprehensive Field Review
- Strict Construction Compliance
- Established Review Procedures
- Established Detailing Standards
- Established Checking Procedures, Including Independent In-House QA/QC Review
- Dual (Independent) Quantity Verification
- Review by Constructability Expert

This Quality Assurance/Quality Control program is in place to ensure that construction will be completed in a manner that exceeds the standards of our clients and that we will deliver the project on schedule and within budget.

8. COMMON CHALLENGES

Strict Construction Compliance

In order to ensure cost controls and maintain project budgets, it is imperative that the City employ an experienced Construction Management Team. Our construction manager and inspector have consistently delivered projects on-time and within budget by maintaining an active dialogue and hands on approach with the project contractor, while ensuring that all construction is consistent with the bid plans and specifications. We are currently a completing construction management on other booster and storage projects which makes us familiar with applicable standards and specifications, including but not limited to the City, the California

Department of Public Health, AWWA, and Greenbook.

Dispute Resolution

TKE's construction manager is highly skilled with and has provided dispute resolution on a number of past projects. The keys to avoiding potential costly and time-consuming disputes are knowledge, communication and organization. Our construction manager prides himself on his thorough research and review of the project plans and specifications and his existing knowledge and understanding of the City, AWWA, Caltrans, Greenbook and other standard plans and specifications. His effective communications skills ensure that all stakeholders are constantly advised of project progress and requirements. His proactive organizational program effectively manages the construction schedule, documents action items with required follow-up and continuous schedule reviews and anticipate needs for future action items. Our project manger's 'can do' approach to all project issues nearly always results in resolution. He is non-combative with all project stakeholders, maintaining professional working relationships with each stakeholder regardless of conflict. His perseverance and vast knowledge and experience of issues will resolve challenges while protecting the City interests.

Public Relations

TKE's Construction Inspector is experienced with public relations associated with construction projects. TKE performs initial site visits to all potentially affected properties to discuss the upcoming project and any potential concerns the property owner and/or tenant may have. TKE identifies improvements that will benefit the property owners to help them understand the importance of project construction. Our approach builds a project coalition with the property owners and tenants which reduces public complaints at Council Meetings and provides a sense of ownership with the project. TKE Construction Inspector also perform routine visits during construction to check on the property owners concerns and to see if there are any issues that need to be mitigated.

Utility Coordination

Removals, relocation and adjustments to existing utility facilities will require considerable effort and time. TKE has extensive experience with the coordination required for removing and relocating existing utilities and ensuring the relocations do not conflict with the project construction schedule. The key element to minimizing utility relocation impacts is early coordination with each of the affected utility companies and persistent follow up procedures to ensure the relocations stay on schedule. TKE will work with the contractor to ensure all alignments and proposed connection powts are potholed and that no existing utilities conflict with the proposed pipeline alignments exist. If conflicts arise during potholing, TKE is familiar with design requirements and can recommend corrective measures to help ensure the project stays on schedule and within budget.

Future System Integration

One of the critical issues with designing a booster station to meet current and future demands. The proposed booster stations have been designed to accommodate additional pumps in the future to aid in moving water between pressure zones. In addition, the use of VFD will provide additional operational flexibility. Our experience in water system design allows us to avoid the common challenges which may occur; such as undersized piping and lack of adequate floor space for future expansions to the boosters, mechanical piping, and electrical system. TKE will monitor for potential constraints and ensure the boosters will be efficient to operate and maintain and cost effective now for future expansion needs. Overlooking these seemingly simple issue can cause extensive changes and costs in the future. We know these issues and have proven methods to avoid them.

Project Management

Project management will be an essential element in all types of project delivery. Effective communications will lead to effective management. Management will include weekly reviews of project budget and schedules and regular meetings with all project shareholders.

For all projects, either development or capital improvement, the most important aspect of management will be to ensure that the City's interests are protected to the maximum extent possible. TKE will ensure that public funds and impact fees are used for the benefit of the community. Any deviation from standards and requirements will be referred to the City Engineer and TKE will implement direction given by the City staff.

Managing other consultants is another area that TKE excels. Due to our extensive variety of project experience, TKE has a vast amount of knowledge with all public works improvement projects. With this understanding, TKE is able to manage others and avoid any costly project changed conditions and delays.

9. CITY OWNED FACILITIES

TKE will not require the use of any City owned facilities to complete the project.

TKE Engineering, Inc. | AT A GLANCE

City/District Engineer
TKE is the City Engineer in 6 Cities/Districts

Staff Augmentation
TKE currently provides Staff Augmentation in 10 Cities / Counties / Districts

Municipal On-Call Contracts
TKE currently provides Civil Engineering Design, Project Support, and Survey services for more than 30 Cities / Counties / Districts throughout Southern California

Size of Organization
55 Professional Construction Managers, Inspectors, Engineers, Project Managers, Surveyors, Plan Checkers, Designers, and Support Staff

Location of Office
TKE Engineering, Inc. (Primary Office)
2305 Chicago Avenue
Riverside, CA 92507

Years in Business
TKE has conducted business for the past 24 years and has 24 years of experience in providing water and wastewater system construction management and inspection services, including booster stations, lift stations, wells, reservoirs, and treatment systems for municipal client projects

Company Structure
TKE is a California Corporation founded in June 2000. TKE has no affiliates or subsidiary companies. California Business License Number: 00109901 TKE DIR No. 1000413173

Firm Owners
Michael P. Thornton, P.E., P.L.S., M.S. – President
Terry M. Renner, P.E., P.L.S., Q.S.D. – Senior Vice President
Steven W. Ledbetter, P.E. - Vice President

City of Banning Point of Contact
Steven W. Ledbetter, P.E.
Vice President
2305 Chicago Avenue
Riverside, CA 92507
Phone: (951) 680-0440
Email: sledbetter@tkeengineering.com

SECTION B | COMPANY INFORMATION

TKE proudly serves or has served Municipal Agencies with a variety of engineering services including construction management, inspection, specialty inspection and materials testing for numerous water systems and wastewater systems conveyance and storage improvement projects. TKE's experience includes project delivery from conception to completion. All of the professional services discussed are services we effectively provide routinely.

TKE and our team continue to provide numerous municipalities and agencies with construction management, inspection services, materials testing and staffing for every facet of water and wastewater projects. In addition, we have worked on multi-million-dollar regional mega projects for a variety of government agencies. TKE recognizes the importance of staffing based on a client's need and workload. Our flexible support and qualified staff enable our clients to serve their constituents in a cost effective and efficient manner. We request that you verify our qualifications with the agencies presented in our proposal.

CONSTRUCTION MANAGEMENT

Construction management is a service that implements specialized, project management methods to manage the design, construction and the planning of a project, from bidding through completion. Managing this project successfully, involves a large knowledge base which our team possess. Quality management begins with an in-depth understanding of the project requirements and governing contract documents. Therefore, involvement in the bid administration and pre-construction activities are important. Likewise, a true evaluation of potential risks and understanding of safety, budgetary and schedule implications is critical. Activities include construction oversight, inspection, special inspection, materials testing, construction surveying, contractor interface and contract administration, coordination of District inspections and acceptances, coordination of utility relocations, office engineering, and project close-out.

For complex projects, the Construction Project Manager can have over 120 responsibilities. Proper organizational skills and experience with similar construction projects is important to ensure that the Construction Project Manager and Resident Engineer can fulfill all of the requirements and responsibilities of the job. Key areas of responsibility include planning, budget, schedule, quality control, safety and contract management. With multiple project components, communication protocol is a key to project success. Coordination through the City with the multiple contractors will be required. Our project team personnel have extensive familiarity with City, County of Riverside, AWWA, State Water Board, RWQCB, AQMD, SCE, Standard Plans, Standard Specifications for Public Works Construction and more. Our team works with these applicable standards and manuals on a routine basis, as well as the capability to meet the Project requirements and fulfill anticipated responsibilities.

Our team has specific experience in every element necessary for the City's Booster Station Construction Management and Inspection project. This includes construction of reservoirs, booster stations, potable transmission and distribution main installation, community outreach and education for large projects, drainage crossings, tracking of earthwork for quantity payouts, NPDES management best management practices installation, and other regulatory compliance factors.

TKE has managed publicly funded construction projects throughout our history. The breadth of experience and technical skill of our staff enable us to manage a wide variety of projects, ranging from major infrastructure to the restoration and rehabilitation of treatment plants. TKE has routinely performed administration of the contract (general contract administration and oversight of project), provided Resident Engineering services, constructability reviews on project documents, managed preconstruction and weekly progress meetings, coordinated with contractors, including multiple contractors simultaneously, coordinated with design engineers for design changes and corrections, coordinated with the project inspector, reviewed and responded to RFI's, reviewed weekly statement of working days, reviewed quantities for monthly progress payments, reviewed extra work tickets and assessed them for justification within the contract requirements, process control documents, submittals, change orders, and work change directives, prepared and performed contract change orders and negotiations, coordinated with residents and businesses throughout construction process, performed public outreach, represented municipal clients with other agencies at numerous meetings, represented engineering with the client's council or board and other public meetings, managed engineering budgets and project schedules, documented environmental compliance, prepared and acquired right-of-way, coordinated utility relocations, acquired and managed permits from numerous agencies, including RWQCB, South Coast AQMD, Riverside County Flood Control, U.S Army Corps of Engineers, California Department of Fish and Wildlife, and many others, managed numerous funding programs through the State Water Board and various other State and Federal funding agencies.

TKE has extensive experience with providing construction management services on all types of public works projects. We are extremely familiar with the City's Standards, Greenbook, requirements of plans and specifications, and California public contract code in relation to construction projects and various related work. We ensure that all work is completed in accordance with funding contract specifications, terms, conditions, state and federal laws and regulations, and client policy. Our construction management portfolio includes:

- Potable and Recycled Water Mains
- Reservoirs
- Pump Stations
- SCADA and Communications
- Storm Drains and Channels
- Street Widening Projects
- Grading and Retaining Walls
- Retention and Detention Basins
- Filtration Systems
- Lift Stations
- Treatment Plants
- Sanitary Sewer Gravity and Force Mains
- Bridge Widening
- Sidewalk Repair and ADA Compliance Projects

- Conventional and Rubberized Pavement Rehabilitation Projects
- Signal Interconnection
- Traffic Signal and Striping Projects
- PCC Paving Projects
- Signing and Striping
- Bus Transfer Stations
- Parking Lot Projects
- Parks and Other Public Facilities
- Site Improvement Projects
- Major Infrastructure Projects
- Reconstruction and Rehabilitation

TKE's construction management services are enhanced by integration with our knowledge and background of civil engineering and surveying to facilitate and ensure all construction projects managed by TKE will operate safely and efficiently.

INSPECTION

TKE and our project team, provides experienced, highly qualified staff with significant technical expertise and strong public relations skills for inspection services. All of TKE's inspectors have a background within design and construction, enabling TKE to provide well rounded inspectors capable of understanding the requirements to construct a project and capable of identifying potential change orders and design deficiencies before they occur. TKE is fully capable of providing staff on a full-time, part-time, on-call or interim project basis. Please refer to our project team, together with our corporate resumes to verify our team's technical ability to deliver these services.

TKE has provided similar services to those requested here for a number of different agencies and TKE understands that the City has its own development and capital improvement standards that were developed to meet the needs of your community. TKE has a thorough understanding of these standards together with the needs of the community. For each project that TKE is assigned, TKE will verify compliance with all applicable standards. Furthermore, with our extensive experience in other jurisdictions, TKE will be able to recommend improvements to these standards to ensure expedited project delivery and enhanced public infrastructure. Our inspection portfolio includes:

- Daily review and documentation of construction activities (daily reports and digital photo of significant issues and milestones)
- Monitor Contractor's daily labor force for compliance with state & federal labor laws.
- Field verification of traffic control procedures and consistency with approved Traffic Control Plan
- Coordinate with agencies and different stakeholders to ensure smooth progress of construction activities
- Monitor project schedule
- Verify quantities and assuring quality control
- Field observations of construction activities
- Maintain complete and accurate project records
- Review and recommend approval/ disapproval of monthly progress pay estimates
- Verify NPDES and SWPPP compliance
- Prepare weekly statement of working days
- Review RFI's, change orders and progress payments
- Coordinate punch list and as-built plans
- Ensure that materials and completed work comply with plans specifications and design criteria
- Implement security procedures
- Issue notices for safety concerns and violations
- Coordinate with survey, material testing and other construction consultants
- Review and ensure compliance with control documents, submittals, RFI's, change orders, and work change directives
- Preparation of punch list
- Coordinate project closeouts activities which include staff report, Notice of Completion, release of retention, warranty walk, and archiving documents.

SECTION C | COMPANY PERSONNEL

TKE fully recognizes the City of Banning's concern for high quality, timely performance, and precise communication when utilizing the services of a consultant. Each project conducted by TKE is managed and staffed by a project team assembled to meet the specific needs of the project. TKE has assembled a highly qualified and experienced project team, which we believe will best serve your needs and is capable of meeting the milestones set forth in the RFP.

1. PROJECT TEAM

Michael Thornton, P.E., L.S.
Principal-In-Charge

P.E No. 44226

L.S. No. 6867

Mr. Thornton, TKE's President, is in charge of all TKE projects. He has over 34 years of experience in engineering planning, design, land surveying and construction management for public works projects. He has worked on a variety of public works engineering projects including water and sewer improvements, street improvements, park improvements, bike trail improvements, drainage improvements, and reclaimed water system improvements projects. Mr. Thornton is responsible for managing including funding administration, planning, evaluating, and designing these projects and has provided construction engineering and surveying services for many of these same projects

Steven W. Ledbetter, P.E.
Construction Manager

P.E No. 84044

Mr. Ledbetter has over 22 years of professional experience in the civil engineering industry and will serve as the Construction Manager for the project. He has handled various critical and challenging projects from planning through design and implementation; all while ensuring that projects are executed as per specification in the stipulated time with quality. He has a well-rounded background with experience in: preparation and analysis of water treatment plant plans and specifications including potable and non-potable water, wastewater, and drainage; utility master planning including computer modeling, analysis, and report preparation; waste water and water supply planning including feasibility studies, urban water management plans, water supply assessments and verifications; storm water compliance reporting including water quality management plans and storm water pollution prevention plans, permitting and grant writing/administration for various State and Federal agencies.

Terry Renner, P.E., L.S., Q.S.D.
Resident Engineer

R.C.E. No. 69984
P.L.S. No. 9762
Q.S.D. Certification No. 24329

Mr. Renner has over 24 years of experience in construction management of wastewater and water projects, including civil, structural, mechanical, electrical and instrumentation components. He will be responsible for overseeing this project and proactively ensuring adequate quality control and quality assurance practices are being implemented throughout its duration. Mr. Renner carefully implements inventive risk management and conflict resolution strategies.

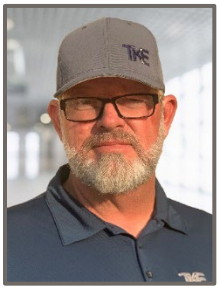
Marvin Lara, E.I.T.
Assistant Resident Engineer

Mr. Lara is an Assistant Resident Engineer of TKE and has 7 years of experience in civil engineering infrastructure projects, including transportation improvements, drainage improvements, sewer and water improvements, facilities improvements, recreation improvements, and construction methods. As a Assistant Resident Engineer, Mr. Lara has been responsible for assistance in supervising a staff of inspectors,

construction coordination and scheduling, utility relocation coordination, public relations, submittal review, coordination with subconsultants, weekly progress meetings, request for information responses, storm water management, progress payments, change order review and negotiations, labor compliance, and project closeout

Brad Enscoe
Resident Inspector

Mr. Enscoe has over 15 years of experience in construction management of wastewater and water projects including civil, structural, mechanical, electrical and instrumentation components. He is extremely detail oriented and an expert in inspecting against contract documents. He is also experienced in utilizing various electronic document controls systems as well as productively directing conversation in the field to mitigate and manage conflict.



Nelson Blackwell, C.P.I.I.
Specialty Inspector

Mr. Blackwell has over 8 years of experience providing inspection services for capital projects to several agencies throughout Southern California. His services include but are not limited to site grading, sewer and waterline installation, street paving, American Disabilities Act (ADA) improvements, underground infrastructure, utilities installation, steel reinforcements, concrete and masonry, path/retaining walls, and parking lot installation. Additionally, he is skilled in understanding project plans and specifications, accessing applicable code, maintaining good and proper relationships with project stakeholders and contractors, and helping to prepare final project documents. Mr. Blackwell has prepared daily inspection reports, developed construction photo logs, verified compliance with contract documents and approved project submittals, and verified public safety compliance.

Mike Counce
Electrical Specialty Inspector

Mr. Counce is certified journeyman electrician and has 17 years of commercial and residential experience. He is adept in performing electrical installations, maintenance and repairs in homes, schools, hospitals and plant facilities; knowledgeable in all areas of the national electrical code; and excels in analyzing and solving problems with various electrical controls and systems. His experience includes electrical systems and controls, installations and maintenance, electromechanical repairs, blueprints, schematics, generators, transformers, switches, circuit breakers, electrical code, safety, wiring diagrams, troubleshooting, testing instruments, motors and conduit.

Mr. Counce served as journeyman electrician or apprentice on more than 100 new home construction projects as well as dozens of major commercial projects. He earned a reputation for expertise in complex troubleshooting and problem resolution. He also gained extensive experience in analyzing and following manuals, schematic diagrams, blueprints and other specifications and mastering the use of measuring/testing instruments such as ammeters, ohmmeters, voltmeters and testing lamps

2. SUBCONSULTANTS

Linkture Consulting Engineers was formed in 1992 and offers a full range of electrical and control system engineering services to Engineers, Private Industries, Contractors, Federal and State Government and Municipalities. Their firm has acquired its qualifications through the many years of specialized experience of our professional staff. These qualifications include technical competence in organizational analysis; familiarity with clients' financial, planning, and related business systems; broad-gauged analytical ability; and professional independence, objectivity, and integrity.

Their services include evaluations, studies, engineering, design, and construction-related services for water and wastewater facilities such as water reservoirs, pump stations, lift stations, and wastewater treatment. Additional services related to water and wastewater facilities include odor control, corrosion control, and flow monitoring. They also provide Information Technology (IT) services, which include hardware and software assessment, design for the wide-area network (WAN), local area network (LAN), servers, and client workstations. Their services also include computer and network security, Internet and web site development, telecommunications, and programming services.

Linkture has been in business as an Electrical Engineering and Consulting firm for over 30 years mainly in the water and wastewater industry. We have also served other industries such as commercial, computer/data centers, manufacturing, process, and food industry and wireless telecommunication industry. More than ninety percent of Linkture's work is in the water and wastewater industry.

Aragón Geotechnical Inc. (AGI) is a highly qualified geotechnical and construction materials testing firm with significant experience in providing services similar to those being requested. AGI is committed to providing geotechnical, materials testing, and construction field inspection services with a superior degree of professional excellence and proficiency. We offer clients individual attention and provide innovative solutions at a competitive cost.

AGI traces its roots to the year 1973, followed soon after by the establishment of the present headquarters office in the Woodcrest area of Riverside County. The firm will apply decades of experience acquired by talented professionals in the fields of geotechnical engineering, engineering geology, hydrogeology, earthquake engineering, and materials engineering and testing to the project team.

AGI has endeavored to obtain specialty certifications reflective of high degrees of staff training and well-maintained equipment. AGI holds the following accreditations:

- **AASHTO Resource (Formerly AMRL) - Attached is a copy of AGI's AASHTO Accreditation.**
- **CalTrans (California Department of Transportation) - Attached is AGI's Caltrans Laboratory Accreditation.**

Furthermore, AGI's Materials Testing Services is consistent with Caltrans QAP assurance on any public work projects in accordance with project contract documents and applicable ICC, CBC, ASTM, ACI, AASHTO standards, MWA ordinances, regulations, laws and good building practice.

CSI Services (CSI) is a corporation formed in 2004 that provides services as a consulting engineering firm specializing in protective coatings and linings with specific expertise in water storage tank projects. The management team, with more than 60 years of combined coating expertise is committed to the timely and ethical delivery of its services.

CSI provides comprehensive consulting services including failure analysis, laboratory testing, expert witness, maintenance and corrosion assessment (dry and underwater), coating system evaluations, technical specifications, and in-process inspection of surface preparation and coating/lining applications. CSI also has an in-house water storage tank diving division that completes over 100 water tank dives per year. CSI is a completely independent firm enabling the delivery of totally unbiased services to owners and all members of the coating and corrosion prevention community.

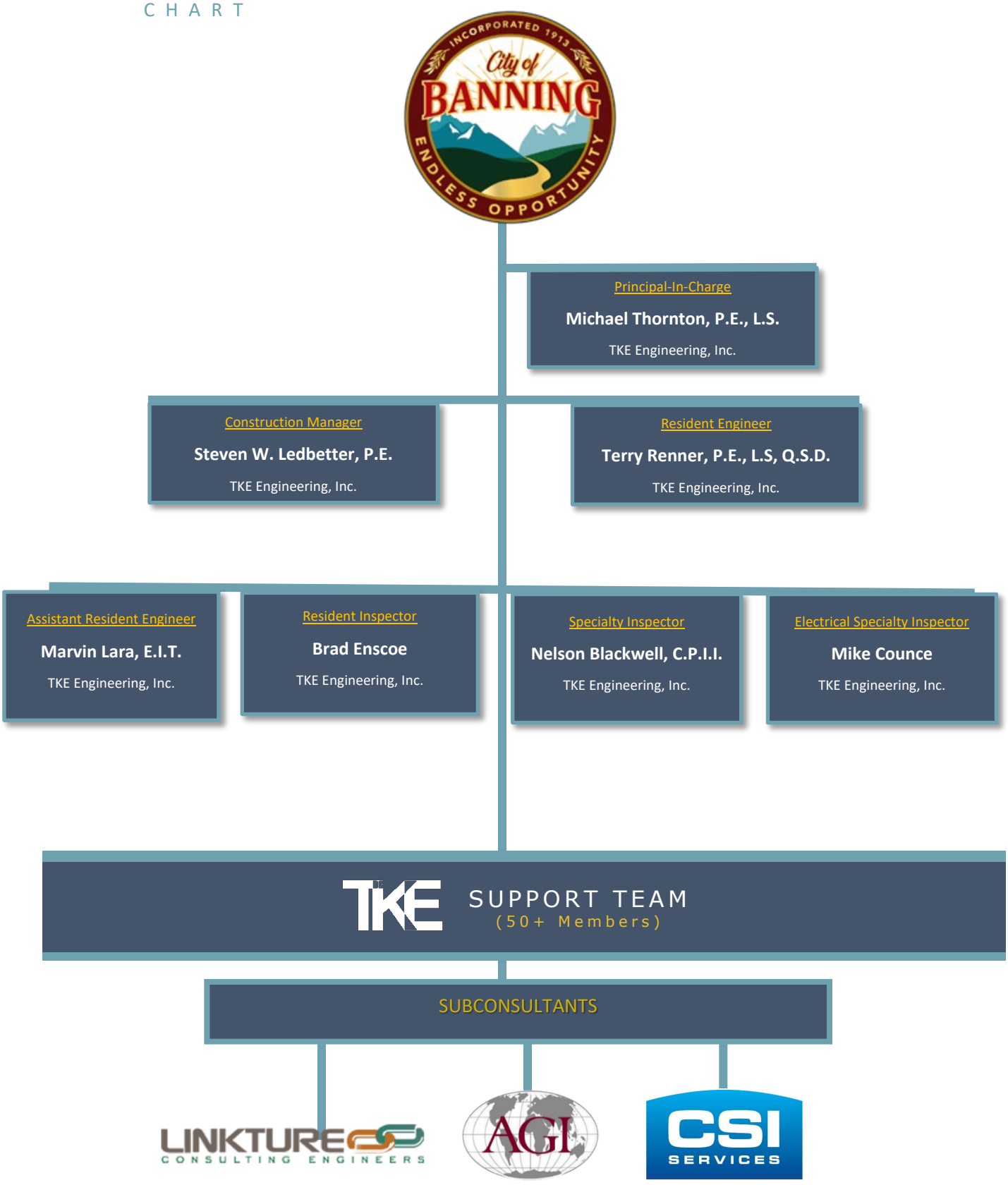
The firm is financially strong with no conditions such as disputes or litigation that would impede our ability to complete the project. CSI has more coating inspectors than any other third-party firm in the state of California and Hawaii and this staffing includes more than 45 inspectors having NACE and/or SSPC coating inspection certifications. Many of these inspectors reside within San Diego County. This staffing allows us to place specifically highly qualified inspectors onto unique projects, such as this comprehensive assignment.

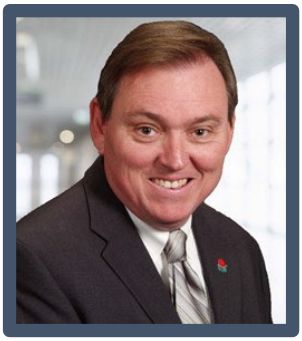
Further, CSI is proud of its certification as an SSPC QP-5 Coating Inspection Firm. Equivalent to the ISO 17020 certification (ISO 9001), the QP-5 certification recognizes firms for their high level of technical strength, internal quality control program, financial stability, safety record, and ability to provide quality services over a long period of time. The QP-5 has been adopted as a requirement by many large owners such as the U.S Department of Defense, Army Corp of Engineers, and many state governments as a means of prequalifying firms for inspection on their coating projects. We offer this QP-5 recognition as a third-party means of checking the quality and abilities of our firm. The QP5 program requires our staff to continually seek to improve on the services that we deliver.

RESUMES

Per the requirements of the Request for Proposals, resumes have been included in the following pages.

3. ORGANIZATIONAL CHART





MICHAEL THORNTON, P.E., L.S.

Principal-in-Charge

TKE Engineering, Inc.

EDUCATION

M.S., Civil Engineering, California State University, Long Beach

B.S., Civil Engineering, California State Polytechnic University, Pomona

REGISTRATIONS

P.E. (CA): 44226

L.S. (CA): 6867

AFFILIATIONS

American Society of Civil Engineers

American Water Works Association

California Rural Water Association

American Public Works Association

American Council of Engineering Companies

Mr. Thornton, TKE's President, is in charge of all TKE projects. He has over 34 years of experience in engineering planning, design, land surveying and construction management for public works projects. He has worked on a variety of public works engineering projects including sewer improvements, street improvements, park improvements, bike trail improvements, drainage improvements, and reclaimed water system improvements projects. Mr. Thornton is responsible for managing including funding administration, planning, evaluating, and designing these projects and has provided construction engineering and surveying services for many of these same projects.

DETAILED PROJECT EXPERIENCE

- **I-15 Sewer Lift Station and Water Booster Station,** *City of Hesperia* - Mr. Thornton was the Principal in Charge for the I-15 Sewer Lift Station and Water Booster Station project. This project consists of the design and construction of a sewer lift station and water booster station to provide service to developments along the I-15 freeway corridor. Through a phased approach, TKE first developed a sewer and water feasibility study to serve the area; followed by preparing the design and contract documents for sewer conveyance, and water distribution and transmission systems; and is now preparing the design and contract documents for the lift station and booster station. The lift station includes two 25 HP VFD submersible impeller pumps, wet well, piping, valves, manholes, electrical, motor control center and electrical building, and associated site improvements. The separate booster station, located at an existing reservoir site, includes three 250 HP VFD pumps, two 50 HP VFD pumps, one 20 HP pump, hydro-pneumatic system, piping, valves, electrical, prefabricated building, emergency generator (600 kW), and associated site improvements.
- **ROWCO Booster Station Relocation,** *Running Springs Water District* - Mr. Thornton is the Principal in Charge overseeing the preparation of plans, specifications, and estimates for relocating the existing ROWCO booter pump station. The existing station had reached its useful service life and required a replacement and relocation to accommodate future reservoir expansion at the project site. The proposed booster station was required to meet a peak 300 gpm and 230 feet of head requirement, using variable frequency drives, to provide water supply to the higher-pressure zone. The design included hydraulic analysis to ensure demand would be met and avoid ancillary impacts (e.g., surging). Additionally, due to the mountain terrain, the new booster building was built into the side of the hill adjacent to the roadway.
- **Well No. 16,** *City of Needles*- Mr. Thornton was the Principal in Charge for the design and construction of a new production well, Well No. 16, and transmission main located along Balboa Place and South of McShans Lane in the City of Needles. The project includes design of the well pump and motor, above ground discharge piping,

appurtenances, 2,750 linear feet of 16" transmission pipeline, shade structure, electrical system, and SCADA system integration. The project includes restrained joints, system appurtenances, and connections to the existing systems and interconnections to City of Needles Water.

- **"I" Street Water Main**, *San Bernardino Municipal Water Department*– Mr. Thornton was the Principal in Charge overseeing the design engineering services for the project that included 7,200 linear feet of 16" and 20" pipe and related appurtenances; permitting with both San Bernardino County Flood Control District and Burlington Northern Santa Fe; crossing an existing bridge over a flood control channel by hanging pipe between existing girders; crossing a railway using jack and bore; and connections newly constructed transmission main and stub-outs for future expansions.
- **Horton Wastewater Treatment Plant Tertiary Filtration System**, *Desert Hot Springs* – Mr. Thornton was the Principal in Charge for the preparation of Preliminary Design Report evaluating several tertiary filter and disinfection alternatives. Following identification of the preferred alternative, TKE prepared the final design (i.e., plans, specifications, and engineer's estimate) for adding a booster pump station and tertiary filters to the existing Horton Wastewater Treatment Plant to help alleviate secondary effluent disposal deficiencies and begin the phased implementation of recycled water treatment. The design included hydraulic analysis to ensure gravity flow from the new filter, through a future UV disinfection system, to either the existing spreading ponds or future recycled water storage tank. Additionally, due to the high winds in the area, a three-sided wind break and shade structure was included to protect the facility from the elements. The project included coordination with the Regional Water Quality Control Board.

STEVEN W. LEDBETTER, P.E.

Construction Manager

TKE Engineering, Inc.

EDUCATION

Bs, Civil Engineering (Environmental),

California State Polytechnic University, Pomona

CERTIFICATIONS

Caltrans 24 Hour Training for Water Pollution Control Managers

AFFILIATIONS

Riverside-San Bernardino Counties Branch, American Society Of Civil Engineers

Coachella Valley Branch, American Public Works Association

Association of California Water Agencies

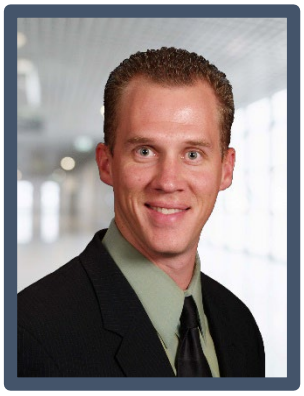
Mr. Ledbetter has over 22 years of professional experience in the civil engineering industry. He has handled various critical and challenging projects from planning through design and implementation; all while ensuring that projects are executed as per specification in the stipulated time with quality. He has a well-rounded background with experience in: preparation and analysis of street and utility improvement plans and specifications including drainage, potable and non-potable water and wastewater, utility master planning including computer modeling, analysis, and report preparation; water supply planning including feasibility studies, urban water management plans, water supply assessments and verifications; storm water compliance reporting including water quality management plans and storm water pollution prevention plans and; and grant writing for various State and Federal agencies.

DETAILED PROJECT EXPERIENCE

- **Regional Water Reclamation Program,** *Mission Springs Water District, CA* – Mr. Ledbetter is providing program management services for the development and construction of the District's Regional Water Reclamation Program (RWRP). The RWRP includes planning, design, and construction of a regional wastewater treatment plant, interceptor conveyance system, and local wastewater collection systems. Mr. Ledbetter is managing the completion of the RWRP, including: participation and management of funding acquisition; staff, board, consultant, funding agencies, and public coordination and communications; assessment district formation; State Revolving Fund (SRF) and grant application processing; State invoicing and reporting; environmental compliance processing; preliminary engineering preparation; plans, specifications, and cost estimates (PS&E) preparation; bidding and construction; and all related services to successfully complete the RWRP.
- **I-15 Sewer Lift Station and Water Booster Station,** *City of Hesperia* - Mr. Ledbetter was the Construction Manager for the I-15 Sewer Lift Station and Water Booster Station project. This project consists of the design and construction of a sewer lift station and water booster station to provide service to developments along the I-15 freeway corridor. Through a phased approach, TKE first developed a sewer and water feasibility study to serve the area; followed by preparing the design and contract documents for sewer conveyance, and water distribution and transmission systems; and is now preparing the design and contract documents for the lift station and booster station. The lift station includes two 25 HP VFD submersible impeller pumps, wet well, piping, valves, manholes, electrical, motor control center and electrical building, and associated site improvements. The separate booster station, located at an existing reservoir site, includes three 250 HP VFD pumps, two 50 HP VFD pumps, one 20 HP pump, hydro-pneumatic

system, piping, valves, electrical, prefabricated building, emergency generator (600 kW), and associated site improvements.

- **Well No. 11 to 15 Intertie,** *City of Needles, CA*- Mr. Ledbetter is currently managing the design and construction of a new transmission main intertie project consists of 2,800 linear feet of 16" pipeline in the City of Needles. The project includes construct an iron and manganese treatment system at Well 11 and the intertie will deliver raw water from Well 15 to Well 11. Mr. Ledbetter is providing design and project management services for the Project that includes preparation of plans, specification, and cost estimates for the transmission main and acting as the owner representative for oversight and management of the Well 11 treatment system design by others; ensuring consistency in both project designs and schedules**.**
- **Reservoir Seismic Upgrades Project,** City of San Bernardino Municipal Water Department **-** Mr. Ledbetter is providing Construction Management services for the project. The project consists of seismic rehabilitation and safety improvements to four steel reservoirs in the City. Improvements include seismic upgrades, yard piping, demolition, structural work, welding work, foundation work, and recoating of the existing steel reservoirs. TKE services include pre-construction services, construction management, coordination, scheduling, administration, inspection (civil, mechanical, structural, welding, and coatings), materials testing, environmental impacts analysis, processing of RFIs, submittal, and progress payments, preparation of project records and close-out documents for the project with cloud based software, and the preparation of O&M manuals.
- **ROWCO Booster Station Relocation,** *Running Springs Water District* - Mr. Ledbetter is providing Project Management services for the preparation of plans, specifications, and estimates for relocating the existing ROWCO booter pump station. The existing station had reached its useful service life and required a replacement and relocation to accommodate future reservoir expansion at the project site. The proposed booster station was required to meet a peak 300 gpm and 230 feet of head requirement, using variable frequency drives, to provide water supply to the higher-pressure zone. The design included hydraulic analysis to ensure demand would be met and avoid ancillary impacts (e.g., surging). Additionally, due to the mountain terrain, the new booster building was built into the side of the hill adjacent to the roadway.



TERRY RENNER, P.E., P.L.S., Q.S.D.

Resident Engineer

TKE Engineering, Inc.

EDUCATION

B.S. Civil Engineering, California State Polytechnic University, Pomona

CERTIFICATIONS

Caltrans SWPPP Certified QSP/QSD Training

REGISTRATIONS

P.E. License Number 69984 (CA)
P.L.S. (CA) 9762
Qualified SWPPP Developer and Practitioner #24329

AFFILIATIONS

Riverside-San Bernardino Counties Branch, American Society of Civil Engineers

American Public Works Association

American Council of Engineering Companies of California

Mr. Renner is the Senior Vice President of TKE and has 23 years of experience in civil engineering infrastructure projects, including drainage improvements, transportation improvements, sewer and water improvements, facilities improvements and recreation improvements. He has managed numerous projects and has delivered projects for the Cities of Calimesa, Fontana, Rialto, Upland, Riverside, and Redlands. As a project manager, Mr. Renner has been responsible for design production, supervising a staff of engineers and drafters, coordinating work between the production team and the client, and for submitting all deliverables in a timely manner. He has successfully delivered a wide variety of complex and challenging projects and is dedicated to ensuring that the plans produced by TKE continue to exceed industry standards.

DETAILED PROJECT EXPERIENCE

- **Regional Sewer Conveyance Line,** *Mission Springs Water District, City of Desert Hot Springs* **–** Mr. Renner is managing the construction of the new Regional Sewer Conveyance Line located along Dillon Road and Little Morongo Road in the City of Desert Hot Springs. The project will convey wastewater to the Regional Water Reclamation Facility and includes the construction of 10,000 linear feet of 12" PVC force main, 950 linear feet of 12" VCP, 5,200 linear feet of 33" VCP, 1,000 linear feet of 36" VCP and all related appurtenances. Additionally, Mr. Renner managed the design for a new sewer diversion structure to bring additional flows to the Facility. Mr. Renner provided oversight and direction on submittal and RFI review, change order review, progress payment review/approval, labor compliance, coordination with utilities, permitting, grant reimbursement and coordination with District representatives.
- **Manganese Treatment Facility and 0.5 MG Reservoir Project,** *City of Huntington Park, CA* – Mr. Renner was the Project Manager, Design Engineer and Construction Manager for this project, which TKE prepared plans, specifications, and estimates for the construction of a grant funded 70-foot tall welded steel reservoir replacement project and a fully redundant manganese filtration plant capable of flowrates up to 1500 gpm in the City of Huntington Park. The project included the removal of a structurally deficient steel reservoir and construction of the proposed welded steel reservoir including a ring footing with 45-foot deep 3-foot diameter caissons to combat liquefaction issues. The reservoir removal and replacement is located within fifteen feet of an existing 70-foot tall 2 million gallon steel reservoir to be protected during construction.
- **Jurupa Hills Lift Station Replacement, Rubidoux Community Services District,** *City of Jurupa Valley, CA* – This project consisted of the replacement of an existing 300 gpm lift station, site demolition and abandonments, electrical and backup power tie-ins

and easement document preparation at the Jurupa Hills Country Club Golf Course. Mr. Renner was the project manager in charge of all project activities. This included hydraulic calculations, site layout, specification preparation, survey and electrical sub-consultant coordination, management of assistant engineers and AutoCAD drafters, and project billing.

- **Groundwater Quality Protection Program Areas H and I Sewer Project,** *City of Desert Hot Springs, CA* - Mr. Renner is the QA/QC manager for the preparation of bidding documents for two areas in MSWD's Groundwater Quality Protection Program (GQPP), a septic to sewer conversion program. The Project includes approximately 25,000 linear feet of 8" vitrified clay pipe sewer improvements, including 676 4" service laterals. Once complete, MSWD will abate approximately 465 existing septic tanks that are impacting groundwater quality. The project includes records research, conventional topographic surveying, coordination with agencies, hydraulic calculations, preliminary design, cost estimating, geotechnical investigation, environmental coordination, preparation of construction plans and specifications, permit acquisition, and grant funding administration.
- **Horton Wastewater Treatment Plant Tertiary Filtration System,** *City of Desert Hot Springs, CA*– Mr. Renner was the Project Engineer for the preparation of Preliminary Design Report evaluating several tertiary filter and disinfection alternatives. Following identification of the preferred alternative, TKE prepared the final design (i.e., plans, specifications, and engineer's estimate) for adding a booster pump station and tertiary filters to the existing Horton Wastewater Treatment Plant to help alleviate secondary effluent disposal deficiencies and begin the phased implementation of recycled water treatment. The design included hydraulic analysis to ensure gravity flow from the new filter, through a future UV disinfection system, to either the existing spreading ponds or future recycled water storage tank. Additionally, due to the high winds in the area, a three-sided wind break and shade structure was included to protect the facility from the elements. The project included coordination with the Regional Water Quality Control Board.

MARVIN LARA, E.I.T.

Assistant Resident Engineer

TKE Engineering, Inc.

EDUCATION

B.S, Civil Engineering, California State Polytechnic University, Pomona

CERTIFICATIONS

E.I.T. No. 157100

AFFILIATIONS

Riverside-San Bernardino Counties Branch, American Society of Civil Engineers (ASCE)

Inland Empire, Women in Transportation (WTS)

Cal Poly Pomona Alumni, Society of Hispanic Professional Engineers

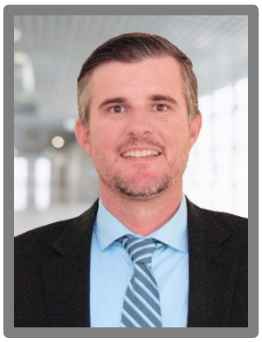
Mr. Lara is an Associate Engineer of TKE and has 7 years of experience in civil engineering infrastructure projects, including transportation improvements, drainage improvements, sewer and water improvements, facilities improvements, recreation improvements, and construction methods. He has managed numerous projects and has delivered projects for the Cities of Highland, Moreno Valley, Glendora, Calimesa, Fontana, Rialto, Hesperia and Redlands. As a Construction Assistant, Mr. Lara has been responsible for assistance in supervising a staff of inspectors, construction coordination and scheduling, utility relocation coordination, public relations, submittal review, coordination with subconsultants, weekly progress meetings, request for information responses, storm water management, progress payments, change order review and negotiations, labor compliance, and project closeout

DETAILED PROJECT EXPERIENCE

- **I-15 Sewer and Water Improvements,** City of Hesperia, CA - Mr. Lara assisted in the design and construction management of approximately 7,900 linear feet of 8" and 10" P.V.C. sewer main improvements. Design of sewer main improvements also included 10" ductile iron pipe with an 18" Steel Casing crossing the I-15 Freeway from Caliente Road to Mariposa Road near Ranchero Road in the City of Hesperia. In addition to sewer main improvements, approximately 3,800 linear feet of 18" DIP water lines were designed along Ranchero Road to and along Kourie Way and to and along Cromdale Street to existing tanks at East end of Cromdale Street. The project included restrained joints, system appurtenances, and connections to the existing systems and interconnections to City of Hesperia Sewer and Water.
- **Terrace Reservoirs Rehabilitation and Site Improvements,** *Mission Springs Water District, City of Desert Hot Springs, CA* – Mr. Lara assisted with the design of Terrace Reservoirs Rehabilitation and Site Improvements located at the Western end of Terrace Way in the City of Desert Hot Springs. Terrace Reservoirs Rehabilitation consisted of removal, replacement and relocation of manways, electrical conduits, ladder cages and guardrails, roof vents and overflow boxes with new material along with a spiral staircase and guardrail at the top perimeter of 3 existing tanks on site. Along with Tank Rehabilitation, proposed PCC Curb around perimeter of project site, regrading of slope and proposed culvert drainage was designed to mitigate erosion of slope on site due to storm water runoff.
- **CV Sync Construction Management,** *Palm Desert, CA*- Mr. Lara serves as the Assistant Construction Manager assist with oversight of all aspects for Phase 1 and 2 of the CV Sync project (Formerly CVAG TSSP). This work involves plan review, management and approval of construction scheduling, budget, field work, local agency procedures and more. This project involves coordination and support across twelve agencies in the Coachella Valley The

project improvements include advanced traffic management systems (ATMS), advanced transportation controllers (ATC), selected Intelligent Transportation System (ITS) elements, ITS sub-systems, and Ethernet/IP-based communications that will be expandable and scalable for future integration of ITS technologies and strategies, such as Integrated Corridor Management (ICM), Smart Cities, Connected and Autonomous Vehicles, a Regional Traffic Management Center (RTMC) and local Traffic Operation Centers (TOC).

- **Sierra Avenue Widening Project,** *City of Fontana, CA* – Mr. Lara assisted on the Sierra Avenue widening improvements project is located in the City of Fontana north of Interstate 10 Freeway between Foothill Boulevard and Baseline Road. The project is approximately 1 mile of widening for the City's primary north-south arterial street widening the roadway from 4 lanes to 6 lanes. The project includes street widening, raised landscape median, new sewer main installation, traffic signal installation and modifications, traffic signal interconnect and fiber optic cable installation, and extensive utility coordination for water main replacement, Rule 20A and Rule 20B undergrounding work. The project also includes right-of-way acquisition for 76 parcels, traffic analysis, review of construction plans, coordination with project design consultants, construction management and construction staking services. TKE represents the City with other agencies, represented engineering with the City**'s** management personnel and other meetings, managed engineering budgets and project schedules.



BRAD ENSCOE

Resident Inspector

TKE Engineering, Inc.

CERTIFICATIONS

OSHA 30 Certified
16 Hour QSP Training Seminar
APWA, Construction Inspection March 2010
CMAA, Construction Inspection for Public Works March 2010
Public Works Inspector Level 1 Testing

AFFILIATIONS

APWA, Construction Inspection
CMAA, Construction Inspection for Public Works
Public Works Inspector Level 1 Testing

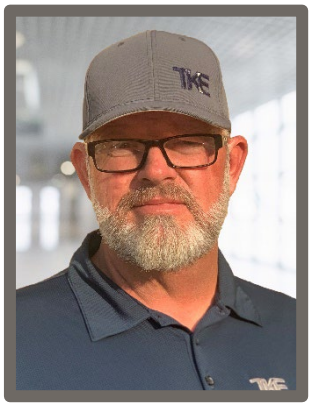
Mr. Enscoe has over 15 years of experience providing public works construction inspection services. Recently, Mr. Enscoe is providing on-call inspection services to the City of Calimesa for developer installed housing projects as well as street, drainage, and sewer improvements to the Cities of Fontana, Redlands, and El Monte. In addition to daily inspection services, Mr. Enscoe has prepared daily inspection reports, developed construction photo logs, assisted with progress and final payment processing, assisted with change order negotiations, verified compliance with contract documents and approved project submittals, verified public safety compliance, developed remedial work list and system startup inspections. In addition, Mr. Enscoe has provided coordination with other project professional services (e.g., Geotechnical and Surveying).

DETAILED PROJECT EXPERIENCE

- **San Bernardino Municipal Water Department On-Call Inspection Services, San Bernardino Municipal Water Department, CA –** Mr. Enscoe serves as an Inspector. TKE is providing on-call inspection services to the City of San Bernardino Municipal Water Department (SBMWD) for developer installed water and sewer projects and capital improvement water system projects. In addition to daily inspection services, TKE prepares daily inspection reports, developed construction photo logs, assisted with progress and final payment processing, assisted with change order negotiations, verified compliance with contract documents and approved project submittals, verified public safety compliance, developed remedial work list and system startup inspections. In addition, TKE provides coordination with other project professional services (e.g. Geotechnical and Surveying).
- **Regional Water Reclamation Program,** *Mission Springs Water District*– Mr. Enscoe is providing inspection services for the construction of the District's Regional Water Reclamation Program (RWRP). The RWRP includes construction of a regional wastewater treatment plant, interceptor conveyance system, and local wastewater collection systems. Mr. Enscoe is performing inspections for all piping, mechanical, and civil portions of the project, including the pump station, treatment processing tanks and building.
- **San Bernardino Avenue Trunk Sewer Improvements**, *City of Fontana Public Works Department*- Mr. Enscoe performed construction inspection services for approximately 21,500 linear feet of sanitary sewer VCP pipeline ranging from 6-inch to 48-inch diameter. This project included construction of two siphons, one of which involved coordination with the Metropolitan Water District, as well as inspection services for bore and jack construction. Other Services provided on this project included relocation of 30-inch diameter CMP storm drain and 12-inch PVC

laterals, as well as associated street improvements and rehabilitation.

- **Stuart Avenue Storm Drain Improvements,** *City of Redlands Public Works Department*-Mr. Enscoe performed construction inspection services for approximately 4,500 linear feet of RCP storm drain pipeline ranging from 18-inch diameter to 120-inch diameter and 700 linear feet of waterline improvements within Caltrans right-of-way. The inspection included storm drain installation, including manholes, junction structures, catch basins and connection to existing open channel.



NELSON BLACK, C.P.I.I.

Specialty Inspector

TKE Engineering, Inc.

EDUCATION

Special Inspection Certification and Training - Southwest Training and Calibration San Bernardino, Ca

CERIFICATIONS

ICC - Special Inspector, Soils, Reinforced Concrete, Reinforced Masonry and ACI Field Testing Technician Grade 1
CPII – Certified Public Infrastructure Inspector (CPII)

Mr. Blackwell has over 8 years of experience providing inspection services for capital projects to several agencies throughout Southern California. His services include but are not limited to site grading, sewer and waterline installation, street paving, American Disabilities Act (ADA) improvements, underground infrastructure, utilities installation, steel reinforcements, concrete and masonry, path/retaining walls, and parking lot installation. Additionally, he is skilled in understanding project plans and specifications, accessing applicable code, maintaining good and proper relationships with project stakeholders and contractors, and helping to prepare final project documents. Mr. Blackwell has prepared daily inspection reports, developed construction photo logs, verified compliance with contract documents and approved project submittals, and verified public safety compliance.

DETAILED PROJECT EXPERIENCE

- **Spyglass Reservoir Water Tank Replacement,** *Lake Arrowhead Community Services District* – Mr. Blackwell performed inspections for demolition of 300K Gallon steel water tank and construction of new 400K gallon concrete water tank.
- **District Corp Yard/Field Ops Facility,** *Lake Arrowhead Community Services District* – Mr. Blackwell performed inspections for all site construction activities including, but not limited to; Site grading, Underground utility installations, Parking lot construction, and Landscaping.
- **City Wide Pavement Rehabilitation Program,** *City of Moreno Valley* – Mr. Blackwell was the Senior Public Works Inspector for the Citywide Pavement Rehabilitation 2021/22 Project which included rehabilitation for 20 miles along various streets throughout the City of Moreno Valley. Mr. Blackwell provided daily inspection and monitoring to ensure construction of the project was in accordance with the approved plans and specifications. The project included pavement crack sealing, grinding and isolated removal areas along with construction of street widening with asphalt rubberized hot mix overlay over conventional hot mix asphalt base paving, pavement replacement, rubberized asphalt concrete overlay, slurry seal and asphalt concrete curb installation.
- **Boulder Ave Improvement Project,** *City of Highland* – Mr. Blackwell was the Senior Public Works Inspector for Boulder Avenue Improvement Project, a major collector street with 2 lanes each direction separated by a median. The project included removal of curb, gutter, asphalt concrete pavement, signage, striping and construction of PCC curbs, gutters, curb ramps, driveways, asphalt concrete pavement, irrigation, median curb, landscaping, hardscape, in-road bicycle detection, decorative way findings signs, street lighting, trail lighting, anti-graffiti coating, architectural treatment on existing sound wall and cape seal located on Boulder Avenue from Greenspot Road to San Manual Village Plaza (Highland Avenue).

- **I&I Projects – North Bay Slip Lining Phase 2,** *Lake Arrowhead Community Services District* **–** Providing inspection of slip lining rehabilitation for existing sewer mainline.

MIKE COUNCE

Electrical Specialty Inspector

TKE Engineering, Inc.

CERIFICATIONS

Electrical Journeyman's License, 2011
Certified Electrician, State of CA, 2011
ABC Apprenticeship Graduate 2011

Mr. Counce is certified journeyman electrician and has 17 years of commercial and residential experience. He is adept in performing electrical installations, maintenance and repairs in homes, schools, hospitals and plant facilities; knowledgeable in all areas of the national electrical code; and excels in analyzing and solving problems with various electrical controls and systems. His experience includes electrical systems and controls, installations and maintenance, electromechanical repairs, blueprints, schematics, generators, transformers, switches, circuit breakers, electrical code, safety, wiring diagrams, troubleshooting, testing instruments, motors and conduit.
Mr. Counce served as journeyman electrician or apprentice on more than 100 new home construction projects as well as dozens of major commercial projects. He earned a reputation for expertise in complex troubleshooting and problem resolution. He also gained extensive experience in analyzing and following manuals, schematic diagrams, blueprints and other specifications and mastering the use of measuring/testing instruments such as ammeters, ohmmeters, voltmeters and testing lamps.

DETAILED PROJECT EXPERIENCE

- **Regional Water Reclamation Program**, *Mission Springs Water District* – Mr. Counce serves as the Electrical Inspector assisting in oversight of all construction activities for the construction of the District's Regional Water Reclamation Program (RWRP). The RWRP includes planning, design, and construction of a regional wastewater treatment plant, interceptor conveyance system, and local wastewater collection systems. Mr. Counce is overseeing the electrical components of the RWRP, including: plan check and QA/QC on the design of electrical and P&ID systems, coordination on construction scheduling, and construction inspection of electrical, instrumentation, and security systems.
- **CV Sync Traffic Signal Synchronization,** *City of Palm Desert*- Mr. Counce serves as the Public Works/Electrical Inspector assisting in oversight of all construction activities for Phase 1 of the CV Sync project (Formerly CVAG TSSPP). This work involves plan review, coordination of construction scheduling, invoicing field work, local agency procedures and more. As the Local Agency inspector, Mr. Counce ensures adherence with applicable State and Federal requirements requiring familiarity with the CAMUTCD, Caltrans Standard Plans, Caltrans Construction Manual, Local Agency Procedures Manual and other applicable standards and documents. This project involves coordination and support across twelve agencies in the Coachella Valley. The project improvements include advanced traffic management systems (ATMS), advanced transportation controllers (ATC), selected Intelligent Transportation System (ITS) elements, ITS sub-systems, and Ethernet/IP-based communications that will be expandable and scalable for future integration of ITS technologies and strategies, such as Integrated Corridor Management

(ICM), Smart Cities, Connected and Autonomous Vehicles, a Regional Traffic Management Center (RTMC) and local Traffic Operation Centers (TOC).

- **Berg Electric Loma Linda University Medical Center**, City of *Loma Linda* – Mr. Counce served as a Certified Electrician on LLUMC 10-year capital-improvement program that addressed not only HVAC, ADA and seismic upgrades, but also space needs into the future. Bergelectric has supported LLUMC in its current construction of the $823 million dollar, tallest hospital in California, standing at 267 feet above ground, with 17 total stories (16 above ground), and the tallest building in San Bernardino County.
- **Berg Electric**, *Indian Wells*– Mr. Counce served as a Certified Electrician on Indian Wells Tennis Garden stadium renovation which required over 100,000 man hours from Bergelectric within a nine-month period. Additionally, a 200-person hospitality room, Front Box Club, satellite broadcast studio, fitness center, and club pro shop also made their debut for the 2017 BNP Paribas Open. Other renovations worth noting include a brand new media room, two-story office building for tournament management and staff, and additional commissaries to accommodate the new concessions.
- **Berg Electric**, City of *San Bernardino* – Mr. Counce served as a Certified Electrician on economic stimulus-related “green” projects. Install new or upgrade existing systems and equipment at major college facilities to achieve energy conservation goals.

C. FERNANDO ARAGÓN, M.S., P.E., G.E.

CIVIL ENGINEER, GEOTECHNICAL ENGINEER

EDUCATION

- Loyola Marymount University of Los Angeles, B.S., Civil Engineering
- University of California, Berkeley, M.S., Civil Engineering with emphasis in Geo Engineering

PROFESSIONAL REGISTRATIONS

- Registered Civil Engineer, California, No. 72277 [Exp. 6/30/22]
- Registered Geotechnical Engineer, California, No. 2994 [Exp. 6/30/22]
- California Department of Transportation, Certificate of Proficiency, Expires: 9/2019
- Governor's Office of Emergency Services – Disaster Services Worker – Volunteer

PROFESSIONAL AFFILIATIONS AND HONORS

- American Society of Civil Engineers
- ASTM International – Participating Member
- Member of Tau Beta Pi National Engineering Honor Society
- Member of Chi Epsilon National Civil Engineering Honor Society
- Association of Drilled Shaft Contractors (ADSC), The International Association of Foundation Drilling, 2004-2005 graduate student scholarship recipient
- University of California at Berkeley, 2004-2005 graduate fellowship

PROFESSIONAL HISTORY

1997-Present: **Aragón Geotechnical Inc.**, Riverside, California; Soils Technician (Laboratory and Field) to Engineering Assistant, Staff Engineer, Project Engineer to President.

5/2002-8/2002: **Kiewit Pacific Company**, Santa Fe Springs, California; Engineering Field Intern.

1996-1997: **Aragón Geotechnical Consultants, Inc.**, Riverside and Lake Arrowhead, California; Engineering Assistant; Soils Technician (Laboratory and Field.)

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www.aragongeo.com

C. Fernando Aragon
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EXPERIENCE SUMMARY

As a Field and Laboratory Technician for Aragón Geotechnical Consultants, Inc., and Aragón Geotechnical, Inc. inspected large and small grading projects; also, performed Laboratory soil mechanics tests, including: Moisture-density tests on "undisturbed" soil samples, Expansion Index tests, Consolidation and Hydro-collapse tests, Maximum-density/Optimum Moisture Content Determinations (Proctor), Atterberg Limits Determinations, and Grain-size Distribution Tests.

As a Field Engineering Intern for Kiewit Pacific Company, inspected the installation of materials at various construction sites; aided Mechanical and Civil Engineers with submittals; hired subcontractors for installation of various construction components at different projects, and surveyed and prepared "as built" pipelines profile plans.

Mr. Aragon has designed septic systems, drafted geologic maps, prepared boring logs and laboratory results, managed projects, overseen materials testing for the CCRL, AMRL and Caltrans approved laboratory, and prepared calculations for reports. Mr. Aragon has also managed all laboratory and field quality control and quality assurance services. Mr. Aragon has experience in slope stability, settlement analyses, liquefaction analyses, bearing capacity calculations, aggregate analyses, geotechnical investigation reports and recommendations.

Mr. Aragon has extensive experience in the field of pavement engineering, including experience with distressed pavement evaluations, pavement structural section design, hot asphalt concrete mix designs, cold recycled asphalt mix designs, quality control and quality assurance testing for hot asphalt concrete and cold recycled asphalt, and plan preparation and specifications for rehabilitation projects, including replacement of facilities and recycling of existing materials.

Mr. Aragón has been the quality control or quality assurance engineer on over 250 street improvement projects for cold in-place recycled asphalt, cold central plant recycled asphalt, soil stabilization and hot mix asphalt projects. As quality control engineer, reviewed submittals, presented as a Just-In-Time training Instructor, reviewed field and laboratory testing data and provided recommendations for on-site challenges during construction.

Mr. Aragón has been the Geotechnical Engineer on several utility improvement projects throughout the State of California including but not limited to stormdrains, waterlines, electrical lines, sewer lines, fiber optic lines and gas lines. Mr. Aragón has severed and continues to serve as an on-call Geotechnical Engineer to for contractors, municipal agencies and developers.

ARAGÓN GEOTECHNICAL, INC.

LINKTURE CONSULTING ENGINEERS

Over 25+ years Electrical Consulting Engineering experience in design, lead, and management in a wide variety of project types involving design of new construction, improvement and modernization of industrial, commercial, water treatment facilities, municipal projects, theme parks, high-end retail facilities, hotels, high-rise, K-12 schools, mixed-use development, residential, restaurants, office buildings, and parking structures.

William Blake, PE

Principal Electrical Engineer

Professional Licenses:

Registered Licensed California Professional Electrical Engineer (P.E.)
Registered professional electrical engineer licensed in state of Nevada, Texas, North Carolina, Colorado, Utah, Florida, Arizona, New York, Oregon, Illinois.

Education:

Bachelor of Science, Electrical Engineering
California State University, Fullerton

Key Skills:

- Managed and Lead Electrical project team for preparation of construction drawings.
- Review deliverables for technical content, drawing quality and adherence to code/project requirements.
- Provide oversight and assistance with equipment selection for building systems and devices.
- Personally conduct or delegate job-site inspections to ensure projects are adhering to specifications and design intent.
- Participate in review meetings.
- Maintain an overview of the project teams workload and commitment in order to successfully meet deadlines and balance resource utilization.
- Provided Power Distribution system analysis and load demand load analysis.
- Provide value engineering to Identify and capture opportunities for project savings from design solutions, and identification of alternative specs/standards that reduce life cycle costs.
- Construction management.
- Ensured that the drawing package comply with California Energy code Title-24.
- Perform field engineering, coordination, and commissioning.
- Coordinate with utility companies and obtaining the necessary electrical permit approvals.

LINKTURE CONSULTING ENGINEERS

Key Skills (cont'd):

- Strong management, leadership, analytical problem solving skills.
- Problem solving and multitasking.
- Team collaboration through Skype, Zoom, Microsoft Team, OneDrive, SharePoint, Box.
- Electronic plan review using Bluebeam.
- AUTOCAD (20 Years)
- Operational Knowledge of MS PowerPoint, MS Excel, MS Words, Windows, BlueBeam, Adobe Acrobat, BSD Speclink.
- Utilizing practical, proven design techniques to achieve efficient and cost-effective result designing:
  - Building Power Distribution systems
  - Emergency and Standby Power systems
  - UPS and Power Conditioning Systems
  - Lighting and System control design, photometric and Calculation
  - Applying National Electric Code, Building code
  - California Title 24 Energy Codes.
- Thorough knowledge and understanding of the following codes:
  - NFPA 70: National Electrical Code (NEC)
  - California Title 24 Energy Codes
  - California Building Code

Professional Affiliations:

- National Society of Professional Engineers (NSPE)
- National Fire Protection Association (NFPA)

LINKTURE CONSULTING ENGINEERS

Project Experience:

Water and wastewater treatment facilities, pumping stations, and other municipal facilities.

William's experience covers a wide scope of industries. Projects designed covers of the entire scope of commercial, hospitality, entertainment, theme parks, industrial, institutional, water and wastewater facilities, residential, mixed use, multi family, high rise. This list of following projects does not include all projects completed by William Blake. Projects shown are representative of the relevant experience types of projects completed within the water and wastewater facilities, and pumping stations category. With William's expertise across various fields, he manages to meet every challenge and achieve successful results.

The following is a list of prominent projects William has completed in category of water and wastewater facilities, and pumping stations.

North Hollywood West (NHW) Chlorination Station - LADWP
Location: 12403 West Vanowen St, Los Angeles, CA 91605.

Full Description: Design of capacity upgrade and expansion of Chlorination Station for LADWP. LADWP proposal to expand the treatment capacity of its existing North Hollywood West (NHW) Chlorination Station.
Services Performed: Electrical Design and engineering. Coordination with LADWP.
Agencies/Districts Coordinated with: Los Angeles Department of Water and Power.

Rinaldi-Toluca (RT) Chlorination Station - LADWP
Location: 11845 West Vose St, Los Angeles, CA 91605.

Full Description: Design for capacity upgrade and expansion of Chlorination Station for LADWP. LADWP proposal to expand the treatment capacity of its existing Rinaldi-Toluca (RT) Chlorination Station.
Services Performed: Electrical Design and engineering. Coordination with LADWP.
Agencies/Districts Coordinated with: Los Angeles Department of Water and Power.

New North Hollywood Central (NHC) Chlorination Station - LADWP
Location:6838 Hinds Ave, North Hollywood, CA 91605.

Full Description: Design for new Chlorination Station for LADWP. LADWP proposal to replace the existing North Hollywood Chlorination Station with the new North Hollywood Central (NHC) Chlorination Station.
Services Performed: Electrical Design and engineering. Coordination with LADWP.
Agencies/Districts Coordinated with: Los Angeles Department of Water and Power.

LINKTURE CONSULTING ENGINEERS

Additional Professional Experience:

Electrical Discipline Manger:

- Responsible for planning, coordinating, and directing all activities, projects, and personnel within electrical engineering discipline.
- Acted as a liaison both internally and externally for electrical engineering discipline services by interacting with MEP leadership, office leadership, project managers, personnel, clientele, consultants, and vendors.
- As an electrical engineer of record, provided technical review, quality control, stamping and signing of electrical drawings for capital projects listed below.
- Worked closely with clients, architects and other engineers and/or design team members as part of a dedicated and skilled team.
- Reviewed detailed design drawings, specifications, written reports, site observation reports, schedules etc. on a variety of projects within the electrical discipline
- Managed and Lead in-house Electrical department project team for preparation of construction drawings.
- Determine electrical personnel needs, by team and for each individual based upon the current and projected workload; collect information and feedback from managers including staffing recommendations and workload projections.
- Convey personnel needs to the Engineering Office Leader and participate in the recruitment, interviewing and selection of prospective candidates for senior professional and Technical level positions.
- Act as mentor for electrical department personnel by providing continuous assistance and support through professional training and career development.
- Build work plans associated with personnel development within discipline and review performance and work quality through evaluations that are conducted on a regular basis including formal annual and mid-year reviews; provide recognition for outstanding contributions as well as provide constructive criticism for areas of improvement.
- Administer salary and hourly compensation for electrical discipline personnel; provide recommendations on salary adjustments and approve personnel promotions and transfers.
- Review all discipline deliverables for technical content, drawing quality and adherence to code/project requirements so that they meet project program.
- Participate and lead discipline meetings and design reviews with discipline staff.
- Discuss discipline and project objectives, requirements and budgets with project managers and discipline staff.
- Establish design standards and procedures to manage the work staff as well as the project teams assisting in the review of quality assurance and quality control evaluations.
- Be active in community by attending, where appropriate, regional, and national seminars, conventions, and summits; collaborate with staff, project managers and Engineering Office Leaders to improve or develop new engineering methods to improve efficiency, technique, quality and dependability.
- Continued research and support publishing in trade journals to demonstrate passion and knowledge.
- Provide oversight and assistance with writing and editing of program documents, specifications and equipment selection for building systems and devices.

Patrick C. Sweeney

Mr. Sweeney has worked for over 30 years as a coating inspector and/or project manager verifying the quality of coating or lining inspection projects in water, wastewater, and petrochemical environments. Mr. Sweeney has been involved in over 1000 tank projects. He also routinely completes maintenance and corrosion surveys, develops specifications, and completes coating failure analysis. A partial listing of storage tank projects that he successfully completed follow:

Santa Clarita Valley Water Agency Inspector and/or Project Manager during the construction or maintenance of over 160 different steel water storage tank projects. These assignments included the development and implementation of a tank maintenance program following both dry and underwater surveys (over 200 dive inspections), work prioritization, budgeting, specification development, and in-process inspection services.

Eastern Municipal Water District - Mr. Sweeney acted as Project Manager and/or field inspector during the lining/painting of over 50 different water storage tanks and various wastewater facilities.

U.S. Department of Defense - Inspector for corrosion and coating evaluations of over 500 steel, concrete, and plastic storage tanks located throughout the Continental U.S., Hawaii, Alaska, Japan, Wake Island, & South Korea.

U.S. Department of Energy - Project Manager during the maintenance inspection and repair of five different steel storage tanks located at the Nevada Test Site (Areas 12, 24, 15, and 18).

City of Long Beach, CA - Inspector and/or Project Manager during the evaluation of 32 different steel water storage tanks, which included the development of a tank maintenance program following both dry and underwater surveys, work prioritization, and budgeting.

Honolulu International Airport, HI - Project Manager/Inspector during the assessment of 48 large capacity fuel storage tanks. The assignment included evaluations, engineering and design, and inspection services as part of a Master Tank Maintenance Plan.

U.S Navy - Project Manager during the relining of numerous welded steel storage tanks at over 86 different military installations throughout the world. Highlighted work includes the coating of the Red Hills Fuels Complex, Hawaii a facility listed as the third most significant engineering achievement in the U.S.

Mr. Sweeney has also been intimately involved in coating projects for clients such as Army Corp of Engineers, Golden Gate Bridge, Lawrence Livermore Laboratories, NASA, Disney, Southern California Edison, PG&E, Department of Water Resources, Grant County PUD, LA MTA Subway, British Petroleum, City of Carlsbad, Crystal Cruises, Trona Trainlines, City of San Diego, City of Simi Valley, Texaco, Sea World, Ramona MWD, LA DWP, City & County of San Francisco, Jet Propulsion Laboratory, Orange County Sanitation District, ExxonMobil, City of Bakersfield, City of Hayward, Port of San Diego, Shell Oil, Bechtel, Los Angeles County Sanitation District, Port of Long Beach, and others.

A more comprehensive listing, including a long form CV of other types of projects is available upon request.

Education

Bachelor of Science Degree, California State University at Los Angeles

Certifications

SSPC – Certified Protective Coatings Specialist #887-792-1267

NACE International – Certified Coatings Inspector Level III Certificate #4324

Instructor for NACE International Coating Inspector Program

SSPC – Certified Protective Coating Inspector (PCI) Level III #21886

SSPC – Certified Concrete Coating Inspector (CCI) Level III #94681

SSPC – Certified Master Coating Inspector (MCI) #MCI0031

Instructor for SSPC's PCI Program

Instructor for SSPC's C-1 "Fundamentals of Coating on Industrial Structures."

Instructor for SSPC's C-2 "Specifying and Managing Protective Coatings Projects."

SSPC-C3 Certified Supervisor for Deleading of Ind. Structures

SSPC-C7 Fundamentals of Dry Abrasive Blast Cleaning

Certified Linabond Copolymer Inspector

Certified Ameron T-Lock/Arrowlock Inspector

Associations

AWWA – Contributing author member D101 Revision Committee (Tank Evaluation & Inspection Standard)

Cal-Nev Multi-year Chairman of -Tanks, Reservoirs, & Structures Maintenance Committee and Corrosion Control Committee

SSPC SoCal/SoNev Chapter Chairman (2003 - 2022)

NACE International (CI Trustee)

Corporate Office • P.O. Box 801357 Santa Clarita California 91380 • 877.274.2422
Hawaiian Office • P.O. Box 671, Aiea, HI 96701
Northern California Office • P.O. Box 371, Sonoma, CA 95476
http://www.CSIServices.biz

SECTION D | DISCLOSURE

TKE has, and continues to, provide professional engineering, development, and plan checking services to the City of Banning, reporting to its Public Works Director, on previous CIP projects; such as the Lions Park ADA Upgrades and Barbour Street Water Main. Said professional services contracts were all awarded through a competitive, public procurement process. TKE does not have any additional business and personal relationships with any current Banning elected official, appointed official, City employee, or family member of any current Banning elected official, appointed official, or City employee to disclose. TKE does not have any conflicts of interest that would prohibit us from performing the requested construction management and inspection services.

SECTION E | EXPERIENCE AND REFERENCES

The projects below describe similar consulting work completed by our key staff members for other clients that shows how our team members meets the qualifications asked for in the Consultant Selection Criteria section of the RFP.

RESERVOIR SEISMIC UPGRADES PROJECT

City of San Bernardino Municipal Water Department, CA

Client Contact: Belal Tamimi
Phone Number: (909) 453-6182
Email: belal.tamimi@smbwd.org
Project Cost: $11.2M
Completion Date: Est. 2025

RELEVANCE TO THE CITY

- *Construction Management*
- *Resident Inspection and Specialty Inspection*
- *Construction Sequencing*
- *Environmental Compliance*
- *Grant Administration Assistance*
- *Coordination with Stakeholders and Residents*

DESCRIPTION

TKE is providing construction management and inspection services for the Reservoir Seismic Upgrades Project. The project consists of demolition, structural and seismic upgrades, yard piping, foundation, and drainage improvements, tank coatings, and disinfection of four existing steel reservoirs: Terrace No. 3, Sycamore No. 1, Del Rosa No. 3, and Devore. Each reservoir included a number of seismic and safety upgrades such as ring foundations, anchor chairs, wind girders, shell height extensions, shell reinforcement rings, saf-t-climb and fall protection grating. TKE is responsible for all resident and specialty inspections including concrete, soils, welding, structural, and coatings. In addition, TKE assisted with grant administration for both the Drinking Water SRF and FEMA Hazard Mitigation Grant Program.

SERVICES

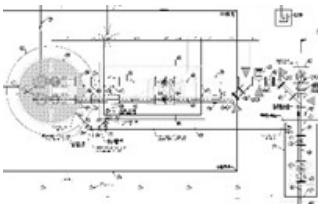
Services include construction management, inspection, materials testing, special inspections, environmental compliance monitoring, progress meetings, construction scheduling and sequencing, submittal review, coordination with agencies and stakeholders, State and Federal funding coordination, and project records management and close-out.

KEY STAFF

Terry Renner, P.E., L.S., Q.S.D., Steven Ledbetter, P.E., Shelby Kelley, P.E., Jeff Lantosh, C.P.I.I., Ralph Martinez

I-15 SEWER LIFT STATION AND WATER BOOSTER STATION

City of Hesperia, CA



Client Contact: Cassandra Sanchez
Phone Number: (760) 947-1000
Email: csanchez@cityofhesperia.us
Project Cost: $8.7M
Completion Date: Ongoing

RELEVANCE TO THE CITY

- *Preliminary Design Report*
- *Design and Construction of Mechanical Water Systems*
- *Identification of Appropriate Design Parameters*
- *Cost Estimating Experience*
- *Civil, Mechanical, Structural, Electrical Design and Construction Management*
- *Permitting*

DESCRIPTION

This project consists of the design and construction of a sewer lift station and water booster station to provide service to developments along the I-15 freeway corridor. Through a phased approach, TKE first developed a sewer and water feasibility study to serve the area; followed by preparing the design and contract documents for sewer conveyance, and water distribution and transmission systems; and the design and contract documents for the lift station and booster station. The lift station includes two 25 HP VFD submersible impeller pumps, wet well, piping, valves, manholes, electrical, motor control center and electrical building, and associated site improvements. The separate booster station, located at an existing reservoir site, includes three 250 HP VFD pumps, two 50 HP VFD pumps, one 20 HP pump, hydro-pneumatic system, piping, valves, electrical, prefabricated building, emergency generator (600 kW), and associated site improvements.

SERVICES

Services include preliminary engineering, opinion of probable cost, feasibility study with system alternatives, sewer and water hydraulic modeling analysis, design, topographic surveying, preparation of construction contract documents, bidding assistance, and construction management

KEY STAFF

Michael Thornton, P.E., L.S., Terry Renner, P.E., L.S., Q.S.D., Steven Ledbetter, P.E., Ron Musser, P.L.S., Shelby Kelley, P.E., Marvin Lara, E.I.T.

FOREBAY WATER BOOSTER FACILITY UPGRADE PROJECT

Yuima Municipal Water District, Pauma Valley, CA

Client Contact: Richard Williamson
Phone Number: (760)742-3704
Email: richard@yuimamwd.com
Project Cost: $3.2M
Completion Date: January 2021

RELEVANCE TO THE CITY

- *Design and Construction of Mechanical Water Systems*
- *Identification of Appropriate Design Parameters*
- *Cost Estimating Experience*
- *Construction Management and Inspection*

DESCRIPTION

The Forebay Water Booster Facility is being upgraded to increase the reliability of the equipment and to meet existing and future demands. The project consists of a new partially buried cast-in-place tank and four vertical turbine pumps (3 duty, 1 standby) from an existing supply line that provides water from a San Diego Water County Water Authority (SDCWA) aqueduct connection. A diesel engine generator and automatic transfer switch will provide backup power to the site in the event of a commercial power outage. The project involves removal of the existing 0.5 MG Forebay Storage Reservoir. The new pumping equipment will be located outdoors under a shade structure and controls will be located within a building. Other improvements include a standby power generator, precise grading and paving, site piping, electrical, instrumentation, and building structural.

SERVICES

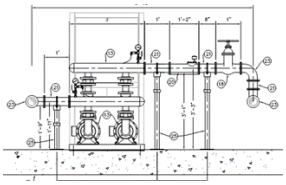
Services include specification preparation, coordination with agencies, permitting, bidding, construction management, construction staking, and inspection.

KEY STAFF

Terry Renner, P.E., L.S., Q.S.D., Steven Ledbetter, P.E., Ron Musser, P.L.S., Chance Renner, E.I.T.

ROWCO BOOSTER PUMP STATION

Running Springs Water District, CA



Client Contact: Mr. Ryan Gross
Phone Number: (909) 867-2766
Email: rgross@runningspringswd.com
Project Cost: $590,000
Completion Date: On-Going

RELEVANCE TO THE CITY

- *Preliminary Design*
- *Civil, Mechanical, Structural, and Electrical Design*
- *Booster Station and Reservoir Improvements*
- *Coordination with Vendors*
- *Permitting*
- *Utility Coordination and Verification*

DESCRIPTION

TKE was contracted to prepare the design (i.e., plans, specifications, and engineer's estimate) for relocating the existing ROWCO booter pump station. The existing station had reached its useful service life and required a replacement and relocation to accommodate future reservoir expansion at the site. The proposed booster station was required to meet a peak 300 gpm and 230 feet of head requirement, using variable frequency drives, to provide water supply to the higher-pressure zone. The design included hydraulic analysis to ensure demand would be met and avoid ancillary impacts (e.g., surging). Additionally, due to the mountain terrain, the new booster building was built into the side of the hill adjacent to the roadway. The project included coordination with the Southern California Edison and vendors.

SERVICES

Services include records research, coordination with agencies, vendors, and consultants, hydraulic analysis, design, cost estimating, technical and benefit cost analysis, SCADA design and integration, and permitting.

KEY STAFF

Terry Renner, P.E., L.S., Q.S.D., Steven Ledbetter, P.E., Shelby Kelley, P.E.., Ron Musser, P.L.S., Marvin Lara, E.I.T., Brad Enscoe

0.5 MG RESERVOIR AND MANGANESE TREATMENT PLANT

City of Huntington Park, CA

Client Contact: Mr. Sergio Palos
Phone Number: (323) 791-1043
Email: maywoodwater1@aol.com
Project Cost: $4.3M
Completion Date: August 2016

RELEVANCE TO THE CITY

- *Design and Construction of Booster and Water Treatment System*
- *Design and Construction Management*
- *Surveying and Construction Staking*
- *SRF Grant Management*

DESCRIPTION

The 0.5 MG Reservoir and Manganese Treatment Plant is located in the City of Huntington Park at the corporate yard of Maywood Mutual Water Company No. 1. The project consists of the demolition and reconstruction of a 35-foot wide by 70-foot-tall steel reservoir and the installation of a 1,500 gpm manganese filtration plant and booster station. The project includes site improvements and 45-feet deep caissons for structural foundation supports.

SERVICES

Services include records research, conventional topographic surveying, permitting, coordination with agencies, preliminary design, cost estimating, preparation of construction plans and specifications, bidding services, SRF grant management, construction administration, construction inspection, construction staking, and as-built verification.

KEY STAFF

Terry Renner, P.E., L.S., Q.S.D., Steven W. Ledbetter, P.E., Ron Musser, L.S., Brad Enscoe

REGIONAL WATER RECLAMATION PROGRAM MANAGEMENT

Mission Springs Water District, City of Desert Hot Springs, CA

Client Contact: Mr. Brian Macy
Phone Number: (760) 329-5169
Email: bmacy@mswd.org
Project Cost: $2,900,000
Completion Date: June 2023

RELEVANCE TO THE CITY

- Management of the Program from Inception to Completion
- Program Sequencing
- Value Engineering
- Managing Permitting
- Coordination with City, and County

DESCRIPTION

Mission Springs Water District (MSWD) retained TKE to prepare a preliminary engineering analysis that evaluated expanding an existing WWTP or building a new regional WWTP. Ultimately, MSWD selected to proceed with a new regional WWTP, the Regional Water Reclamation Facility (RWRF). Thereafter, TKE was retained to be the program manager for the for the development of the RWRF and associated projects. As program manager, TKE is responsible for coordinating the design, hydrogeological analysis, environmental compliance processing, and construction of the RWRF, a new Regional Conveyance Trunk Sewer to deliver wastewater to the RWRF, and the M-2 Collection System to connect 695 parcels to the sewer system for treatment by the RWRF. In addition, TKE is in charge of grant funding and permit acquisition. In 2022, TKE secured $68 million in grant funding for the project. The project includes coordination with the State Water Resource Control Board, Regional Water Quality Control Board, Air Quality Management District, other agencies, and other consultants.

SERVICES

Services include preliminary engineering, benefit-cost analysis, project planning and scoping, Board report preparation and presentations, prepare grant funding applications and management, preparation of wastewater flow projection report, technical report and design review, prepare RFPs, environmental compliance services, prepare right-of-way acquisition documents, provided program/project management, regulatory and stakeholder meetings and presentations, perform construction management and inspection.

KEY STAFF

Steven Ledbetter, P.E., Terry Renner, P.E., L.S., Q.S.D., Shelby Kelley, P.E., Jeff Lantosh, Ron Musser, L.S.

JURUPA HILLS LIFT STATION

Rubidoux Community Services District, Jurupa Valley, CA

Client Contact: Jeff Sims
Phone Number: (951) 684-7580
Email: jsims@rcsd.org
Project Cost: $450,000
Completion Date: December 2019

RELEVANCE TO THE CITY

- *Program Sequencing*
- *Force Main and Lift Station Design*
- *Small Tributary with Large Flow Rate Variation*
- *Similar Construction Elements to the Proposed Project*
- *Coordination with City and County*

DESCRIPTION

This project consists of the replacement of an existing 300 GPM lift station, site demolition and abandonments, electrical and backup power tie-ins, and easement document preparation at the Jurupa Hills Country Club Golf Course. TKE developed plans, specifications and estimates for installation of submersible pump on rail system with soft start features to reduce electrical power consumption and maximize pump efficiency.

SERVICES

Services include Preliminary Engineering, Opinion of Probable Cost, Planning System Alternatives, Sewer Hydraulic Modeling Analysis, Design, Topographic Surveying, Preparation of Plans, Specifications, and Estimates, Construction Management, Inspection and Construction Staking.

KEY STAFF

Michael Thornton, P.E., L.S., Steven Ledbetter, P.E., Terry Renner, P.E., L.S., Q.S.D., Ron Musser, L.S., Stephen Biscotti

AGENCY	CONTACT NAME	PHONE NUMBER / EMAIL ADDRESS	DATES SERVICES PROVIDED (FROM/THROUGH)
MISSION SPRINGS WATER DISTRICT 66575 2nd Street Desert Hot Springs, CA 92240	Mr. Brian Macy General Manager	p: (760) 329-5169 bmacy@mswd.org	2001-Present
CITY OF HESPERIA 9700 Seventh Avenue Hesperia, CA 92345	Ms. Cassandra Sanchez Deputy City Engineer	(760) 947-1028 csanchez@cityofhesperia.us	2016 – Present
SAN BERNARDINO MUNICIPAL WATER DEPARTMENT 1350 S E Street San Bernardino, CA 92408	Mr. Ted Brunson General Manager	(951) 453-6165 ted.brunson@sbmwd.org	2003 – Present
RUBIDOUX COMMUNITY SERVICE DISTRICT 3590 Rubidoux Boulevard, Rubidoux, CA 92509	Mr. Jeff Sims Assistant General Manager	(951) 684-7580 jsims@rcsd.org	2001 – Present

SECTION F | PRICE PROPOSAL (SUBMITTED SEPERATELY)

Per RFP price proposal will be submitted separately.

SECTION G | VALUE ADDED SERVICES (SUBMITTED SEPERATELY)

Per RFP value added services will be submitted separately.

SECTION H | EVIDENCE OF INSURANCE (SUBMITTED SEPERATELY)

Per RFP evidence of insurance will be submitted separately.

Prepared By:

TKE Engineering, Inc.
2305 Chicago Ave.
Riverside, CA, 92507

VI. Pricing Proposal

PRICING PROPOSAL, PER TASKS 1-15

Provide hourly rates, along with pricing in accordance with the City's current requirements, as set forth in the Scope of Work. [Also provide your firm's proposed Staffing Plan (subtasks, employee classification, hourly rate, hours assigned and total cost) on a separate sheet of paper.]

Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total
1	Construction Management Work Plan	1	Lump Sum	$15,600	$15,600
2	Project Coordination	1	Lump Sum	$61,040	$61,040
3	Pre- and Post-Project Photo and Video Documentation	1	Lump Sum	$6,040	$6,040
4	Maintain Document Management System	1	Lump Sum	$15,400	$15,400
5	Communication and Correspondence	1	Lump Sum	$16,160	$16,160
6	Construction Schedule Review and Monitoring	1	Lump Sum	$9,040	$9,040
7	Submittal Review Management	1	Lump Sum	$75,840	$75,840
8	Construction Monitoring, Observation, Inspection, and Testing	1	Lump Sum	$579,080	$579,080
9	NPDES Compliance	1	Lump Sum	$10,640	$10,640
10	Request for Information (RFI) Management	1	Lump Sum	$27,320	$27,320
11	Change Order (CO) Management	1	Lump Sum	$22,360	$22,360
12	Management of Progress Payments	1	Lump Sum	$14,160	$14,160
13	Claims and Disputes Review	1	Lump Sum	$19,160	$19,160
14	Project Closeout Coordination	1	Lump Sum	$25,840	$25,840
15	Record Drawings Review	1	Lump Sum	$13,200	$13,200
TOTAL					$910,880

OPTIONAL TASK

Proposer should use a separate form to state pricing for any added value.

Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total
1	Additional Services TBD by consultant if necessary	1	Lump Sum	$9,109	$9,109
TOTAL					$919,989

City of Banning

Booster Stations Construction Management & Inspection Services (RFP-24-069)

Consulting Engineering Fee

Task No.	Task	Principle In Charge Hours	Principle In Charge $	Construction Manager Hours	Construction Manager $	Resident Engineer Hours	Resident Engineer $	Assistant Resident Engineer Hours	Assistant Resident Engineer $	Resident Inspector / Specialty Inspector Hours	Resident Inspector / Specialty Inspector $	Clerical Hours	Clerical $	Subconsultants[3.] $	Total $
Scope of Services															
Task 1	Construction Management Work Plan	4	$ 720	12	$ 2,040	24	$ 4,080	48	$ 7,680		$ -	12	$ 1,080		$ 15,600
Task 2	Project Coordination	12	$ 2,160	64	$ 10,880	128	$ 21,760	128	$ 20,480		$ -	64	$ 5,760		$ 61,040
Task 3	Pre-and Post-Project Photo and Video Documentation		$ -	4	$ 680	8	$ 1,360	16	$ 2,560		$ -	16	$ 1,440		$ 6,040
Task 4	Maintain Document Management System		$ -	8	$ 1,360	16	$ 2,720	64	$ 10,240		$ -	12	$ 1,080		$ 15,400
Task 5	Communication and Correspondence	8	$ 1,440	16	$ 2,720	32	$ 5,440	32	$ 5,120		$ -	16	$ 1,440		$ 16,160
Task 6	Construction Schedule Review and Monitoring	4	$ 720	8	$ 1,360	12	$ 2,040	24	$ 3,840		$ -	12	$ 1,080		$ 9,040
Task 7	Submittal Review and Management[4.]	8	$ 1,440	60	$ 10,200	120	$ 20,400	240	$ 38,400		$ -	60	$ 5,400		$ 75,840
Task 8	Construction Monitoring, Observation, Inspection, and Testing		$ -	16	$ 2,720	32	$ 5,440	32	$ 5,120	2480	$ 334,800		$ -	$ 231,000	$ 579,080
Task 9	NPDES Compliance		$ -	8	$ 1,360	16	$ 2,720	32	$ 5,120		$ -	16	$ 1,440		$ 10,640
Task 10	Request for Information (RFI) Management	8	$ 1,440	20	$ 3,400	40	$ 6,800	80	$ 12,800	8	$ 1,080	20	$ 1,800		$ 27,320
Task 11	Change Order (CO) Management	8	$ 1,440	16	$ 2,720	32	$ 5,440	64	$ 10,240	8	$ 1,080	16	$ 1,440		$ 22,360
Task 12	Management of Progress Payments		$ -	16	$ 2,720	16	$ 2,720	32	$ 5,120	16	$ 2,160	16	$ 1,440		$ 14,160
Task 13	Claims and Disputes Review	12	$ 2,160	24	$ 4,080	32	$ 5,440	40	$ 6,400		$ -	12	$ 1,080		$ 19,160
Task 14	Project Closeout Coordination	8	$ 1,440	12	$ 2,040	24	$ 4,080	40	$ 6,400	80	$ 10,800	12	$ 1,080		$ 25,840
Task 15	Record Drawings Review		$ -	12	$ 2,040	24	$ 4,080	24	$ 3,840	16	$ 2,160	12	$ 1,080		$ 13,200
	Subtotal:	72	$ 12,960	296	$ 50,320	556	$ 94,520	896	$ 143,360	2,608	$ 352,080	296	$ 26,640	$ 231,000	$ 910,880
														Reimbursables (@1%)[1.]:	$ 9,109
														Construction Management Total:	$ 919,989

Rates:

Principal In Charge	$ 180 /HR
Construction Manager	$ 170 /HR
Resident Engineer	$ 170 /HR
Assistant Resident Engineer	$ 160 /HR
Resident/Specialty Inspector	$ 135 /HR
Clerical	$ 90 /HR

Notes:

1.) Reimbursables Include Cost for Prints, Copies, Mileage, Etc.

2.) Assumes Construction Period of 270 Working Days per the RFP

3.) Subconsultant Fees for Materials Testing, Coating Inspection, and Electrical

4.) Assumes 120 Submittals

TKE Engineering, Inc.

AGREEMENT FOR PROFESSIONAL SERVICES (C01056) FOR BOOSTER STATIONS CONSTRUCTION AND INSPECTION SERVICES BY AND BETWEEN CITY OF BANNING AND TKE ENGINEERING, INC.

THIS AGREEMENT FOR PROFESSIONAL SERVICES (herein "Agreement") is made and entered into this day: _____, ("Effective Date") by and between the **CITY OF BANNING,** a California municipal corporation ("City") and **TKE ENGINEERING, INC**., a California corporation, ("Consultant"). City and Consultant are sometimes hereinafter individually referred to as "Party" and hereinafter collectively referred to as the "Parties."

RECITALS

A. City has sought by issuance of a Request for Proposals, RFP#24-069, for the performance of the Construction Management & Inspection Services for the Booster Stations and as further defined and described particularly in Article 1 of this Agreement.

B. Consultant, following submission of a proposal for the performance of the services defined and described particularly in Article 1 of this Agreement, was selected by City to perform those services.

C. The Parties desire to formalize the selection of Consultant for performance of those services defined and described particularly in Article 1 of this Agreement and desire that the terms of that performance be as particularly defined and described herein.

D. Pursuant to the City of Banning's Municipal Code, City has authority to enter into this Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants made by the Parties and contained herein and other consideration, the value and adequacy of which are hereby acknowledged, the Parties agree as follows:

ARTICLE 1. SERVICES OF CONSULTANT

1.1 Scope of Services.

In compliance with all terms and conditions of this Agreement, Consultant shall provide those services specified in the "Scope of Services" attached hereto as **Exhibit A** and incorporated herein by this reference, which services may be referred to herein as the "Services" hereunder. As a material inducement to City entering into this Agreement, Consultant represents and warrants that it has the qualifications, experience, and facilities necessary to properly perform the Services required under this Agreement in a thorough, competent, and professional manner, and is experienced in performing the Services contemplated herein. Consultant shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all Services described herein. Consultant covenants that it shall follow the highest professional standards in performing the Services required hereunder and that all materials will be of good quality, and fit for the purpose intended. For purposes of this Agreement, the phrase "highest professional

standards" shall mean those standards of practice recognized by one or more first-class firms performing similar work under similar circumstances.

1.2 Contract Documents and Exhibits.

This Agreement includes the Request for Proposal and Consultant's accepted proposal ("Contract Documents"), both of which are on file with the City and incorporated herein by this general reference as though fully set forth herein. **Exhibit A** (Scope of Services), **Exhibit B** (Special Requirements), **Exhibit C** (Schedule of Compensation), and **Exhibit D** (Schedule of Performance) also constitute a part of this Agreement and are incorporated into this Agreement by this reference. Except as set forth in Section 1.10 regarding **Exhibit B**, this Agreement controls over the Contract Documents and the provisions in **Exhibits A, B** and **C**.

1.3 Compliance with Law.

Consultant shall keep itself informed concerning all ordinances, resolutions, statutes, rules, and regulations of City and any Federal, State or local governmental entity having jurisdiction in effect at the time service is rendered, and shall render all Services hereunder in accordance therewith.

1.4 Licenses, Permits, Fees and Assessments.

Consultant shall obtain and maintain during the term of this Agreement, at its sole cost and expense, all necessary licenses, permits, certificates and approvals required by law for the performance of Services under this Agreement, including a City business license. Consultant shall have the sole obligation to pay for all fees, assessments and taxes, plus applicable penalties and interest, which may be imposed by law and which arise from or are necessary for Consultant's performance of the Services required by this Agreement. Consultant shall indemnify, defend and hold harmless City, its officers, employees or agents, against all such fees, assessments, taxes, penalties or interest levied, assessed or imposed against City hereunder.

1.5 Familiarity with Services.

By executing this Agreement, Consultant warrants that Consultant: (i) has thoroughly investigated and considered the Scope of Services to be performed, (ii) has carefully considered how the Services should be performed, and (iii) fully understands the facilities and any difficulties and restrictions attending performance of the Services under this Agreement. If the Services involve work upon any site, Consultant warrants that Consultant has or will investigate the site and is or will be fully acquainted with the conditions existing therein, prior to commencement of Services hereunder. Should Consultant discover any latent or unknown conditions, which will materially affect the performance of the Services hereunder, Consultant shall immediately inform City of such fact and shall not proceed except at Consultant's risk until written instructions are received from the Contract Officer (defined in Section 1.12. A).

1.6 Prevention of Loss and Damages.

Consultant shall adopt reasonable methods during the Term (defined in Section 3.4) to furnish continuous protection to the work product, and the equipment, materials, papers,

documents, plans, studies and/or other components thereof to prevent losses or damages, and shall be responsible for all such damages, to persons or property, until acceptance of the Services by City, except such losses or damages as may be caused by City's own negligence.

1.7 Further Responsibilities of Parties.

Both Parties agree to use reasonable care and diligence to perform their respective obligations under this Agreement. Both Parties agree to act in good faith to execute all instruments, prepare all documents and take all actions as may be reasonable necessary to carry out the purposes of this Agreement. Unless hereafter specified, neither Party shall be responsible to perform the Services of the other.

1.8 Additional Services.

City shall have the right at any time during the performance of the Services, without invalidating this Agreement, to order extra services beyond that specified in the Scope of Services or to make changes by altering, adding to or deducting from the Services. No such extra services may be undertaken unless a written order is first given by the Contract Officer to Consultant, which written order incorporates therein an adjustment in (i) the Contract Sum (as defined in Section 2.1), and/or (ii) the Schedule of Performance, (as defined in Section 3.2), and which written order is approved in writing by Consultant. Any increase in compensation of up to ten percent (10%) of the Contract Sum, or $25,000, whichever is less; or in the Schedule of Performance of up to one hundred eighty (180) days may be approved by the Contract Officer. Any greater increases, taken either separately or cumulatively, must be approved by City Council. It is expressly understood by Consultant that the provisions of this Section shall not apply to Services which are specifically set forth in the Scope of Services or which are reasonably contemplated therein. Consultant hereby acknowledges that it accepts the risk that the Services to be provided pursuant to the Scope of Services may be more costly or time consuming than Consultant anticipates and that Consultant shall not be entitled to additional compensation therefor.

1.9 Facilities and Equipment.

Except as otherwise provided, Consultant shall, at its own cost and expense, provide all facilities and equipment necessary to perform the Services required by this Agreement. City shall make available to Consultant only physical facilities such as desks, filing cabinets, and conference space ("City Facilities"), as City deems, in its sole discretion, to be reasonably necessary for Consultant's use while consulting with City employees and reviewing records and the information in possession of City. The location, quality, and time of furnishing City Facilities shall be in the sole discretion of City. In no event shall City be required to furnish any facilities that may involve incurring any direct expense, including but not limited to a computer, long distance telephone, network data, internet or other communication charges, vehicles and reproduction facilities.

1.10 Special Requirements.

Additional terms and conditions of this Agreement, if any, which are made a part hereof are set forth in the "Special Requirements" attached hereto as **Exhibit B** and incorporated herein by this reference. In the event of a conflict between the provisions of **Exhibit B** and any other provisions of this Agreement, the provisions of **Exhibit B** shall govern.

1.11 Corrections.

In addition to the indemnification obligations set forth in Article 4, and Sections 1.4, 1.13, 5.3, 5.4, and 6.3, Consultant shall correct, at its expense, all errors in the Services which may be disclosed during City's review of Consultant's report or plans. Should Consultant fail to make such correction(s) in a reasonably timely manner, such correction(s) may be made by City, and the cost thereof shall be charged to Consultant. In addition to all other available remedies, City may deduct the cost of such correction(s) from any retention amount held by City, or may withhold payment otherwise owed Consultant under this Agreement up to the amount of the cost of correction(s), as provided in Section 6.3.

1.12 Party Representatives.

A. Contract Officer: For the purposes of this Agreement, the Contract Officer shall be the City Manager, or such other person designated in writing by the City Manager ("Contract Officer"). Unless otherwise specified herein, any approval of City required hereunder shall mean the approval of the Contract Officer. The Contract Officer shall have authority, if specified in writing by the City Manager, to sign all documents on behalf of City required hereunder to carry out the terms of this Agreement.

B. Principals and Personnel of Consultant.

1) Consultant Representative: The following principal of Consultant is hereby designated as being the Consultant Representative authorized to act on Consultant's behalf regarding the Services specified herein and make all decisions in connection therewith:

Name	Title
Steven W. Ledbetter	Vice President

It is expressly understood that the experience, knowledge, capability and reputation of the foregoing Consultant Representative were a substantial inducement for City to enter into this Agreement. Therefore, the foregoing Consultant Representative shall be responsible during the term of this Agreement for directing all activities of Consultant and devoting sufficient time to personally supervise the Services hereunder. All personnel of Consultant, and any authorized agents, shall at all times be under the exclusive direction and control of the Consultant Representative. For purposes of this Agreement, the foregoing Consultant Representative may not be replaced nor may their responsibilities be substantially reduced or reassigned by Consultant without the express written approval of City. It shall be Consultant's responsibility to assure that the Contract Officer is kept informed of the progress of the performance of the Services, and Consultant shall refer any decisions which must be made by City to the Contract Officer.

2) Consultant's Personnel: Consultant has, or will secure at its own expense, all personnel required to perform the Services required under this Agreement. All of the Services required under this Agreement shall be performed by Consultant or under its supervision, and all personnel engaged in the Services shall be qualified to perform such Services. Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff and sub-contractors, if any, assigned to perform the Services required under this Agreement.

Consultant shall notify City of all changes in Consultant's staff and sub-contractors, if any, assigned to perform the Services required under this Agreement, prior to and during any such performance. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires to reassign any staff or sub-contractor of Consultant, City shall give notice as set forth in Section 8.1. Consultant shall, immediately upon the receipt of the notice to re-assign staff from City, reassign such person or persons.

1.13 Independent Contractor.

A. Consultant is an independent contractor and not an employee of City. Consultant shall have no power to incur any debt, obligation, or liability on behalf of City. All Services provided pursuant to this Agreement shall be performed by Consultant or under its supervision. Consultant will determine the means, methods, and details of performing the Services. Any additional personnel performing Services under this Agreement on behalf of Consultant shall also not be employees of City and shall at all times be under Consultant's exclusive direction and control. Consultant shall pay all wages, salaries, and other amounts due such personnel in connection with their performance of Services under this Agreement and as required by law. Consultant shall be responsible for all reports and obligations respecting such additional personnel, including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation insurance.

B. Consultant shall indemnify and hold harmless City and its elected officials, officers, employees, servants, designated volunteers, and agents serving as independent contractors in the role of City officials, from any and all liability, damages, claims, costs and expenses of any nature to the extent arising from Consultant's personnel practices. City shall have the right to offset against the amount of any fees due to Consultant under this Agreement any amount due to City from Consultant as a result of Consultant's failure to promptly pay to City any reimbursement or indemnification arising under this Section.

1.14 Prohibition Against Subcontracting or Assignment.

The experience, knowledge, capability and reputation of Consultant, the Consultant Representative and employees were a substantial inducement for City to enter into this Agreement. Therefore, Consultant shall not contract with any other entity to perform in whole or in part the Services required hereunder without the express written approval of City. In addition, neither this Agreement nor any interest herein may be transferred, assigned, conveyed, hypothecated or encumbered voluntarily or by operation of law, whether for the benefit of creditors or otherwise, without the prior written approval of City. Transfers restricted hereunder shall include the transfer to any person or group of persons acting in concert of more than twenty-five percent (25%) of the present ownership and/or control of Consultant, taking all transfers into account on a cumulative basis. In the event of any such unapproved transfer, including any bankruptcy proceeding, this

Agreement shall be void. No approved transfer shall release Consultant or any surety of Consultant of any liability hereunder without the express consent of City.

ARTICLE 2. COMPENSATION AND METHOD OF PAYMENT.

2.1 Contract Sum.

Subject to any limitations set forth in this Agreement, as full compensation for Services satisfactorily rendered, City shall pay Consultant at the hourly rates set forth in the "Schedule of Compensation" attached hereto as **Exhibit C** and incorporated herein by this reference. In no event shall Consultant be paid more than Nine Hundred Ten Thousand Eight Hundred Eighty Dollars ($910,880.00) (the "Contract Sum"). The Contract Sum shall include the attendance of Consultant at all project meetings reasonably deemed necessary by City. Coordination of the performance of the Services with City is a critical component of the Services. If Consultant is required to attend additional meetings to facilitate such coordination, Consultant shall not be entitled to any additional compensation for attending those meetings.

2.2 Method of Compensation.

The method of compensation may include: (i) a lump sum payment upon completion of the Services, (ii) payment in accordance with specified tasks or the percentage of completion of the Services, (iii) payment for time and materials based upon Consultant's rates as specified in the Schedule of Compensation, provided that time estimates are provided for the performance of sub tasks, but not exceeding the Contract Sum or (iv) such other methods as may be specified in the Schedule of Compensation.

2.3 Reimbursable Expenses.

City shall only reimburse Consultant for those actual and necessary expenses expressly set forth in **Exhibit C**. Reimbursable expenses may include reimbursement for actual and necessary expenditures for reproduction costs, telephone expenses, and travel expenses approved by the Contract Officer in advance, or actual sub-contractor expenses of an approved sub-contractor pursuant to Section 1.14, and only if specified in the Schedule of Compensation.

2.4 Unauthorized Services and Expenses.

City will not pay for any Services or reimburse for any expenses incurred which are not specified in the Scope of Services, unless authorized in writing as set forth in Section 1.8 of this Agreement. City shall make payment for such authorized additional Services and expenses in accordance with Article 2 of this Agreement.

2.5 Invoices.

Each month Consultant shall furnish to City an original invoice for all Services performed and expenses incurred during the preceding month. Each such invoice shall contain all of the information set forth in Section III of **Exhibit C** to this Agreement. By submitting an invoice for payment under this Agreement, Consultant is certifying compliance with all provisions of the

Agreement. Consultant shall not invoice City for any duplicate Services performed by more than one person.

City shall independently review each invoice submitted by Consultant to determine whether the Services performed and expenses incurred are in compliance with the provisions of this Agreement. City will use its best efforts to cause Consultant to be paid within thirty (30) days of receipt of Consultant's correct and undisputed invoice, except as to any charges for Services performed or expenses incurred by Consultant which are disputed by City, or as provided in Section 6.3. In the event any charges or expenses are disputed by City, the original invoice shall be returned by City to Consultant for correction and resubmission. Review and payment by City of any invoice provided by Consultant shall not constitute waiver of any rights or remedies provided herein or any applicable law.

2.6 Waiver.

Payment to Consultant for Services performed pursuant to this Agreement shall not be deemed to waive any defects in Services performed by Consultant.

ARTICLE 3. PERFORMANCE SCHEDULE

3.1 Time of Essence.

Time is of the essence in the performance of this Agreement; provided, however, that the foregoing shall not be construed to limit or deprive a Party of the benefits of any grace or use period allowed in this Agreement.

3.2 Schedule of Performance.

Consultant shall commence the Services pursuant to this Agreement upon receipt of a written notice to proceed and shall perform all Services within the time period(s) established in the "Schedule of Performance" attached hereto as **Exhibit D** and incorporated herein by this reference.

3.3 Force Majeure.

The time period(s) specified in the Schedule of Performance for performance of the Services rendered pursuant to this Agreement may be extended because of any delays due to unforeseeable causes beyond the control and without the fault or negligence of Consultant. Such unforeseeable consequences include, but are not restricted to, acts of God or public enemy, unusually severe weather, fires, earthquakes, floods, epidemics, quarantine restrictions, riots, strikes, freight embargoes, wars, litigation, and/or acts of any governmental agency, including City, if Consultant shall within ten (10) days of the commencement of such delay notify the Contract Officer in writing of the causes of the delay. The Contract Officer shall ascertain the facts and the extent of delay, and extend the time for performing the Services for the period of the enforced delay when and if in the judgment of the Contract Officer such delay is justified, subject to the provisions of Section 1.8. The Contract Officer's determination (or the City Council's determination, in the event the period of enforced delay exceeds the period specified in Section 1.8) shall be final and conclusive upon the Parties to this Agreement. In no event shall Consultant

be entitled to recover damages against City for any delay in the performance of this Agreement, however caused; Consultant's sole remedy shall be the extension of the Agreement pursuant to this Section.

3.4 Term.

The Term of this Agreement shall be from the Effective Date through December 31, 2025, unless sooner terminated as provided in Article 6 of this Agreement or extended as provided in Sections 1.8 and 3.3 of this Agreement. Maximum term and any subsequent amendment or modification shall not exceed five (5) years.

ARTICLE 4. INSURANCE AND INDEMNIFICATION

4.1 Minimum Scope and Limits of Insurance.

Consultant shall procure and at all times during the term of this Agreement carry, maintain, and keep in full force and effect, insurance as follows:

A. Commercial General Liability Insurance with a minimum limit of $1,000,000.00 per occurrence for bodily injury, personal injury and property damage and a general aggregate limit of $2,000,000.00 per project or location. If Consultant is a limited liability company, the commercial general liability coverage shall be amended so that Consultant and its managers, members, affiliates, employees, agents and other persons necessary or incidental to its operation are insureds.

B. Automobile Liability Insurance for any owned, non-owned or hired vehicle used in connection with the performance of this Agreement with a combined single limit of $1,000,000.00 per accident for bodily injury and property damage. If Consultant does not use any owned, non-owned or hired vehicles in the performance of Services under this Agreement, Consultant shall obtain a non-owned auto endorsement to the Commercial General Liability policy.

C. Workers' Compensation Insurance as required by the State of California and Employer's Liability Insurance with a minimum limit of $1,000,000.00 per accident for bodily injury or disease. If Consultant has no employees while performing Services under this Agreement, workers' compensation policy is not required; however, Consultant shall execute a declaration that it has no employees.

D. Professional Liability/Errors and Omissions Insurance with minimum limits of $1,000,000.00 per claim and in the aggregate.

4.2 Acceptability of Insurers.

The insurance policies required under this Article shall be issued by an insurer admitted to write insurance in the State of California with a rating of A:VII or better in the latest

edition of the A.M. Best Insurance Rating Guide. Self-insurance shall not be considered to comply with the insurance requirements under this Article.

4.3 Additional Insured.

The commercial general and automobile liability policies shall contain an endorsement naming City, its officers, employees, agents and volunteers as additional insureds.

4.4 Primary and Non-Contributing.

The insurance policies required under this Article shall apply on a primary non-contributing basis in relation to any other insurance or self-insurance available to City. Any insurance or self-insurance maintained by City, its officers, employees, agents or volunteers, shall be in excess of Consultant's insurance and shall not contribute with it.

4.5 Consultant's Waiver of Subrogation.

The insurance policies required under this Article shall not prohibit Consultant and Consultant's employees, agents or sub-contractors from waiving the right of subrogation prior to a loss. Consultant hereby waives all rights of subrogation against City.

4.6 Deductibles and Self-Insured Retentions.

Any deductibles or self-insured retentions must be declared to and approved by City. At City's option, Consultant shall either reduce or eliminate the deductibles or self-insured retentions with respect to City; or Consultant shall procure a bond guaranteeing payment of losses and expenses.

4.7 Cancellations or Modifications to Coverage.

Consultant shall not cancel, reduce or otherwise modify the insurance policies required by this Article during the term of this Agreement. The commercial general and automobile liability policies required under this Agreement shall be endorsed to state that should the issuing insurer cancel the policy before the expiration date, the issuing insurer will endeavor to mail 30 days' prior written notice to City. If any insurance policy required under this Article is canceled or reduced in coverage or limits, Consultant shall, within two (2) Business Days (as defined in Section 8.12) of notice from the insurer, phone, fax or notify City via certified mail, return receipt requested, of the cancellation of or changes to the policy.

4.8 City Remedy for Noncompliance.

If Consultant does not maintain the policies of insurance required under this Article in full force and effect during the term of this Agreement, or in the event any of Consultant's policies do not comply with the requirements under this Article, City may either immediately terminate this Agreement or, if insurance is available at a reasonable cost, City may, but has no duty to, take out the necessary insurance and pay, at Consultant's expense, the premium thereon. Consultant shall promptly reimburse City for any premium paid by City, or City may withhold amounts sufficient to pay the premiums from payments due to Consultant.

4.9 Evidence of Insurance.

Prior to the performance of Services under this Agreement, Consultant shall furnish the City Clerk with a certificate or certificates of insurance and all original endorsements evidencing and effecting the coverages required under this Article. The endorsements are subject to City's approval. Consultant may provide complete, certified copies of all required insurance policies to City. Consultant shall maintain current endorsements on file with the City Clerk. Consultant shall provide proof to the City Clerk that insurance policies expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Consultant shall furnish such proof at least two (2) weeks prior to the expiration of the coverages.

4.10 Indemnity Requirements not Limiting.

Procurement of insurance by Consultant shall not be construed as a limitation of Consultant's liability or as full performance of Consultant's duty to indemnify City under this Agreement.

4.11 Sub-contractor Insurance Requirements.

Consultant shall require each of its sub-contractors that perform Services under this Agreement to maintain insurance coverage that meets all of the requirements of this Article.

4.12 Indemnification, Hold Harmless, and Duty to Defend.

A. Indemnification of City.

1) To the fullest extent permitted by law, Consultant shall, at its sole cost and expense, defend, hold harmless and indemnify City and its elected officials, officers, attorneys, agents, employees, designated volunteers, successors, assigns and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees"), from and against any and all damages, costs, expenses, liabilities, claims, demands, causes of action, proceedings, expenses, judgments, penalties, liens, and losses of any nature whatsoever, including fees of accountants, attorneys, or other professionals and all costs associated therewith and the payment of all consequential damages (collectively "Liabilities"), at law or in equity, whether actual, alleged or threatened, which arise out of, are claimed to arise out of, pertain to, or relate to the acts or omissions of Consultant, its officers, agents, servants, employees, sub-contractors, materialmen, consultants or their officers, agents, servants or employees (or any entity or individual that Consultant shall bear the legal liability thereof) in the performance of this Agreement, including the Indemnitees' active or passive negligence, except for Liabilities arising from the sole negligence or willful misconduct of the Indemnitees as determined by court decision or by the agreement of the Parties. Consultant shall defend the Indemnitees in any action or actions filed in connection with any Liabilities with counsel of the Indemnitees' choice, and shall pay all costs and expenses, including all attorneys' fees and experts' costs actually incurred in connection with such defense. Consultant shall reimburse the Indemnitees for any and all legal expenses and costs incurred by Indemnitees in connection therewith.

2) Consultant shall pay all required taxes on amounts paid to Consultant under this Agreement, and indemnify and hold City harmless from any and all taxes, assessments, penalties, and interest asserted against City by reason of the independent contractor relationship created by this Agreement. Consultant shall fully comply with the workers' compensation law regarding Consultant and Consultant's employees. Consultant shall indemnify and hold City harmless from any failure of Consultant to comply with applicable workers' compensation laws. City may offset against the amount of any fees due to Consultant under this Agreement any amount due to City from Consultant as a result of Consultant's failure to promptly pay to City any reimbursement or indemnification arising under this subparagraph A.2.

3) Consultant shall obtain executed indemnity agreements with provisions identical to those in this Article from each and every sub-contractor or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. If Consultant fails to obtain such indemnity obligations, Consultant shall be fully responsible and indemnify, hold harmless and defend the Indemnitees from and against any and all Liabilities at law or in equity, whether actual, alleged or threatened, which arise out of, are claimed to arise out of, pertain to, or relate to the acts or omissions of Consultant's sub-contractor, its officers, agents, servants, employees, sub-contractors, materialmen, consultants or their officers, agents, servants or employees (or any entity or individual that Consultant's sub-contractor shall bear the legal liability thereof) in the performance of this Agreement, including the Indemnitees' active or passive negligence, except for Liabilities arising from the sole negligence or willful misconduct of the Indemnitees as determined by court decision or by the agreement of the Parties.

B. Workers' Compensation Acts not Limiting. Consultant's indemnifications and obligations under this Article, or any other provision of this Agreement, shall not be limited by the provisions of any workers' compensation act or similar act. Consultant expressly waives its statutory immunity under such statutes or laws as to City, its officers, agents, employees and volunteers.

C. Insurance Requirements not Limiting. City does not, and shall not, waive any rights that it may possess against Consultant because of the acceptance by City, or the deposit with City, of any insurance policy or certificate required pursuant to this Agreement. The indemnities in this Article shall apply regardless of whether or not any insurance policies are determined to be applicable to the Liabilities, tax, assessment, penalty or interest asserted against City.

D. Survival of Terms. Consultant's indemnifications and obligations under this Article shall survive the expiration or termination of this Agreement.

ARTICLE 5. RECORDS, REPORTS, AND RELEASE OF INFORMATION

5.1 Service Records.

Consultant shall keep, and require sub-contractors to keep, such ledgers, books of accounts, invoices, vouchers, canceled checks, reports, studies or other documents relating to the disbursements charged to City and Services performed hereunder (the "Service Records"), as shall be necessary to perform the Services required by this Agreement and enable the Contract Officer

to evaluate the performance of such Services. Any and all such Service Records shall be maintained in accordance with generally accepted accounting principles and shall be complete and detailed. The Contract Officer shall have full and free access to such Service Records at all times during normal business hours of City, including the right to inspect, copy, audit and make copies and transcripts from such Service Records. Such Service Records shall be maintained for a period of three (3) years following completion of the Services hereunder, and City shall have access to such Service Records in the event any audit is required. In the event of dissolution of Consultant's business, custody of the Service Records may be given to City, and access shall be provided by Consultant's successor in interest ("Consultant's Successor"). If custody of the Service Records is given to Consultant's Successor, Consultant shall give written notice to City of the transfer of the Service Records to Consultant's Successor. The notice shall include contact information (address and telephone number) for Consultant's Successor, and access shall be provided to City by Consultant's Successor.

5.2 Reports.

Consultant shall periodically prepare and submit to the Contract Officer such reports concerning the performance of the Services required by this Agreement as the Contract Officer shall require. Consultant hereby acknowledges that City is greatly concerned about the cost of Services to be performed pursuant to this Agreement. For this reason, Consultant agrees that if Consultant becomes aware of any facts, circumstances, techniques, or events that may or will materially increase or decrease the cost of the Services contemplated herein, Consultant shall promptly notify the Contract Officer of that fact, circumstance, technique or event and the estimated increased or decreased cost related thereto.

5.3 Ownership of Documents.

All drawings, specifications, maps, designs, photographs, studies, surveys, data, notes, computer files, reports, records, documents and other materials (the "Consultant Documents") prepared by Consultant, its employees, sub-contractors and agents in the performance of this Agreement shall be the property of City and shall be delivered to City upon request of the Contract Officer or upon the termination of this Agreement. Consultant shall have no claim for further employment or additional compensation as a result of the exercise by City of its full rights of ownership use, reuse, or assignment of the Consultant Documents hereunder. Any use, reuse or assignment of such completed Consultant Documents for other projects and/or use of uncompleted Consultant Documents without specific written authorization by Consultant will be at City's sole risk and without liability to Consultant, and Consultant's guarantee and warranties shall not extend to such use or assignment. Consultant may retain copies of such Consultant Documents for its own use. Consultant shall have an unrestricted right to use the concepts embodied therein. All sub-contractors shall provide for assignment to City of all Consultant Documents prepared by them; and in the event Consultant fails to secure such assignment, Consultant shall indemnify City for all damages resulting therefrom.

5.4 Confidentiality and Release of Information.

A. All information gained or work product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the

public domain or already known to Consultant. Consultant shall not release or disclose any such information or work product to persons or entities other than City without prior written authorization from the Contract Officer.

B. Consultant, its officers, employees, agents or sub-contractors, shall not, without prior written authorization from the Contract Officer or unless requested by the City Attorney, voluntarily provide documents, declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the Services performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided Consultant gives City notice of such court order or subpoena.

C. If Consultant, or any officer, employee, agent or sub-contractor of Consultant, provides any information or work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Consultant for any damages, costs and fees, including attorneys' fees, caused by or incurred as a result of Consultant's conduct.

D. Consultant shall promptly notify City should Consultant, its officers, employees, agents or sub-contractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any Party regarding this Agreement and the Services performed thereunder. City retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Consultant. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite the response.

ARTICLE 6. ENFORCEMENT OF AGREEMENT AND TERMINATION

6.1 California Law.

This Agreement, and any dispute arising from the relationship between the Parties to this Agreement, shall be interpreted, construed and governed both as to validity and to performance of the Parties in accordance with the laws of the State of California. Legal actions concerning any dispute, claim or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of Riverside, State of California, or any other appropriate court in such county, and Consultant covenants and agrees to submit to the personal jurisdiction of such court in the event of such action. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Central District of California, in Riverside.

6.2 Disputes; Default.

A. In the event that City determines Consultant is in default under the terms of this Agreement, City shall have no obligation or duty to continue compensating Consultant for any Services performed after the date of default. In addition to the provisions of Section 4.8, and the right to terminate pursuant to Section 6.7, if the City Manager determines that Consultant is in default in the performance of any of the terms or conditions of this Agreement, City may serve Consultant with written notice of the default. Consultant shall have ten (10) calendar days after service upon it of the notice in which to cure the default by rendering a satisfactory performance.

In the event that Consultant fails to cure its default within such period of time, City may, notwithstanding any other provision of this Agreement, terminate this Agreement without further notice and without prejudice to any other remedy to which it may be entitled at law, in equity or under this Agreement.

B. In the event of termination pursuant to this Section, City may take over the Services and prosecute the same to completion by contract or otherwise, and Consultant shall be liable to the extent that the total cost for completion of the Services required hereunder exceeds the compensation herein stipulated (provided that City shall use reasonable efforts to mitigate such damages), and City may withhold any payments to Consultant for the purpose of set-off or partial payment of the amounts owed City as provided in Section 6.3.

6.3 Retention of Funds.

Consultant hereby authorizes City to deduct from any amount payable to Consultant (whether or not arising out of this Agreement): (i) any payment amount of which may be in dispute hereunder or which is necessary to compensate City for any losses, costs, liabilities, or damages suffered by City, (ii) all amounts retained pursuant to the provisions of Section 4.8, (iii) all amounts for which City may be liable to third parties, by reason of Consultant's acts or omissions in performing or failing to perform Consultant's obligation under this Agreement, and (iv) all payments due or that become due to Consultant during the period that Consultant or any of its sub-contractors fail to maintain any required insurance in full force and effect, until notice is received by City that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to City, as provided in Section 4.9, above. In the event that any claim is made by a third party, the amount or validity of which is disputed by Consultant, or any indebtedness shall exist which shall appear to be the basis for a claim of lien, City may withhold from any payment due, without liability for interest because of such withholding, an amount sufficient to cover such claim. The failure of City to exercise such right to deduct or to withhold shall not, however, affect the obligations of Consultant to insure, indemnify, and protect City as elsewhere provided herein.

6.4 Waiver.

Waiver by any Party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any Party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision or a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any Services by Consultant shall not constitute a waiver of any of the provisions of this Agreement. No delay or omission in the exercise of any right or remedy by a non-defaulting Party on any default shall impair such right or remedy or be construed as a waiver. Any waiver by either Party of any default must be in writing, and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

6.5 Rights and Remedies are Cumulative.

Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the Parties are cumulative and the exercise by either Party

of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other Party.

6.6 Legal Action.

In addition to any other rights or remedies, either Party may take legal action, in law or in equity, to cure, correct or remedy any default, to recover damages for any default, to compel specific performance of this Agreement, to obtain declaratory or injunctive relief, or to obtain any other remedy consistent with the purposes of this Agreement. Notwithstanding any contrary provision herein, Consultant must file a statutory claim pursuant to Government Code Sections 905 et seq. and 910 et seq., in order to pursue a legal action against City under this Agreement.

6.7 Termination Prior to Expiration of Term.

This Article 6 shall govern any termination of this Agreement except as specifically provided in Section 6.2 for termination for default of Consultant. City reserves the right to terminate this Agreement at any time, with or without cause, upon thirty (30) days' written notice to Consultant, except that where termination is due to the fault of Consultant, the period of notice may be a shorter time as may be determined by the Contract Officer. In addition, Consultant reserves the right to terminate this Agreement at any time, with or without cause, upon sixty (60) days' written notice to City, except that where termination is due to the fault of City, the period of notice may be a shorter time as Consultant may determine. Upon receipt of any notice of termination, Consultant shall immediately cease all Services hereunder except such as may be specifically approved by the Contract Officer. Except where Consultant has initiated termination, Consultant shall be entitled to compensation for all Services rendered prior to the effective date of the notice of termination and for any Services authorized by the Contract Officer thereafter in accordance with the Schedule of Compensation or such as may be approved by the Contract Officer, except as provided in Section 6.3. In the event Consultant has initiated termination, Consultant shall be entitled to compensation only for the reasonable value of the work product actually produced hereunder. In the event of termination without cause pursuant to this Section, the terminating Party need not provide the non-terminating Party with the opportunity to cure pursuant to Section 6.2.

6.8 Attorneys' Fees.

In any litigation or other proceeding by which a Party seeks to enforce its rights under this Agreement (whether in contract, tort or both) or seeks a declaration of any rights or obligations under this Agreement, the prevailing Party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorneys' fees. Attorneys' fees shall include attorney's fees on any appeal, and in addition the Party entitled to attorneys' fees shall be entitled to all other reasonable costs for investigating such action, taking depositions and discovery and all other necessary costs the court allows which are incurred in such litigation. All such fees shall be deemed to have accrued on commencement of such action and shall be enforceable whether or not such action is prosecuted to judgment.

ARTICLE 7. CITY OFFICERS AND EMPLOYEES: NON-DISCRIMINATION

7.1 Non-liability of City Officers and Employees.

No officer or employee of City shall be personally liable to Consultant, or Consultant's Successor, in the event of any default or breach by City or for any amount which may become due to Consultant or Consultant's Successor, or for breach of any obligation of the terms of this Agreement.

7.2 Conflict of Interest.

Consultant covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Consultant's performance of Services under this Agreement. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent or sub-contractor without the express written consent of the Contract Officer. Consultant agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of City in the performance of this Agreement.

No officer or employee of City shall have any direct or indirect financial interest in this Agreement within the scope of Government Code section 1090, nor shall any such officer or employee make, participate in making, or use his or her official position to influence, any City decision relating to the Agreement which has a material financial effect on his or her financial interests or the financial interests of any corporation, partnership or association in which he or she is, directly or indirectly, interested, in violation of any State statute or regulation. Consultant warrants that it has not paid or given, and will not pay or give any third party any money or other consideration for obtaining this Agreement.

Consultant and its officers, employees, associates and sub-contractors, if any, shall comply with all conflict of interest statutes of the State of California applicable to Consultant's Services under this Agreement, including the Political Reform Act (Gov. Code § 81000, et seq.) and Government Code Section 1090. During the term of this Agreement, Consultant may perform similar services for other clients; but Consultant and its officers, employees, associates and sub-contractors shall not, without the Contract Officer's prior written approval, perform services for another person or entity for whom Consultant is not currently performing services that would require Consultant or one of its officers, employees, associates or sub-contractors to abstain from a decision under this Agreement pursuant to a conflict of interest statute. Consultant shall incorporate a clause substantially similar to this Section into any subcontract that Consultant executes in connection with the performance of this Agreement.

7.3 Covenant Against Discrimination.

Consultant covenants that, by and for itself, its heirs, executors, assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, gender, sexual orientation, marital status, national origin, or ancestry in the performance of this Agreement. Consultant shall take affirmative action to insure that applicants are employed, and that employees

are treated during employment, without regard to their race, color, creed, religion, sex, marital status, national origin, or ancestry, or other protected class.

7.4 Unauthorized Aliens.

Consultant hereby promises and agrees to comply with all of the provisions of the Federal Immigration and Nationality Act, 8 U.S.C.A. §§ 1101, et seq., as amended, and in connection therewith, shall not employ unauthorized aliens as defined therein. Should Consultant so employ such unauthorized aliens for the performance of Services covered by this Agreement, and should the any liability or sanctions be imposed against City for such use of unauthorized aliens, Consultant hereby agrees to and shall reimburse City for the cost of all such liabilities or sanctions imposed, together with any and all costs, including attorneys' fees, incurred by City.

ARTICLE 8. MISCELLANEOUS PROVISIONS

8.1 Notices.

Any notice, demand, request, document, consent, approval, bill, invoice, report or other communication required or permitted under this Agreement shall be in writing and conclusively deemed effective: (a) on confirmed delivery by courier service or overnight delivery service during Consultant's and City's regular business hours; or (b) three (3) Business Days after deposit in the United States mail, by certified or registered mail, and addressed to the Party to be notified as set forth below:

If to City	Attn: Art Vela Director of Engineering City of Banning 99 East Ramsey Street Banning, California 92220 Email: avela@banningca.gov
With a courtesy copy to:	Serita R. Young, City Attorney Richards, Watson & Gershon 350 South Grand Avenue, 37th Floor Los Angeles, California 90071 Email: SYoung@rwglaw.com
If to Consultant:	Attn: Steven W. Ledbetter Vice President TKE Engineering, Inc. 2305 Chicago Avenue Riverside, CA 92507 Email: sledbetter@tkeengineering.com

8.2 Interpretation.

The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either Party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply.

8.3 Counterparts.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

8.4 Integration; Amendment.

This Agreement, and all exhibits referred to in this Agreement, constitute the final, complete and exclusive statement of the terms of the agreement between the Parties pertaining to the subject matter of this Agreement and supersede all other and cancels any and all previous negotiations, arrangements, agreements and understandings, if any, between the Parties, and none shall be used to interpret this Agreement. No Party has been induced to enter into this Agreement by, nor is any Party relying on, any representation or warranty except those expressly set forth in this Agreement. No amendment to or modification of this Agreement, nor any provision or breach hereof waived, shall be valid unless made in writing and approved by Consultant and by City Council. The Parties agree that this requirement for written modifications cannot be waived and that any attempted waiver shall be void.

8.5 Severability.

In the event that any one or more of the phrases, sentences, clauses, paragraphs, or sections contained in this Agreement shall be declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining phrases, sentences, clauses, paragraphs, or sections of this Agreement which are hereby declared as severable and shall be interpreted to carry out the intent of the Parties hereunder unless the invalid provision is so material that its invalidity deprives either Party of the basic benefit of their bargain or renders this Agreement meaningless.

8.6 Mutual Cooperation.

A. City's Cooperation. City shall provide Consultant with all pertinent data, documents and other requested information as is reasonably available for Consultant's proper performance of the Services required under this Agreement.

B. Consultant's Cooperation. In the event any claim or action is brought against City relating to Consultant's performance of Services rendered under this Agreement, Consultant shall render any reasonable assistance that City requires.

8.7 No Third Party Beneficiaries Intended.

This Agreement is made solely for the benefit of the Parties to this Agreement and their respective successors and assigns, and no other person or entity may have or acquire a right by virtue of this Agreement.

8.8 Final Payment Acceptance Constitutes Release.

The acceptance by Consultant of the final payment made under this Agreement shall operate as and be a release of City from all claims and liabilities for compensation to Consultant for anything done, furnished or relating to Consultant's Services. Acceptance of payment shall be any negotiation of City's check or the failure to make a written extra compensation claim within ten (10) calendar days of the receipt of that check. However, approval or payment by City shall not constitute, nor be deemed, a release of the responsibility and liability of Consultant, its employees, sub-contractors and agents for the accuracy and competency of the information provided and/or Services performed; nor shall such approval or payment be deemed to be an assumption of such responsibility or liability by City for any defect or error in the Services prepared by Consultant, its employees, sub-contractors and agents.

8.9 Non-Appropriation of Funds.

Payments to be made to Consultant by City for Services performed within the current fiscal year which are within the current fiscal budget and within an available, unexhausted fund. In the event that City does not appropriate sufficient funds for payment of Consultant's Services beyond the current fiscal year, this Agreement shall cover payment for Consultant's Services only to the conclusion of the last fiscal year in which City appropriates sufficient funds and shall automatically terminate at the conclusion of such fiscal year.

8.10 Headings.

The headings in this Agreement are included solely for convenience of reference and shall not affect the interpretation of any provision of this Agreement or any of the rights or obligations of the Parties to this Agreement.

8.11 Word Usage.

Unless the context clearly requires otherwise, (a) the words "shall," "will" and "agrees" are mandatory and "may" is permissive; (b) "or" is not exclusive; and (c) "includes" or "including" are not limiting.

8.12 Business Days.

"Business Days" refers to days that the Banning City Hall is open for business.

8.13 Corporate Authority.

The persons executing this Agreement on behalf of the Parties hereto warrant that (i): such Party is duly organized and existing, (ii) they are duly authorized to execute and deliver

this Agreement on behalf of that Party, (iii) by so executing this Agreement, such Party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other Agreement to which that Party is bound. This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the Parties.

8.14 Electronic Signatures.

Each Party may adopt as its signature an electronic identification consisting of a symbol or code that is affixed to or contained in each document transmitted by such Party ("electronic signature"). The Parties hereto herby agree that electronic signatures are acceptable, shall have the same force and effect under the law as original wet signatures, and shall be sufficient to verify that the Parties have executed this Agreement and such other documents transmitted by the Parties.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF the Parties hereto have executed this Agreement the day and year first hereinabove written.

CITY OF BANNING		CONSULTANT	
Douglas Schulze, City Manager	Date	NAME: TITLE:	Date
		NAME: TITLE:	Date
ATTEST:			
Caroline Patton Administrative City Clerk	Date	Tax ID No. Address:	

NOTE: PROOF OF AUTHORITY TO BIND CONTRACTING PARTY REQUIRED. APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO CONSULTANT'S BUSINESS ENTITY.

EXHIBIT "A"
SCOPE OF SERVICES

I. Consultant will perform the following Services in connection with providing Construction Management & Inspection Services prepared in connection therewith:

II. As part of the Services, Consultant will prepare and deliver the following tangible work products and services to City:

SECTION A | UNDERSTANDING AND APPROACH

1. PROJECT UNDERSTANDING

The City of Banning (City) is requesting proposals to establish a contract for construction management and inspection services for the construction of Charles Non-Potable Water Booster/Reservoir Project and Lincoln Non-Potable Water Booster Pump Station/ Forebay TankProject.

Charles Non-Potable Water Booster Station/Reservoir Project:

Project located on Charles Street will consist of the construction of a booster pump station designed to pump a maximum of 1,000 Gallons per Minute and it will have two (2) vertical turbine, can mounted, pumps housed in a masonry building including a diesel fueled emergency engine generator. The Non-Potable Water Reservoir will be a 54' diameter, 27' high above ground steel tank with a ring foundation.

Lincoln Non-Potable Water Booster Station/Forebay Tank Project:

Project located on Lincoln Street, will consist of the construction of a booster pump station designed to pump a maximum of 1,000 Gallons per Minute, and it will have two (2) vertical turbine, can mounted, pumps housed in a masonry building. The Non-Potable Water Forebay Tank will be a 24' diameter, 24' high above ground steel tank with a ring foundation.

2. APPROACH

Successful project delivery is our goal. Our definition of successful project delivery is:

- Project Completion that Meets all Project Requirements and Specifications
- Project Completion within Budget
- Project Completion on Schedule

Our approach to your project, recognizing that both cost effectiveness and expedited construction are of primary concern, dictates that very close working partnership between the selected consultant, TKE Engineering and City is vital to successful project completion. When this is coupled with the various site and project constraints, it is critical that the City choose a consultant construction manager and inspector with a proven track record of delivering water system improvement projects. With a familiar team of senior level design and construction professionals, TKE is the right choice for this project.

As mentioned above, our experience tells us that there must be a proactive approach to completing the work in order to complete a cost effective, fully functioning public works project. This approach includes early identification of critical elements, and development of project schedule and tasks.

Critical elements for the project include project management, QA/QC, cost control, dispute resolution, public relations, standards compliance, and site safety.

The most important key to every public works project is management. TKE, working closely with the City staff, will ensure that the project is managed properly to expedite project delivery. Project construction will generate a series of considerations requiring the City responses. Our close working partnership will lead to the proper decisions and ultimately fully operating, cost effective water system improvements.

3. IMPLEMENTATION PLAN

Whether the services required are construction, inspection, city engineering, traffic, survey, planning, or design-related, successful project delivery is our goal. Our definition of successful project delivery is:

- Project Completion that Protects City Interests
- Project Completion that Meets All Project Requirements
- Project Completion on Schedule
- Project Completion within Budget

IMPLEMENTATION PLAN

TKE's implementation plan includes the following key elements which we routinely provide for each of our projects:

PROJECT MANAGEMENT

TKE provides effective project management services to a variety of clients. We have successfully delivered extensive and highly visible water, wastewater, street improvement, traffic improvement, drainage improvement, water, wastewater and facility improvement projects for numerous municipal clients throughout Southern California. TKE's approach has consistently allowed our partner agencies to fulfill their missions of delivering the best value for the public's investment.

TKE's management approach includes:

MONTHLY PROGRESS REPORTS

TKE documents project progress for all projects assigned to TKE by a comprehensive project management summary. The summary includes project name and related number, description of progress, budget status, schedule compliance, and anticipated upcoming accomplishments.

COMMUNICATION

Communications with the City staff is another important component to effective project management. In addition to the monthly progress reports, TKE meets with clients as needed to ensure the projects are proceeding as anticipated. We document each discussion or meeting with notes and electronically mail them to the project team within three days of the meeting / conference indicating action items and a schedule for completion of these items.

RECORD KEEPING

TKE keeps records in an organized filing system both in hard copy and electronic forms. This organized filing system allows TKE to access records immediately should they be needed.

MEETINGS

TKE meets with project stakeholders as needed including the public, permitting agencies, utilities, etc. We meet with them at the project's onset and throughout the course of project development to ensure all stakeholder project needs are considered in the project design. All meeting preparation (City/Board Staff Reports, agendas, exhibits, slide shows, etc.) will be prepared by TKE for each meeting. Again, meetings will be documented. TKE has provided numerous similar presentations to Councils/Boards (closed sessions, council meetings, community meetings, etc.).

TEAM MEETINGS

Team meetings include all parties that have any interest in the project development. In particular, the City's Engineering Department and design consultants will be close working partners with TKE in project development and environmental compliance for capital projects. TKE will function as an extension of the City staff in meeting and coordinating with design consultants, while ensuring accurate minutes are kept for all pertinent meetings to ensure critical design decisions are memorialized and adhered to throughout the construction process.

CIP PROJECT MANAGEMENT

Project management will be an essential element in all types of project delivery. Effective communications will lead to effective management. Management will include weekly reviews of project budget and schedules and regular meetings with all project shareholders.

For all projects, the most important aspect of management will be to ensure that the City's interests are protected to the maximum extent possible and project schedules are met. TKE will ensure that public funds and impact fees are used for the benefit of the community. Any deviation from standards and requirements will be referred to the Engineering Manager, and TKE will implement direction given by the City. Maintaining excellent communications will prevent any project processing misunderstandings and will avoid project delays. TKE management techniques always result in efficient project delivery.

Managing other consultants is another area that TKE excels. Due to our extensive variety of project experience, specifically in these types of roles, TKE has a vast amount of knowledge with all public works improvement projects and operating as owner representative. With this understanding, TKE is able to manage others and avoid any costly project changed conditions and delays.

FINANCE AND ADMINISTRATION

TKE is familiar with a number of funding sources for capital improvement projects. TKE has prepared numerous applications and administered these funds for a number of agencies. TKE has extensive experience with Federal and State funded projects including the following related to water and wastewater infrastructure:

- Proposition 1 and 68
  - Drinking Water SRF
  - Clean Water SRF
  - Storm Water Grant Program
  - Integrated Regional Watershed Management Program
  - Flood Management Program
- State Water Board Drinking Water Funds
- State Water Board Clean Water Funds
- U.S. EPA Clean Water Grant
- U.S. Army Corp Environmental Infrastructure

We will apply this knowledge to process current projects and continue to work with City staff to match funding streams with proposed capital improvement projects.

ENVIRONMENTAL COMPLIANCE

Environmental permitting for projects of this nature may be complex and involve coordination with multiple jurisdictional agencies, in addition to the normal CEQA analysis and determination. Notwithstanding, TKE has experience in successfully managing Initial Studies, Mitigated Negative Declarations, and Environmental Impact Reports. Other projects may require some additional environmental permit requirements including Clean Water Act (CWA) Section 404 permits from the United States Army Corps of Engineers, CWA Section 401 or Lake and Streambed Alteration permits from the Regional Water Quality Control Board, Section 1602 Permits from the California Department of Fish and Wildlife, and potential US ESA Section 7 permitting from the United States Fish and Wildlife Service. While environmental compliance wasn't requested by the City as part of the scope. TKE has experience in the acquisition of each of these different permit types and can provide excellent management and oversight to ensure environmental compliance permitting is implemented, should it be needed.

PROJECT BUDGETS AND SCHEDULING

TKE has extensive experience in monitoring budgets and evaluating project / construction schedules to ensure delivery of projects that are within budget and on-schedule. The evaluation of the budget and schedule will consist of comparing historical design / construction phase costs and time frames, best practices, agency and manufacturer recommendations, budget and scheduling requirements against the approved contracts. The review of this will take into considerations input from Subject Matter Experts (SME), stakeholders, project plans / specifications, the risk register, and the approved budget and schedule.

The main reason for the evaluation of the budgets and schedule is to ensure that resources, equipment, materials, and staff (personnel, contractors, and inspectors) are available when needed and projects delivery meets the City's requirements. The availability of personnel, alternate priorities, multiple levels of approval, unfamiliarity with the project, internal / external politics, and numerous other factors can impact both the project budget and schedule. TKE has the experience to oversee the project budget scheduling with consultants and contractors to identify potential cost or time overruns and apply corrective action to mitigate any potential impacts. For example, the motor control center is expected to have a 12-month or more procurement timeline. As such, TKE will prioritize this and other material submittals to ensure they don't impact the overall project schedule.

SOFTWARE AVAILABILITY

The TKE team staff are familiar with various construction and project management software that we utilize for monitoring budget and schedule as well as other project factors, including Microsoft Project, Primavera, Microsoft Word, Microsoft Excel, AutoCAD, and BlueBeam. Our key personnel also use SmartSheets, Procore, VPM, Zoom, Microsoft Teams, Base Camp, SharePoint, and others needed to implement projects.

4. SCOPE OF WORK

TASK 1. CONSTRUCTION MANAGEMENT WORK PLAN

TKE will prepare a Construction Management Plan (CM Plan). The CM Plan will define the procedures, staff responsibilities and workflow.

The City utilizes a web-based construction management system called Virtual Project Manager (VPM) to receive, transmit, log, track, monitor, process payments, and create reports for construction correspondence and documents. Such construction correspondence and documents include, but not be limited to daily inspection reports, shop drawings/construction submittals approvals, contractor's requests for information, design change notices, contract change orders, project schedules, test reports, construction progress photos and other documents necessary to administer the construction contract.

TKE will provide CM and inspection services shall familiarize itself with VPM and utilize it as a basis for construction project management. TKE will submit a draft CM Plan to the City for review within two weeks after Notice of Award.

Deliverables: CM Work Plan.

TASK 2. PROJECT COORDINATION

TKE will provide project kick-off meeting, weekly project meetings, and special meetings as needed, including but not limited to meetings with the contractor and/or City staff outside of weekly project meetings; meetings to coordinate work with the design consultant's representatives; meetings to coordinate the activities of special inspectors and testing; meetings with utilities; meetings with jurisdictional agencies and regulators; and, other meetings as necessary to maintain timely project progress.

Coordinate and Conduct the Pre-construction Meeting.

TKE will prepare the agenda and conduct the pre-construction meeting, with input from the City. The agenda shall address all project administration and reporting procedures, team roles and responsibilities, maintaining existing facilities in operation and other procedures to ensure a responsive project.

TKE will record meeting minutes. Distribute typed minutes to all meeting attendees.

Coordinate and Conduct Weekly Construction Progress Meetings

TKE will prepare agendas and conduct weekly construction progress meetings. The agenda shall include reviewing the contractor's 3-week rolling schedule, project construction schedule, monthly updates schedule, status of submittals, requests for information (RFI), design clarifications, change orders (CO), delays, potential claims, and construction problem resolutions.

TKE will record meeting minutes and distribute typed minutes to all meeting attendees no later than the beginning of the next weekly meeting. The meeting minutes shall track and record each agenda item chronologically and include it until it is resolved. The party (or parties) responsible for action items shall also be noted.

Coordinate and Conduct Project Close-out field inspections

TKE will coordinate a meeting for stakeholders to inspect the project near the end of the construction period. Maintain a log of items requiring further contractor attention before substantial completion and final project acceptances can be issued.

TKE will coordinate follow-up meetings as necessary to resolve outstanding items noted in close-out field inspections.

Deliverables: Project Meeting Agendas, Minutes, Attendance and Schedules

TASK 3. PRE- AND POST-PROJECT PHOTO AND VIDEO DOCUMENTATION

TKE will take pre-construction photographs of existing site conditions for the Record. Upon completion of the project, TKE will take post-construction photographs of the site. Upon completion of construction, compile both pre and post construction photos into a report with information that describes the image subject, date, and location.

Deliverables: Project video and photo files in native format. Pre and Post project photo reports with captions.

TASK 4. MAINTAIN DOCUMENT MANAGEMENT SYSTEM

TKE will use VPM to organize and share all documents. We will be assigned a project name, number and entered in VPM by the City.

TKE will be responsible for organizing, maintaining, and sharing files through VPM. TKE will be responsible for providing electronic equipment with access to wireless internet for jobsite use, such as Microsoft SurfacePro.

Deliverables: Organize, Maintain, Share Files in VPM

TASK 5. COMMUNICATION AND CORRESPONDENCE

TKE will manage and issue field memos to address field problems as determined by the design team, our CM team, and the City staff. These shall be reviewed during each weekly construction progress meeting. Any Field Memos that have the potential to involve work outside of the existing contract will be reviewed by City staff prior to issuing and will also be assigned a Change Order (CO) number in VPM for tracking and resolution purposes.

TKE's Construction Manager will develop and implement any additional written or oral communication necessary to facilitate the ongoing construction and documentation of the project.

TKE will track and file all project documentation including all communications between the contractor and the designer, and the City staff. In addition, TKE will facilitate distribution of all projects related communications to appropriate parties.

Deliverables: Field Memos, Written Communication

TASK 6. CONSTRUCTION SCHEDULE REVIEW AND MONITORING

TKE will Review of the contractor's construction schedule and monitor progress.

TKE will perform a detailed review of the contractor's baseline Construction Schedule to review logic between activities, key activity durations, stated resources and verification of the critical path.

TKE will confirm that specified construction sequencing and schedule constraints, as well as submittal, procurement, testing and startup, and closeout activities are included for contract work.

TKE will provide a monthly review of updated construction schedules and compare to daily report records to confirm that they are current including incorporating change order work.

TKE will evaluate legitimacy of contractor requests for time extension, delays caused by City, Contractor, or outside of both parties' control, and guide City staff in resolving time and delay-related issues.

Deliverables: Review Contractor Schedule.

TASK 7. SUBMITTAL REVIEW MANAGEMENT

TKE will manage, coordinate, and review contractor submittals.

TKE will request the construction contractor to provide a submittal schedule for our review. TKE will review the submittal schedule to identify critical path items, provide suggested corrections, and ensure the schedule comprehensively addresses contract requirements.

Through VPM, TKE will maintain a log to track and process all submittals including shop drawings, O&M submittals, samples, warranties, certifications, schedules, testing and startup plans and other items.

We will review the submittal schedule with City staff to determine which submittals should be prioritized for review by City staff, the design team, or others.

TKE will check each submittal for completeness and note where the submittal proposes an equipment substitution from the design documents. We will transmit complete submittals to City staff or design team, as appropriate, for review. TKE will review comments to selected submittal with City staff prior to returning to the contractor.

TKE will discuss submittal status at each weekly construction meeting. Submittals becoming due or

overdue shall be identified and discussed. As appropriate, pre-submittal meetings with the design team, contractor and supplier/manufacturer shall be conducted to facilitate long lead-time equipment submittal preparation and approval.

Deliverables: Comments to contractor submittal schedule, Processed submittal reviews.

TASK 8. CONSTRUCTION MONITORING, OBSERVATION, INSPECTION, AND TESTING

TKE will monitor the contractor's work for compliance with contract document requirements during construction, provide necessary personnel, coordinate special inspection and testing, and coordinate design team construction observation (by others).

TKE will document the contractor's daily work activities through preparation of daily construction reports and logs. Each daily report shall document work completed, contractor manpower and equipment, weather, visitors to the site and other pertinent information. Logs shall include immediately available results of field testing.

We will consultant shall verify all certification records are received from the construction contractor completed by the proper personnel having inspected and tested equipment as stated in the specifications.

TKE will take still digital photos and video records shall be taken of work progress to document the contractor's work. Photos shall be annotated in reports with subject, location, date/time taken.

Deficient work will be identified, tracked and corrected by our team.

TKE and our subconsultant's will provide special inspection and testing for construction monitoring of the projects. TKE and team will provide the necessary personnel to perform the testing and special inspection. TKE's Construction Manager will be responsible for coordinating and scheduling these services, providing field directions, ensuring the timely distribution of test results to the appropriate recipients, and securing final reports for each service.

In addition, TKE's general construction inspection will be in compliance with the contract documents, including conformance to City requirements, perform the following specific electrical inspection services for industrial power distribution and control system automation related work for the two projects. Major equipment to be inspected include, but are not limited to: switchboard, panelboard, motor control center, metering equipment, motors, electrical duct banks and raceways, lighting, manholes and handholes, junction boxes, grounding and bonding, Uninterruptible Power Supply (UPS's), instrumentation, control, and associated wiring and conduits installation. Provide field commissioning support for acceptance testing of electrical equipment according to NETA (National Electrical Testing Association) standards, instrumentation loop checks, inspection of rotating electrical machinery, and verification of protective device settings against approved coordination study. TKE's team will provide quality control and perform quality assurance inspections to ensure materials and installation methods are in compliance with National Electrical Code (NEC), NETA, Institute of Electrical and Electronics Engineers (IEEE), Contract drawings and specifications, City's standards, and industry best practices.

Deliverables: Daily Construction Reports, Construction Photos, Non-Conformance Reports.

TASK 9. NPDES COMPLIANCE

TKE will monitor and document the contractor's compliance with the temporary and permanent stormwater controls and all other permit requirements in the Contract Documents for the two booster stations construction sites. This includes Water Quality Management Plan (WQMP), Storm Water Pollution Prevention Plan (SWPPP) and other stormwater Best Management Practices (BMPs) requirements.

TKE will provide a Qualified SWPPP Practitioner (QSP) to perform weekly inspections to ensure that specified BMPs within the SWPPP are maintained including project reporting into the SMARTS system. We will support the City's Qualified SWPPP Developer (QSD) in performing periodic inspections to ensure compliance with NPDES requirements.

Before, during and after a qualifying rain event, TKE's QSP will perform BMP visual inspections of BMPs and document findings. Runoff samples will be taken where stormwater is leaving the sites or where BMPs are compromised.

Deliverables: SWPPP Reporting Logs, BMP Daily Logs

TASK 10. REQUEST FOR INFORMATION (RFI) MANAGEMENT

TKE will maintain a log through VPM for all contractor Requests for Information (RFI). We will coordinate the RFI process with potential change orders and establish an individual change order number and file so that each item involving extra work is properly tracked and the City staff is kept informed and can approve all change order work in advance.

Deliverables: RFI Logs in VPM

TASK 11. CHANGE ORDER (CO) MANAGEMENT

TKE will Manage Change Order Requests and provide recommendation to City staff.

TKE will receive and log change order requests from the contractor.

TKE will assign a Change Order number in VPM, to facilitate tracking and filing, to all change order requests and quotations as directed by City staff and the design team. TKE will coordinate with the design team the preparation of any revised specifications and/or sketches needed to define the scope of the extra work. TKE will provide daily verification of changes performed on a time-and-materials basis.

TKE will verify that the contractor's requested price, and potential schedule impacts associated with potential change orders are fair, reasonable, and accurate.

TKE will recommend acceptance or rejection of the change order to City staff. If there is disputed extra work, coordinate with City staff, the design team and the contractor until the item has been satisfactorily resolved. If it is not resolved, TKE will track the item as a potential claim. TKE will prepare a Monthly Status Report that includes change order status.

Deliverables: CO Log in VPM, Evaluations of Change Order Impact on the Construction Schedule, Change Order Cost Estimates, Monthly Status Reports.

TASK 12. MANAGEMENT OF PROGRESS PAYMENTS

TKE will review contractor progress estimates and provide recommendation to the City.

TKE will compare the contractor's monthly progress payment request to the bid schedule and the Construction Management daily and weekly report records to confirm that the requested compensation is consistent with the work completed.

TKE will provide confirmation of "materials on hand" by checking materials stored on site with paid invoice or purchase order records.

TKE will provide confirmation of contract change order work, record drawings, and construction schedules.

TKE will recommend to City staff the monthly progress payment amount and prepare the Document for approval signatures routing in VPM.

TKE will include a copy of the monthly progress payment summary in each Monthly Status Report.

Deliverables: Review Contractor Progress Payment Requests.

TASK 13. CLAIMS AND DISPUTES REVIEW

TKE will discuss extra work and claims during each weekly meeting. We will Track any disputed work items and attempt to resolve the issue.

TKE will provide complete documentation, review of merit/entitlement, a claims response strategy, and cost analysis for the City staff review.

Deliverables: Claims and Disputes Analysis Reports and Supporting Documentation.

TASK 14. PROJECT CLOSEOUT COORDINATION

TKE will conduct a final walkthrough with the City, the design team and the contractor to develop a final punch list. Items remaining from preliminary punch

lists and any uncompleted non-conforming work reports will be added to the final punch list.

When the work is completed and all outstanding paperwork has been submitted (warranties, stop notice releases, equipment certifications, record drawings, O&M manuals, training documents, etc.), TKE will process the final payment request, recommend for project acceptance by the City, and assist with the filing of the Notice of Completion with the County Recorder.

TKE will prepare an estimate of the value of the punch list work so that any items the contractor does not complete can be deducted from the final payment due the contractor, as required.

TKE will provide all field office files including email correspondence, photographs and other items to the City.

Deliverables: Completion Punchlist

TASK 15. RECORD DRAWINGS REVIEW

TKE will review the contractor-maintained redline markups of the contract drawings showing all change order and RFI items.

Each month before progress payment approval, TKE will review the contractor's set of marked up drawings to ensure that they are complete.

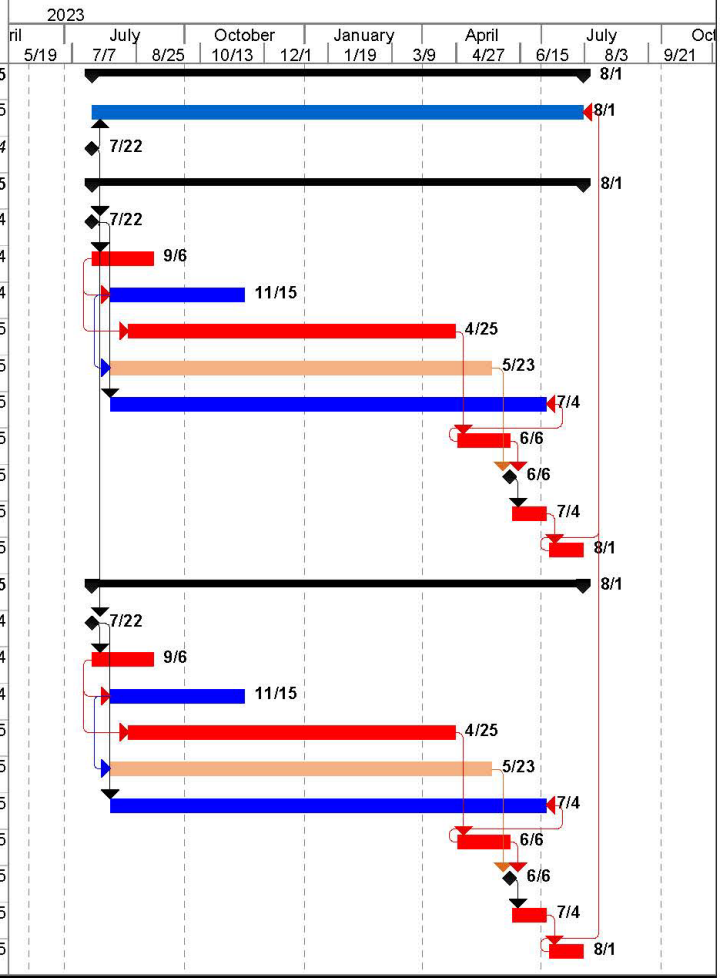
TKE will reconcile the inspector's markups with the contractors at the end of the project and provide them to the design team for back drafting and delivery to the City. It is understood and agreed that only the contractor's set of marked up drawings will be the Record Drawings set.

Deliverables: Project Drawing Markups.

5. PROJECT SCHEDULE

City of Banning
Booster Stations Construction Management and Inspection Services (RFP-24-069)
June 4, 2024

ID	Task Name	Duration	Start	Finish
1	**GENERAL**	**270 days**	**Mon 7/22/24**	**Fri 8/1/25**
2	Construction Management	270 days	Mon 7/22/24	Fri 8/1/25
3	*Construction Management NTP (Anticipated)*	*0 days*	*Mon 7/22/24*	*Mon 7/22/24*
4	**CHARLES BOOSTER STATION/ RESERVOIR**	**270 days**	**Mon 7/22/24**	**Fri 8/1/25**
5	Pre-Construction	0 days	Mon 7/22/24	Mon 7/22/24
6	Material Submittals	35 days	Mon 7/22/24	Fri 9/6/24
7	Material Procurment	75 days	Mon 8/5/24	Fri 11/15/24
8	MCC Material Procurement	180 days	Mon 8/19/24	Fri 4/25/25
9	Construction	210 days	Mon 8/5/24	Fri 5/23/25
10	Weekly Meetings/RFI's/RFC's	240 days	Mon 8/5/24	Fri 7/4/25
11	MCC Construction	30 days	Mon 4/28/25	Fri 6/6/25
12	Substantial Completion	0 days	Fri 6/6/25	Fri 6/6/25
13	Punch List	20 days	Mon 6/9/25	Fri 7/4/25
14	Start Up and Testing	20 days	Mon 7/7/25	Fri 8/1/25
15	**LINCOLN BOOSTER STATION/ RESERVOIR**	**270 days**	**Mon 7/22/24**	**Fri 8/1/25**
16	Pre-Construction	0 days	Mon 7/22/24	Mon 7/22/24
17	Material Submittals	35 days	Mon 7/22/24	Fri 9/6/24
18	Material Procurment	75 days	Mon 8/5/24	Fri 11/15/24
19	MCC Material Procurement	180 days	Mon 8/19/24	Fri 4/25/25
20	Construction	210 days	Mon 8/5/24	Fri 5/23/25
21	Weekly Meetings/RFI's/RFC's	240 days	Mon 8/5/24	Fri 7/4/25
22	MCC Construction	30 days	Mon 4/28/25	Fri 6/6/25
23	Substantial Completion	0 days	Fri 6/6/25	Fri 6/6/25
24	Punch List	20 days	Mon 6/9/25	Fri 7/4/25
25	Start Up and Testing	20 days	Mon 7/7/25	Fri 8/1/25



Construction Schedule_06-04-24 Page 1

6. WHAT WE REQUIRE FROM THE CITY

TKE requires a partnership with the City in delivering these critical water supply infrastructure projects. To that end, we will require support from the City on the following items:

- Issuing encroachment and building permits to the contractor in a timely manner;
- Review and confirmation on TKE's proposed responses to RFIs and change orders prior to issuing to the contractor to ensure project delays are minimized; and
- Coordination with City water operations staff on required shut-downs to accommodate connections with the new boosters.

We will work with the City at every step to ensure successful project delivery. We will use this opportunity to show our expertise and develop a trusted partnership in successfully delivering CIP projects for years to come.

7. QUALITY ASSURANCE/QUALITY CONTROL

TKE takes pride in our reputation for thoroughness, rapid turnaround, cost efficiency and overall quality of work, and believes that a high level of quality is needed on all construction progress. High quality construction management and inspection services yields the following tangible results:

- Ease of Oversight
- Smoother Processing
- Minimized Construction Support Cost
- Minimize Change Orders
- Reduced Claims and Dispute Resolution Costs

TKE's quality assurance program is vital to successful project completion. Our quality assurance program is one that is applied inherently throughout the entire construction process and all decision-making activities. This program requires not only formal procedures for checking at each intermittent project task, but encourages the conscientious effort of experienced people to always "create quality" in every task performed throughout the construction process.

This program has become a natural element in all aspects of TKE's oversight and management activities, and will guide our work on this contract:

- Staff Training and Development
- Assignment of Experienced Staff
- Continuity of Staffing
- Project-Specific Construction Management Work Plan
- Schedule Compliance
- Comprehensive Field Review
- Strict Construction Compliance
- Established Review Procedures
- Established Detailing Standards
- Established Checking Procedures, Including Independent In-House QA/QC Review
- Dual (Independent) Quantity Verification
- Review by Constructability Expert

This Quality Assurance/Quality Control program is in place to ensure that construction will be completed in a manner that exceeds the standards of our clients and that we will deliver the project on schedule and within budget.

8. COMMON CHALLENGES

Strict Construction Compliance

In order to ensure cost controls and maintain project budgets, it is imperative that the City employ an experienced Construction Management Team. Our construction manager and inspector have consistently delivered projects on-time and within budget by maintaining an active dialogue and hands on approach with the project contractor, while ensuring that all construction is consistent with the bid plans and specifications. We are currently a completing construction management on other booster and storage projects which makes us familiar with applicable standards and specifications, including but not limited to the City, the California

Department of Public Health, AWWA, and Greenbook.

Dispute Resolution

TKE's construction manager is highly skilled with and has provided dispute resolution on a number of past projects. The keys to avoiding potential costly and time-consuming disputes are knowledge, communication and organization. Our construction manager prides himself on his thorough research and review of the project plans and specifications and his existing knowledge and understanding of the City, AWWA, Caltrans, Greenbook and other standard plans and specifications. His effective communications skills ensure that all stakeholders are constantly advised of project progress and requirements. His proactive organizational program effectively manages the construction schedule, documents action items with required follow-up and continuous schedule reviews and anticipate needs for future action items. Our project manger's 'can do' approach to all project issues nearly always results in resolution. He is non-combative with all project stakeholders, maintaining professional working relationships with each stakeholder regardless of conflict. His perseverance and vast knowledge and experience of issues will resolve challenges while protecting the City interests.

Public Relations

TKE's Construction Inspector is experienced with public relations associated with construction projects. TKE performs initial site visits to all potentially affected properties to discuss the upcoming project and any potential concerns the property owner and/or tenant may have. TKE identifies improvements that will benefit the property owners to help them understand the importance of project construction. Our approach builds a project coalition with the property owners and tenants which reduces public complaints at Council Meetings and provides a sense of ownership with the project. TKE Construction Inspector also perform routine visits during construction to check on the property owners concerns and to see if there are any issues that need to be mitigated.

Utility Coordination

Removals, relocation and adjustments to existing utility facilities will require considerable effort and time. TKE has extensive experience with the coordination required for removing and relocating existing utilities and ensuring the relocations do not conflict with the project construction schedule. The key element to minimizing utility relocation impacts is early coordination with each of the affected utility companies and persistent follow up procedures to ensure the relocations stay on schedule. TKE will work with the contractor to ensure all alignments and proposed connection powts are potholed and that no existing utilities conflict with the proposed pipeline alignments exist. If conflicts arise during potholing, TKE is familiar with design requirements and can recommend corrective measures to help ensure the project stays on schedule and within budget.

Future System Integration

One of the critical issues with designing a booster station to meet current and future demands. The proposed booster stations have been designed to accommodate additional pumps in the future to aid in moving water between pressure zones. In addition, the use of VFD will provide additional operational flexibility. Our experience in water system design allows us to avoid the common challenges which may occur; such as undersized piping and lack of adequate floor space for future expansions to the boosters, mechanical piping, and electrical system. TKE will monitor for potential constraints and ensure the boosters will be efficient to operate and maintain and cost effective now for future expansion needs. Overlooking these seemingly simple issue can cause extensive changes and costs in the future. We know these issues and have proven methods to avoid them.

Project Management

Project management will be an essential element in all types of project delivery. Effective communications will lead to effective management. Management will include weekly reviews of project budget and schedules and regular meetings with all project shareholders.

For all projects, either development or capital improvement, the most important aspect of management will be to ensure that the City's interests are protected to the maximum extent possible. TKE will ensure that public funds and impact fees are used for the benefit of the community. Any deviation from standards and requirements will be referred to the City Engineer and TKE will implement direction given by the City staff.

Managing other consultants is another area that TKE excels. Due to our extensive variety of project experience, TKE has a vast amount of knowledge with all public works improvement projects. With this understanding, TKE is able to manage others and avoid any costly project changed conditions and delays.

9. CITY OWNED FACILITIES

TKE will not require the use of any City owned facilities to complete the project.

III. In addition to the requirements of Parts I and II of this Scope of Services, during the performance of the Services, Consultant will keep City appraised through periodic status reports regarding the performance of the Services under this Agreement as set forth below and in Section 5.2, by the following means:

a. In-person meetings and/or teleconferences.

b. Email updates/questions to applicant team and City while reviews are underway.

c. Conference calls.

IV. All work product is subject to review and acceptance by City. If the City determines that any work product is unacceptable, for any reason, it must be revised by Consultant without additional charge to City until found satisfactory and accepted by City.

EXHIBIT "B"
SPECIAL REQUIREMENTS

TERMS FOR COMPLIANCE WITH CALIFORNIA LABOR LAW REQUIREMENTS

1. This Agreement calls for services that, in whole or in part, constitute "public works" as defined in Division 2, Part 7, Chapter 1 (commencing with Section 1720) of the California Labor Code ("Chapter 1"). Further, Consultant acknowledges that this Agreement is subject to (a) Chapter 1 and (b) the rules and regulations established by the Department of Industrial Relations ("DIR") implementing such statutes. Therefore, as to those Services that are "public works," Consultant shall comply with and be bound by all the terms, rules and regulations described in 1(a) and 1(b) as though set forth in full herein.

2. California law requires the inclusion of specific Labor Code provisions in certain contracts. The inclusion of such specific provisions below, whether or not required by California law, does not alter the meaning or scope of Section 1 above.

3. Consultant shall be registered with the Department of Industrial Relations in accordance with California Labor Code Section 1725.5, and has provided proof of registration to City prior to the Effective Date of this Agreement. Consultant shall not perform work with any subcontractor that is not registered with DIR pursuant to Section 1725.5. Consultant and subcontractors shall maintain their registration with the DIR in effect throughout the duration of this Agreement. If the Consultant or any subcontractor ceases to be registered with DIR at any time during the duration of the project, Consultant shall immediately notify City.

4. Pursuant to Labor Code Section 1771.4, Consultant's Services are subject to compliance monitoring and enforcement by DIR. Consultant shall post job site notices, as prescribed by DIR regulations.

5. Pursuant to Labor Code Section 1773.2, copies of the prevailing rate of per diem wages for each craft, classification, or type of worker needed to perform the Agreement are on file at City Hall and will be made available to any interested party on request. Consultant acknowledges receipt of a copy of the DIR determination of such prevailing rate of per diem wages, and Consultant shall post such rates at each job site covered by this Agreement.

6. Consultant shall comply with and be bound by the provisions of Labor Code Sections 1774 and 1775 concerning the payment of prevailing rates of wages to workers and the penalties for failure to pay prevailing wages. The Consultant shall, as a penalty to City, forfeit $200.00 for each calendar day, or portion thereof, for each worker paid less than the prevailing rates as determined by the DIR for the work or craft in which the worker is employed for any public work done pursuant to this Agreement by Consultant or by any subcontractor.

7. Consultant shall comply with and be bound by the provisions of Labor Code Section 1776, which requires Consultant and each subcontractor to: keep accurate payroll records and verify such records in writing under penalty of perjury, as specified in Section 1776; certify and make such payroll records available for inspection as provided by Section 1776; and inform City of the location of the records.

8. Consultant shall comply with and be bound by the provisions of Labor Code Sections 1777.5, 1777.6 and 1777.7 and California Administrative Code Title 8, Section 200 et seq. concerning the employment of apprentices on public works projects. Consultant shall be responsible for compliance with these aforementioned Sections for all apprenticeable occupations. Prior to commencing work under this Agreement, Consultant shall provide City with a copy of the information submitted to any applicable apprenticeship program. Within 60 days after concluding work pursuant to this Agreement, Consultant and each of its subcontractors shall submit to City a verified statement of the journeyman and apprentice hours performed under this Agreement.

9. The Consultant shall not perform Work with any Subcontractor that has been debarred or suspended pursuant to California Labor Code Section 1777.1 or any other federal or state law providing for the debarment of contractors from public works. The Consultant and Subcontractors shall not be debarred or suspended throughout the duration of this Agreement pursuant to Labor Code Section 1777.1 or any other federal or state law providing for the debarment of contractors from public works. If the Consultant or any subcontractor becomes debarred or suspended during the duration of the project, the Consultant shall immediately notify City.

10. Consultant acknowledges that eight hours labor constitutes a legal day's work. Consultant shall comply with and be bound by Labor Code Section 1810. Consultant shall comply with and be bound by the provisions of Labor Code Section 1813 concerning penalties for workers who work excess hours. The Consultant shall, as a penalty to City, forfeit $25.00 for each worker employed in the performance of this Agreement by the Consultant or by any subcontractor for each calendar day during which such worker is required or permitted to work more than eight hours in any one calendar day and 40 hours in any one calendar week in violation of the provisions of Division 2, Part 7, Chapter 1, Article 3 of the Labor Code. Pursuant to Labor Code section 1815, work performed by employees of Consultant in excess of eight hours per day, and 40 hours during any one week shall be permitted upon public work upon compensation for all hours worked in excess of eight hours per day at not less than one and one-half times the basic rate of pay.

11. California Labor Code Sections 1860 and 3700 provide that every employer will be required to secure the payment of compensation to its employees. In accordance with the provisions of California Labor Code Section 1861, Consultant hereby certifies as follows:

> "I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract."
>
> **Date**_____ **Signature**_____

12. For every subcontractor who will perform work on the project, Consultant shall be responsible for such subcontractor's compliance with Chapter 1 and Labor Code Sections 1860 and 3700, and Consultant shall include in the written contract between it and each subcontractor a copy of those statutory provisions and a requirement that each subcontractor shall comply with those statutory provisions. Consultant shall be required to take all actions necessary to enforce such contractual provisions and ensure subcontractor's compliance, including, without limitation, conducting a periodic review of the certified payroll records of the subcontractor and upon becoming aware of the failure of the subcontractor to pay his or her workers the specified prevailing rate of wages. Consultant shall diligently take corrective action to halt or rectify any failure.

EXHIBIT "C"
SCHEDULE OF COMPENSATION

I. Consultant shall perform the following tasks ("Tasks") at the following rates attached as Exhibit C-1:

II. Within the budgeted amounts for each Task, and with the approval of the Contract Officer, funds may be shifted from one Task sub-budget to another so long as the Contract Sum is not exceeded per Section 2.1, unless Additional Services are approved per Section 1.8.

III. City will compensate Consultant for the Services performed upon submission of a valid invoice. Each invoice is to include:

A. Line items for all personnel describing the Services performed, the number of hours worked, and the hourly rate.

B. Line items for all materials and equipment properly charged to the Services.

C. Line items for all other approved reimbursable expenses claimed, with supporting documentation.

D. Line items for all approved sub-contractor labor, supplies, equipment, materials, and travel properly charged to the Services.

EXHIBIT "C-1"
CONSULTANT'S BILLING RATE AND TASK SCHEDULE

PRICING PROPOSAL, PER TASKS 1-15

Provide hourly rates, along with pricing in accordance with the City's current requirements, as set forth in the Scope of Work. [Also provide your firm's proposed Staffing Plan (subtasks, employee classification, hourly rate, hours assigned and total cost) on a separate sheet of paper.]

Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total
1	Construction Management Work Plan	1	Lump Sum	$15,600	$15,600
2	Project Coordination	1	Lump Sum	$61,040	$61,040
3	Pre- and Post-Project Photo and Video Documentation	1	Lump Sum	$6,040	$6,040
4	Maintain Document Management System	1	Lump Sum	$15,400	$15,400
5	Communication and Correspondence	1	Lump Sum	$16,160	$16,160
6	Construction Schedule Review and Monitoring	1	Lump Sum	$9,040	$9,040
7	Submittal Review Management	1	Lump Sum	$75,840	$75,840
8	Construction Monitoring, Observation, Inspection, and Testing	1	Lump Sum	$579,080	$579,080
9	NPDES Compliance	1	Lump Sum	$10,640	$10,640
10	Request for Information (RFI) Management	1	Lump Sum	$27,320	$27,320
11	Change Order (CO) Management	1	Lump Sum	$22,360	$22,360
12	Management of Progress Payments	1	Lump Sum	$14,160	$14,160
13	Claims and Disputes Review	1	Lump Sum	$19,160	$19,160
14	Project Closeout Coordination	1	Lump Sum	$25,840	$25,840
15	Record Drawings Review	1	Lump Sum	$13,200	$13,200
TOTAL					$910,880

City of Banning

Booster Stations Construction Management & Inspection Services (RFP-24-069)

Consulting Engineering Fee

Task No.	Task	Principle In Charge Hours	Principle In Charge $	Construction Manager Hours	Construction Manager $	Resident Engineer Hours	Resident Engineer $	Assistant Resident Engineer Hours	Assistant Resident Engineer $	Resident Inspector / Specialty Inspector Hours	Resident Inspector / Specialty Inspector $	Clerical Hours	Clerical $	Subconsultants[3] $	Total $
Scope of Services															
Task 1	Construction Management Work Plan	4	$ 720	12	$ 2,040	24	$ 4,080	48	$ 7,680		$ -	12	$ 1,080		$ 15,600
Task 2	Project Coordination	12	$ 2,160	64	$ 10,880	128	$ 21,760	128	$ 20,480		$ -	64	$ 5,760		$ 61,040
Task 3	Pre-and Post-Project Photo and Video Documentation		$ -	4	$ 680	8	$ 1,360	16	$ 2,560		$ -	16	$ 1,440		$ 6,040
Task 4	Maintain Document Management System		$ -	8	$ 1,360	16	$ 2,720	64	$ 10,240		$ -	12	$ 1,080		$ 15,400
Task 5	Communication and Correspondence	8	$ 1,440	16	$ 2,720	32	$ 5,440	32	$ 5,120		$ -	16	$ 1,440		$ 16,160
Task 6	Construction Schedule Review and Monitoring	4	$ 720	8	$ 1,360	12	$ 2,040	24	$ 3,840		$ -	12	$ 1,080		$ 9,040
Task 7	Submittal Review and Management[4]	8	$ 1,440	60	$ 10,200	120	$ 20,400	240	$ 38,400		$ -	60	$ 5,400		$ 75,840
Task 8	Construction Monitoring, Observation, Inspection, and Testing		$ -	16	$ 2,720	32	$ 5,440	32	$ 5,120	2480	$ 334,800		$ -	$ 231,000	$ 579,080
Task 9	NPDES Compliance		$ -	8	$ 1,360	16	$ 2,720	32	$ 5,120		$ -	16	$ 1,440		$ 10,640
Task 10	Request for Information (RFI) Management	8	$ 1,440	20	$ 3,400	40	$ 6,800	80	$ 12,800	8	$ 1,080	20	$ 1,800		$ 27,320
Task 11	Change Order (CO) Management	8	$ 1,440	16	$ 2,720	32	$ 5,440	64	$ 10,240	8	$ 1,080	16	$ 1,440		$ 22,360
Task 12	Management of Progress Payments		$ -	16	$ 2,720	16	$ 2,720	32	$ 5,120	16	$ 2,160	16	$ 1,440		$ 14,160
Task 13	Claims and Disputes Review	12	$ 2,160	24	$ 4,080	32	$ 5,440	40	$ 6,400		$ -	12	$ 1,080		$ 19,160
Task 14	Project Closeout Coordination	8	$ 1,440	12	$ 2,040	24	$ 4,080	40	$ 6,400	80	$ 10,800	12	$ 1,080		$ 25,840
Task 15	Record Drawings Review		$ -	12	$ 2,040	24	$ 4,080	24	$ 3,840	16	$ 2,160	12	$ 1,080		$ 13,200
	Subtotal:	72	$ 12,960	296	$ 50,320	556	$ 94,520	896	$ 143,360	2,608	$ 352,080	296	$ 26,640	$ 231,000	$ 910,880
														Reimbursables (@1%)[1]:	$ 9,109
														Construction Management Total:	$ 919,989

Rates:

Principal In Charge	$ 180 /HR
Construction Manager	$ 170 /HR
Resident Engineer	$ 170 /HR
Assistant Resident Engineer	$ 160 /HR
Resident/Specialty Inspector	$ 135 /HR
Clerical	$ 90 /HR

Notes:

1.) Reimbursables Include Cost for Prints, Copies, Mileage, Etc.

2.) Assumes Construction Period of 270 Working Days per the RFP

3.) Subconsultant Fees for Materials Testing, Coating Inspection, and Electrical

4.) Assumes 120 Submittals

TKE Engineering, Inc.

Exhibit "C-1"-2

EXHIBIT "D"
SCHEDULE OF PERFORMANCE

I. Consultant shall perform all Services timely, and deliver the specified tangible work products to City in accordance with the schedule attached as Exhibit D-1.

II. The Contract Officer may approve extensions for performance of the Services in accordance with Sections 1.8 and 3.3.

EXHIBIT "D-1"
PROPOSED PROJECT SCHEDULE

City of Banning

Booster Stations Construction Management & Inspection Services (RFP-24-069)

Consulting Engineering Fee

Task No.	Task	Principle In Charge Hours	Principle In Charge $	Construction Manager Hours	Construction Manager $	Resident Engineer Hours	Resident Engineer $	Assistant Resident Engineer Hours	Assistant Resident Engineer $	Resident Inspector / Specialty Inspector Hours	Resident Inspector / Specialty Inspector $	Clerical Hours	Clerical $	Subconsultants[3] $	Total $
Scope of Services															
Task 1	Construction Management Work Plan	4	$ 720	12	$ 2,040	24	$ 4,080	48	$ 7,680		$ -	12	$ 1,080		$ 15,600
Task 2	Project Coordination	12	$ 2,160	64	$ 10,880	128	$ 21,760	128	$ 20,480		$ -	64	$ 5,760		$ 61,040
Task 3	Pre-and Post-Project Photo and Video Documentation		$ -	4	$ 680	8	$ 1,360	16	$ 2,560		$ -	16	$ 1,440		$ 6,040
Task 4	Maintain Document Management System		$ -	8	$ 1,360	16	$ 2,720	64	$ 10,240		$ -	12	$ 1,080		$ 15,400
Task 5	Communication and Correspondence	8	$ 1,440	16	$ 2,720	32	$ 5,440	32	$ 5,120		$ -	16	$ 1,440		$ 16,160
Task 6	Construction Schedule Review and Monitoring	4	$ 720	8	$ 1,360	12	$ 2,040	24	$ 3,840		$ -	12	$ 1,080		$ 9,040
Task 7	Submittal Review and Management[4]	8	$ 1,440	60	$ 10,200	120	$ 20,400	240	$ 38,400		$ -	60	$ 5,400		$ 75,840
Task 8	Construction Monitoring, Observation, Inspection, and Testing		$ -	16	$ 2,720	32	$ 5,440	32	$ 5,120	2480	$ 334,800		$ -	$ 231,000	$ 579,080
Task 9	NPDES Compliance		$ -	8	$ 1,360	16	$ 2,720	32	$ 5,120		$ -	16	$ 1,440		$ 10,640
Task 10	Request for Information (RFI) Management	8	$ 1,440	20	$ 3,400	40	$ 6,800	80	$ 12,800	8	$ 1,080	20	$ 1,800		$ 27,320
Task 11	Change Order (CO) Management	8	$ 1,440	16	$ 2,720	32	$ 5,440	64	$ 10,240	8	$ 1,080	16	$ 1,440		$ 22,360
Task 12	Management of Progress Payments		$ -	16	$ 2,720	16	$ 2,720	32	$ 5,120	16	$ 2,160	16	$ 1,440		$ 14,160
Task 13	Claims and Disputes Review	12	$ 2,160	24	$ 4,080	32	$ 5,440	40	$ 6,400		$ -	12	$ 1,080		$ 19,160
Task 14	Project Closeout Coordination	8	$ 1,440	12	$ 2,040	24	$ 4,080	40	$ 6,400	80	$ 10,800	12	$ 1,080		$ 25,840
Task 15	Record Drawings Review		$ -	12	$ 2,040	24	$ 4,080	24	$ 3,840	16	$ 2,160	12	$ 1,080		$ 13,200
	Subtotal:	72	$ 12,960	296	$ 50,320	556	$ 94,520	896	$ 143,360	2,608	$ 352,080	296	$ 26,640	$ 231,000	$ 910,880
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2.) Assumes Construction Period of 270 Working Days per the RFP

3.) Subconsultant Fees for Materials Testing, Coating Inspection, and Electrical

4.) Assumes 120 Submittals

TKE Engineering, Inc.

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Patrick Safari, Capital Improvement Projects Manager** **Art Vela, Director of Public Works**
MEETING DATE:	**August 27, 2024**
SUBJECT:	**Consideration of Resolution 2024-133, Awarding a Professional Services Agreement to Albert A. Webb Associates in the amount of $79,700 for CEQA Related Biological and Paleontological Monitoring and Reporting During the Construction of Charles Street and Lincoln Street Non-Potable Water Booster Stations**

RECOMMENDATION:

Adopt Resolution 2024-133.

BACKGROUND:

Construction activities for the Charles Street and Lincoln Street Non-Potable Water Booster Stations projects are expected to start by the end of the year. The projects will be funded by the American Rescue Plan Act (ARPA) that was signed into law on March 11, 2021 by the President, establishing the Coronavirus State Fiscal Recovery Fund intended to provide support to state, local and tribal governments in responding to the economic impact of COVID-19.

On September 13, 2022, the City Council approved Resolution 2022-123 approving a Funding Agreement with Riverside County in the amount of $5,049,202 for the delivery of the Charles Street and Lincoln Street Non-Potable Water Booster Pump Station construction projects ("Projects").
On February 28, 2023, the City Council approved Resolution 2023-05UA approving the award of a Professional Services Agreement to Albert A. Webb Associates ("WEBB") for the preparation of California Environmental Quality Act (CEQA) and environmental clearance documents as required to comply with ARPA funding requirements for the Projects.

As a identified in the CEQA compliance documents, the City is required to provide biological monitoring and paleontological monitoring/reporting during the construction phase of the Projects.

On July 11, 2024, City staff requested a proposal from WEBB to address the additional biological and paleontological monitoring/reporting activities needed to be in compliance with ARPA funding related CEQA requirements. Webb proposal for these services was in the amount of $79,700.

The scope of work includes Biological Monitoring of the Montgomery Creek and associated Riversidian Alluvial Fan Sage Scrub habitat; and Paleontological Monitoring/Reporting of any fossils such as buried remains and other prehistoric organisms at the construction sites.

JUSTIFICATION:

The original Professional Services Agreement with WEBB to prepare CEQA documentation recently

expired, and a new agreement is needed to provide Biological and Paleontological Monitoring/Reporting services during the construction phase of the two booster station projects.

The award of a new Professional Services Agreement to WEBB as a sole source is necessary in order to avoid unnecessary delays in the project schedule.

FISCAL IMPACT:

The original Professional Services Agreement with WEBB in the amount of $147,200 was not fully expensed because some tasks such as Los Angeles Pocket Mouse Habitat Assessment, Focused Burrowing Owl Survey and Narrow Endemic Plant Species Survey were not needed. The reduction in contract tasks reduced the contract amount by $34,300.

An appropriation from the Water Capital Facilities Fund 661 to Account No. 661-6300-471.33-11 in the amount of $79,700 is necessary to fund the Professional Services Agreement with Albert A. Webb Associates. Fund 661 has a cash balance of approximately $3,249,388.99.

ALTERNATIVES:

Do not approve Resolution 2024-133 and provide alternative direction to staff.

BUDGETED?:

Yes

CONTRACT/AGREEMENT:

Yes

ATTACHMENTS:

1. Resolution 2024-133 Webb CEQA.docx
2. C01062 PSA for Albert A. Webb Assoc - CEQA Compliance Booster Station.pdf
3. Resolution No. 2022-123.pdf
4. Resolution No. 2023-05 UA.pdf
5. WEBB Proposal.pdf

RESOLUTION 2024-133

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AWARDING A PROFESSIONAL SERVICES AGREEMENT TO ALBERT A. WEBB ASSOCIATES IN THE AMOUNT OF $79,700 FOR CEQA RELATED BIOLOGICAL AND PALEONTOLOGICAL MONITORING AND REPORTING DURING THE CONSTRUCTION OF CHARLES STREET AND LINCOLN STREET NON-POTABLE WATER BOOSTER STATIONS

WHEREAS, construction activities for the Charles Street and Lincoln Street Non-Potable Water Booster Stations projects ("Projects") are expected to commence by the end of the year; and

WHEREAS, on September 13, 2022, the City Council approved Resolution 2022-123 approving a Funding Agreement with the Riverside County in the amount of $5,049,202 for the delivery of Charles Street and Lincoln Street Non-Potable Water Booster Pump Station construction projects; and

WHEREAS, on February 28, 2023, the City Council approved Resolution 2023-05 UA approving the award of a Professional Services Agreement to Albert A. Webb Associates ("WEBB") for the preparation of California Environmental Quality Act (CEQA) and environmental clearance documents as required to comply with ARPA funding requirements for the Charles Street and Lincoln Street Non-Water Booster Stations projects; and

WHEREAS, as a result of the CEQA documentation preparation by WEBB, Biological Monitoring and Paleontological Monitoring/Reporting were identified in the report as critical mitigating measures to be undertaken during the construction of the two booster station projects; and

WHEREAS, on July 11, 2024, City staff requested a proposal from WEBB to address the additional Biological and Paleontological Monitoring/Reporting activities needed for compliance with ARPA funding related CEQA requirements. Webb's proposal for these services is in the amount of $79,700; and

WHEREAS, the scope of work includes Biological Monitoring of the Montgomery Creek and associated Riversidian Alluvial Fan Sage Scrub habitat; and Paleontological Monitoring/Reporting of any fossils such as buried remains and other prehistoric organisms at the construction sites; and

WHEREAS, the original Professional Services Agreement with WEBB to prepare CEQA documentation recently expired, and a new agreement is needed to provide Biological and Paleontological Monitoring/Reporting services during the construction phase of the Projects; and

WHEREAS, the award of a new Professional Services Agreement to WEBB as a sole source is necessary in order to avoid unnecessary delays in the project schedule; and

WHEREAS, an appropriation from the Water Capital Facilities Fund 661 to Account No. 661-6300-471.33-11 in the amount of $79,700 is necessary to fund the Professional Services Agreement with Albert A. Webb Associates.

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

SECTION 1. The City Council approves the Professional Services Agreement with Albert A. Webb and Associates for the CEQA Construction Monitoring for a two (2) year term in an amount of $79,700 and subsequent amendments to extend the Agreement for up to three (3) additional one (1) year terms upon satisfactory performance, with a total not-to-exceed amount of $79,700 over five (5) years.

SECTION 2. The City Council authorizes the City Manager to make non-substantive changes to the Professional Services Agreement and to execute the Professional Services Agreement with Albert A. Webb and Associates on behalf of the City Council.

SECTION 3. The City Council authorizes the City Manager, or designee, to make necessary budget adjustments, appropriations, and transfers related to this resolution.

SECTION 4. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 27th day of August 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-133, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 27th day of August 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

EXHIBIT A
Professional Services Agreement with Albert A. Webb and Associates

AGREEMENT FOR PROFESSIONAL SERVICES (C01062) FOR CEQA COMPLIANCE BOOSTER STATIONS BY AND BETWEEN CITY OF BANNING AND ALBERT A WEBB ASSOCIATES, INC.

THIS AGREEMENT FOR PROFESSIONAL SERVICES (herein "Agreement") is made and entered into this day: _____, ("Effective Date") by and between the **CITY OF BANNING,** a California municipal corporation ("City") and Albert A. Webb Associates, Inc., a Corporation ("Consultant"). City and Consultant are sometimes hereinafter individually referred to as "Party" and hereinafter collectively referred to as the "Parties."

RECITALS

A. City has sought by a proposal for the performance of the services for California Environmental Quality Act (CEQA) for two projects and as further defined and described particularly in Article 1 of this Agreement.

B. Consultant, following submission of a proposal for the performance of the services defined and described particularly in Article 1 of this Agreement, was selected by City to perform those services.

C. The Parties desire to formalize the selection of Consultant for performance of those services defined and described particularly in Article 1 of this Agreement and desire that the terms of that performance be as particularly defined and described herein.

D. Pursuant to the City of Banning's Municipal Code, City has authority to enter into this Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants made by the Parties and contained herein and other consideration, the value and adequacy of which are hereby acknowledged, the Parties agree as follows:

ARTICLE 1. SERVICES OF CONSULTANT

1.1 Scope of Services.

In compliance with all terms and conditions of this Agreement, Consultant shall provide those services specified in the "Scope of Services" attached hereto as **Exhibit A** and incorporated herein by this reference, which services may be referred to herein as the "Services" hereunder. As a material inducement to City entering into this Agreement, Consultant represents and warrants that it has the qualifications, experience, and facilities necessary to properly perform the Services required under this Agreement in a thorough, competent, and professional manner, and is experienced in performing the Services contemplated herein. Consultant shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all Services described herein. Consultant covenants that it shall follow the highest professional standards in performing the Services required hereunder and that all materials will be of good quality, and fit for the purpose intended. For purposes of this Agreement, the phrase "highest professional

standards" shall mean those standards of practice recognized by one or more first-class firms performing similar work under similar circumstances.

1.2 Contract Documents and Exhibits.

This Agreement includes the Request for Proposal and Consultant's accepted proposal ("Contract Documents"), both of which are on file with the City and incorporated herein by this general reference as though fully set forth herein. **Exhibit A** (Scope of Services), **Exhibit B** (Special Requirements), **Exhibit C** (Schedule of Compensation), and **Exhibit D** (Schedule of Performance) also constitute a part of this Agreement and are incorporated into this Agreement by this reference. Except as set forth in Section 1.10 regarding **Exhibit B**, this Agreement controls over the Contract Documents and the provisions in **Exhibits A, B** and **C**.

1.3 Compliance with Law.

Consultant shall keep itself informed concerning all ordinances, resolutions, statutes, rules, and regulations of City and any Federal, State or local governmental entity having jurisdiction in effect at the time service is rendered, and shall render all Services hereunder in accordance therewith.

1.4 Licenses, Permits, Fees and Assessments.

Consultant shall obtain and maintain during the term of this Agreement, at its sole cost and expense, all necessary licenses, permits, certificates and approvals required by law for the performance of Services under this Agreement, including a City business license. Consultant shall have the sole obligation to pay for all fees, assessments and taxes, plus applicable penalties and interest, which may be imposed by law and which arise from or are necessary for Consultant's performance of the Services required by this Agreement. Consultant shall indemnify, defend and hold harmless City, its officers, employees or agents, against all such fees, assessments, taxes, penalties or interest levied, assessed or imposed against City hereunder.

1.5 Familiarity with Services.

By executing this Agreement, Consultant warrants that Consultant: (i) has thoroughly investigated and considered the Scope of Services to be performed, (ii) has carefully considered how the Services should be performed, and (iii) fully understands the facilities and any difficulties and restrictions attending performance of the Services under this Agreement. If the Services involve work upon any site, Consultant warrants that Consultant has or will investigate the site and is or will be fully acquainted with the conditions existing therein, prior to commencement of Services hereunder. Should Consultant discover any latent or unknown conditions, which will materially affect the performance of the Services hereunder, Consultant shall immediately inform City of such fact and shall not proceed except at Consultant's risk until written instructions are received from the Contract Officer (defined in Section 1.12. A).

1.6 Prevention of Loss and Damages.

Consultant shall adopt reasonable methods during the Term (defined in Section 3.4) to furnish continuous protection to the work product, and the equipment, materials, papers,

documents, plans, studies and/or other components thereof to prevent losses or damages, and shall be responsible for all such damages, to persons or property, until acceptance of the Services by City, except such losses or damages as may be caused by City's own negligence.

1.7 Further Responsibilities of Parties.

Both Parties agree to use reasonable care and diligence to perform their respective obligations under this Agreement. Both Parties agree to act in good faith to execute all instruments, prepare all documents and take all actions as may be reasonable necessary to carry out the purposes of this Agreement. Unless hereafter specified, neither Party shall be responsible to perform the Services of the other.

1.8 Additional Services.

City shall have the right at any time during the performance of the Services, without invalidating this Agreement, to order extra services beyond that specified in the Scope of Services or to make changes by altering, adding to or deducting from the Services. No such extra services may be undertaken unless a written order is first given by the Contract Officer to Consultant, which written order incorporates therein an adjustment in (i) the Contract Sum (as defined in Section 2.1), and/or (ii) the Schedule of Performance, (as defined in Section 3.2), and which written order is approved in writing by Consultant. Any increase in compensation of up to ten percent (10%) of the Contract Sum, or $25,000, whichever is less; or in the Schedule of Performance of up to one hundred eighty (180) days may be approved by the Contract Officer. Any greater increases, taken either separately or cumulatively, must be approved by City Council. It is expressly understood by Consultant that the provisions of this Section shall not apply to Services which are specifically set forth in the Scope of Services or which are reasonably contemplated therein. Consultant hereby acknowledges that it accepts the risk that the Services to be provided pursuant to the Scope of Services may be more costly or time consuming than Consultant anticipates and that Consultant shall not be entitled to additional compensation therefor.

1.9 Facilities and Equipment.

Except as otherwise provided, Consultant shall, at its own cost and expense, provide all facilities and equipment necessary to perform the Services required by this Agreement. City shall make available to Consultant only physical facilities such as desks, filing cabinets, and conference space ("City Facilities"), as City deems, in its sole discretion, to be reasonably necessary for Consultant's use while consulting with City employees and reviewing records and the information in possession of City. The location, quality, and time of furnishing City Facilities shall be in the sole discretion of City. In no event shall City be required to furnish any facilities that may involve incurring any direct expense, including but not limited to a computer, long distance telephone, network data, internet or other communication charges, vehicles and reproduction facilities.

1.10 Special Requirements.

Additional terms and conditions of this Agreement, if any, which are made a part hereof are set forth in the "Special Requirements" attached hereto as **Exhibit B** and incorporated herein by this reference. In the event of a conflict between the provisions of **Exhibit B** and any other provisions of this Agreement, the provisions of **Exhibit B** shall govern.

1.11 Corrections.

In addition to the indemnification obligations set forth in Article 4, and Sections 1.4, 1.13, 5.3, 5.4, and 6.3, Consultant shall correct, at its expense, all errors in the Services which may be disclosed during City's review of Consultant's report or plans. Should Consultant fail to make such correction(s) in a reasonably timely manner, such correction(s) may be made by City, and the cost thereof shall be charged to Consultant. In addition to all other available remedies, City may deduct the cost of such correction(s) from any retention amount held by City, or may withhold payment otherwise owed Consultant under this Agreement up to the amount of the cost of correction(s), as provided in Section 6.3.

1.12 Party Representatives.

A. Contract Officer: For the purposes of this Agreement, the Contract Officer shall be the City Manager, or such other person designated in writing by the City Manager ("Contract Officer"). Unless otherwise specified herein, any approval of City required hereunder shall mean the approval of the Contract Officer. The Contract Officer shall have authority, if specified in writing by the City Manager, to sign all documents on behalf of City required hereunder to carry out the terms of this Agreement.

B. Principals and Personnel of Consultant.

1) Consultant Representative: The following principal of Consultant is hereby designated as being the Consultant Representative authorized to act on Consultant's behalf regarding the Services specified herein and make all decisions in connection therewith:

Name	Title
Stephanie Standerfer	Vice President

It is expressly understood that the experience, knowledge, capability and reputation of the foregoing Consultant Representative were a substantial inducement for City to enter into this Agreement. Therefore, the foregoing Consultant Representative shall be responsible during the term of this Agreement for directing all activities of Consultant and devoting sufficient time to personally supervise the Services hereunder. All personnel of Consultant, and any authorized agents, shall at all times be under the exclusive direction and control of the Consultant Representative. For purposes of this Agreement, the foregoing Consultant Representative may not be replaced nor may their responsibilities be substantially reduced or reassigned by Consultant without the express written approval of City. It shall be Consultant's responsibility to assure that the Contract Officer is kept informed of the progress of the performance of the Services, and Consultant shall refer any decisions which must be made by City to the Contract Officer.

2) Consultant's Personnel: Consultant has, or will secure at its own expense, all personnel required to perform the Services required under this Agreement. All of the Services required under this Agreement shall be performed by Consultant or under its supervision, and all personnel engaged in the Services shall be qualified to perform such Services. Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff and sub-contractors, if any, assigned to perform the Services required under this Agreement.

Consultant shall notify City of all changes in Consultant's staff and sub-contractors, if any, assigned to perform the Services required under this Agreement, prior to and during any such performance. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires to reassign any staff or sub-contractor of Consultant, City shall give notice as set forth in Section 8.1. Consultant shall, immediately upon the receipt of the notice to re-assign staff from City, reassign such person or persons.

1.13 Independent Contractor.

A. Consultant is an independent contractor and not an employee of City. Consultant shall have no power to incur any debt, obligation, or liability on behalf of City. All Services provided pursuant to this Agreement shall be performed by Consultant or under its supervision. Consultant will determine the means, methods, and details of performing the Services. Any additional personnel performing Services under this Agreement on behalf of Consultant shall also not be employees of City and shall at all times be under Consultant's exclusive direction and control. Consultant shall pay all wages, salaries, and other amounts due such personnel in connection with their performance of Services under this Agreement and as required by law. Consultant shall be responsible for all reports and obligations respecting such additional personnel, including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation insurance.

B. Consultant shall indemnify and hold harmless City and its elected officials, officers, employees, servants, designated volunteers, and agents serving as independent contractors in the role of City officials, from any and all liability, damages, claims, costs and expenses of any nature to the extent arising from Consultant's personnel practices. City shall have the right to offset against the amount of any fees due to Consultant under this Agreement any amount due to City from Consultant as a result of Consultant's failure to promptly pay to City any reimbursement or indemnification arising under this Section.

1.14 Prohibition Against Subcontracting or Assignment.

The experience, knowledge, capability and reputation of Consultant, the Consultant Representative and employees were a substantial inducement for City to enter into this Agreement. Therefore, Consultant shall not contract with any other entity to perform in whole or in part the Services required hereunder without the express written approval of City. In addition, neither this Agreement nor any interest herein may be transferred, assigned, conveyed, hypothecated or encumbered voluntarily or by operation of law, whether for the benefit of creditors or otherwise, without the prior written approval of City. Transfers restricted hereunder shall include the transfer to any person or group of persons acting in concert of more than twenty-five percent (25%) of the present ownership and/or control of Consultant, taking all transfers into account on a cumulative basis. In the event of any such unapproved transfer, including any bankruptcy proceeding, this

Agreement shall be void. No approved transfer shall release Consultant or any surety of Consultant of any liability hereunder without the express consent of City.

ARTICLE 2. COMPENSATION AND METHOD OF PAYMENT.

2.1 Contract Sum.

Subject to any limitations set forth in this Agreement, as full compensation for Services satisfactorily rendered, City shall pay Consultant at the hourly rates set forth in the "Schedule of Compensation" attached hereto as **Exhibit C** and incorporated herein by this reference. In no event shall Consultant be paid more than Seventy-Nine Thousand Seven Hundred Dollars ($79,700.00) (the "Contract Sum"). The Contract Sum shall include the attendance of Consultant at all project meetings reasonably deemed necessary by City. Coordination of the performance of the Services with City is a critical component of the Services. If Consultant is required to attend additional meetings to facilitate such coordination, Consultant shall not be entitled to any additional compensation for attending those meetings.

2.2 Method of Compensation.

The method of compensation may include: (i) a lump sum payment upon completion of the Services, (ii) payment in accordance with specified tasks or the percentage of completion of the Services, (iii) payment for time and materials based upon Consultant's rates as specified in the Schedule of Compensation, provided that time estimates are provided for the performance of sub tasks, but not exceeding the Contract Sum or (iv) such other methods as may be specified in the Schedule of Compensation.

2.3 Reimbursable Expenses.

City shall only reimburse Consultant for those actual and necessary expenses expressly set forth in **Exhibit C**. Reimbursable expenses may include reimbursement for actual and necessary expenditures for reproduction costs, telephone expenses, and travel expenses approved by the Contract Officer in advance, or actual sub-contractor expenses of an approved sub-contractor pursuant to Section 1.14, and only if specified in the Schedule of Compensation.

2.4 Unauthorized Services and Expenses.

City will not pay for any Services or reimburse for any expenses incurred which are not specified in the Scope of Services, unless authorized in writing as set forth in Section 1.8 of this Agreement. City shall make payment for such authorized additional Services and expenses in accordance with Article 2 of this Agreement.

2.5 Invoices.

Each month Consultant shall furnish to City an original invoice for all Services performed and expenses incurred during the preceding month. Each such invoice shall contain all of the information set forth in Section III of **Exhibit C** to this Agreement. By submitting an invoice for payment under this Agreement, Consultant is certifying compliance with all provisions of the

Agreement. Consultant shall not invoice City for any duplicate Services performed by more than one person.

City shall independently review each invoice submitted by Consultant to determine whether the Services performed and expenses incurred are in compliance with the provisions of this Agreement. City will use its best efforts to cause Consultant to be paid within thirty (30) days of receipt of Consultant's correct and undisputed invoice, except as to any charges for Services performed or expenses incurred by Consultant which are disputed by City, or as provided in Section 6.3. In the event any charges or expenses are disputed by City, the original invoice shall be returned by City to Consultant for correction and resubmission. Review and payment by City of any invoice provided by Consultant shall not constitute waiver of any rights or remedies provided herein or any applicable law.

2.6 Waiver.

Payment to Consultant for Services performed pursuant to this Agreement shall not be deemed to waive any defects in Services performed by Consultant.

ARTICLE 3. PERFORMANCE SCHEDULE

3.1 Time of Essence.

Time is of the essence in the performance of this Agreement; provided, however, that the foregoing shall not be construed to limit or deprive a Party of the benefits of any grace or use period allowed in this Agreement.

3.2 Schedule of Performance.

Consultant shall commence the Services pursuant to this Agreement upon receipt of a written notice to proceed and shall perform all Services within the time period(s) established in the "Schedule of Performance" attached hereto as **Exhibit D** and incorporated herein by this reference.

3.3 Force Majeure.

The time period(s) specified in the Schedule of Performance for performance of the Services rendered pursuant to this Agreement may be extended because of any delays due to unforeseeable causes beyond the control and without the fault or negligence of Consultant. Such unforeseeable consequences include, but are not restricted to, acts of God or public enemy, unusually severe weather, fires, earthquakes, floods, epidemics, quarantine restrictions, riots, strikes, freight embargoes, wars, litigation, and/or acts of any governmental agency, including City, if Consultant shall within ten (10) days of the commencement of such delay notify the Contract Officer in writing of the causes of the delay. The Contract Officer shall ascertain the facts and the extent of delay, and extend the time for performing the Services for the period of the enforced delay when and if in the judgment of the Contract Officer such delay is justified, subject to the provisions of Section 1.8. The Contract Officer's determination (or the City Council's determination, in the event the period of enforced delay exceeds the period specified in Section 1.8) shall be final and conclusive upon the Parties to this Agreement. In no event shall Consultant

be entitled to recover damages against City for any delay in the performance of this Agreement, however caused; Consultant's sole remedy shall be the extension of the Agreement pursuant to this Section.

3.4 Term.

The Term of this Agreement shall be from the Effective Date through December 31, 2026, unless sooner terminated as provided in Article 6 of this Agreement or extended as provided in Sections 1.8 and 3.3 of this Agreement. Maximum term and any subsequent amendment or modification shall not exceed five (5) years.

ARTICLE 4. INSURANCE AND INDEMNIFICATION

4.1 Minimum Scope and Limits of Insurance.

Consultant shall procure and at all times during the term of this Agreement carry, maintain, and keep in full force and effect, insurance as follows:

A. Commercial General Liability Insurance with a minimum limit of $1,000,000.00 per occurrence for bodily injury, personal injury and property damage and a general aggregate limit of $2,000,000.00 per project or location. If Consultant is a limited liability company, the commercial general liability coverage shall be amended so that Consultant and its managers, members, affiliates, employees, agents and other persons necessary or incidental to its operation are insureds.

B. Automobile Liability Insurance for any owned, non-owned or hired vehicle used in connection with the performance of this Agreement with a combined single limit of $1,000,000.00 per accident for bodily injury and property damage. If Consultant does not use any owned, non-owned or hired vehicles in the performance of Services under this Agreement, Consultant shall obtain a non-owned auto endorsement to the Commercial General Liability policy.

C. Workers' Compensation Insurance as required by the State of California and Employer's Liability Insurance with a minimum limit of $1,000,000.00 per accident for bodily injury or disease. If Consultant has no employees while performing Services under this Agreement, workers' compensation policy is not required; however, Consultant shall execute a declaration that it has no employees.

D. Professional Liability/Errors and Omissions Insurance with minimum limits of $1,000,000.00 per claim and in the aggregate.

4.2 Acceptability of Insurers.

The insurance policies required under this Article shall be issued by an insurer admitted to write insurance in the State of California with a rating of A:VII or better in the latest

edition of the A.M. Best Insurance Rating Guide. Self-insurance shall not be considered to comply with the insurance requirements under this Article.

4.3 Additional Insured.

The commercial general and automobile liability policies shall contain an endorsement naming City, its officers, employees, agents and volunteers as additional insureds.

4.4 Primary and Non-Contributing.

The insurance policies required under this Article shall apply on a primary non-contributing basis in relation to any other insurance or self-insurance available to City. Any insurance or self-insurance maintained by City, its officers, employees, agents or volunteers, shall be in excess of Consultant's insurance and shall not contribute with it.

4.5 Consultant's Waiver of Subrogation.

The insurance policies required under this Article shall not prohibit Consultant and Consultant's employees, agents or sub-contractors from waiving the right of subrogation prior to a loss. Consultant hereby waives all rights of subrogation against City.

4.6 Deductibles and Self-Insured Retentions.

Any deductibles or self-insured retentions must be declared to and approved by City. At City's option, Consultant shall either reduce or eliminate the deductibles or self-insured retentions with respect to City; or Consultant shall procure a bond guaranteeing payment of losses and expenses.

4.7 Cancellations or Modifications to Coverage.

Consultant shall not cancel, reduce or otherwise modify the insurance policies required by this Article during the term of this Agreement. The commercial general and automobile liability policies required under this Agreement shall be endorsed to state that should the issuing insurer cancel the policy before the expiration date, the issuing insurer will endeavor to mail 30 days' prior written notice to City. If any insurance policy required under this Article is canceled or reduced in coverage or limits, Consultant shall, within two (2) Business Days (as defined in Section 8.12) of notice from the insurer, phone, fax or notify City via certified mail, return receipt requested, of the cancellation of or changes to the policy.

4.8 City Remedy for Noncompliance.

If Consultant does not maintain the policies of insurance required under this Article in full force and effect during the term of this Agreement, or in the event any of Consultant's policies do not comply with the requirements under this Article, City may either immediately terminate this Agreement or, if insurance is available at a reasonable cost, City may, but has no duty to, take out the necessary insurance and pay, at Consultant's expense, the premium thereon. Consultant shall promptly reimburse City for any premium paid by City, or City may withhold amounts sufficient to pay the premiums from payments due to Consultant.

4.9 Evidence of Insurance.

Prior to the performance of Services under this Agreement, Consultant shall furnish the City Clerk with a certificate or certificates of insurance and all original endorsements evidencing and effecting the coverages required under this Article. The endorsements are subject to City's approval. Consultant may provide complete, certified copies of all required insurance policies to City. Consultant shall maintain current endorsements on file with the City Clerk. Consultant shall provide proof to the City Clerk that insurance policies expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Consultant shall furnish such proof at least two (2) weeks prior to the expiration of the coverages.

4.10 Indemnity Requirements not Limiting.

Procurement of insurance by Consultant shall not be construed as a limitation of Consultant's liability or as full performance of Consultant's duty to indemnify City under this Agreement.

4.11 Sub-contractor Insurance Requirements.

Consultant shall require each of its sub-contractors that perform Services under this Agreement to maintain insurance coverage that meets all of the requirements of this Article.

4.12 Indemnification, Hold Harmless, and Duty to Defend.

A. Indemnification of City.

1) To the fullest extent permitted by law, Consultant shall, at its sole cost and expense, defend, hold harmless and indemnify City and its elected officials, officers, attorneys, agents, employees, designated volunteers, successors, assigns and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees"), from and against any and all damages, costs, expenses, liabilities, claims, demands, causes of action, proceedings, expenses, judgments, penalties, liens, and losses of any nature whatsoever, including fees of accountants, attorneys, or other professionals and all costs associated therewith and the payment of all consequential damages (collectively "Liabilities"), at law or in equity, whether actual, alleged or threatened, which arise out of, are claimed to arise out of, pertain to, or relate to the acts or omissions of Consultant, its officers, agents, servants, employees, sub-contractors, materialmen, consultants or their officers, agents, servants or employees (or any entity or individual that Consultant shall bear the legal liability thereof) in the performance of this Agreement, including the Indemnitees' active or passive negligence, except for Liabilities arising from the sole negligence or willful misconduct of the Indemnitees as determined by court decision or by the agreement of the Parties. Consultant shall defend the Indemnitees in any action or actions filed in connection with any Liabilities with counsel of the Indemnitees' choice, and shall pay all costs and expenses, including all attorneys' fees and experts' costs actually incurred in connection with such defense. Consultant shall reimburse the Indemnitees for any and all legal expenses and costs incurred by Indemnitees in connection therewith.

2) Consultant shall pay all required taxes on amounts paid to Consultant under this Agreement, and indemnify and hold City harmless from any and all taxes, assessments, penalties, and interest asserted against City by reason of the independent contractor relationship created by this Agreement. Consultant shall fully comply with the workers' compensation law regarding Consultant and Consultant's employees. Consultant shall indemnify and hold City harmless from any failure of Consultant to comply with applicable workers' compensation laws. City may offset against the amount of any fees due to Consultant under this Agreement any amount due to City from Consultant as a result of Consultant's failure to promptly pay to City any reimbursement or indemnification arising under this subparagraph A.2.

3) Consultant shall obtain executed indemnity agreements with provisions identical to those in this Article from each and every sub-contractor or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. If Consultant fails to obtain such indemnity obligations, Consultant shall be fully responsible and indemnify, hold harmless and defend the Indemnitees from and against any and all Liabilities at law or in equity, whether actual, alleged or threatened, which arise out of, are claimed to arise out of, pertain to, or relate to the acts or omissions of Consultant's sub-contractor, its officers, agents, servants, employees, sub-contractors, materialmen, consultants or their officers, agents, servants or employees (or any entity or individual that Consultant's sub-contractor shall bear the legal liability thereof) in the performance of this Agreement, including the Indemnitees' active or passive negligence, except for Liabilities arising from the sole negligence or willful misconduct of the Indemnitees as determined by court decision or by the agreement of the Parties.

B. Workers' Compensation Acts not Limiting. Consultant's indemnifications and obligations under this Article, or any other provision of this Agreement, shall not be limited by the provisions of any workers' compensation act or similar act. Consultant expressly waives its statutory immunity under such statutes or laws as to City, its officers, agents, employees and volunteers.

C. Insurance Requirements not Limiting. City does not, and shall not, waive any rights that it may possess against Consultant because of the acceptance by City, or the deposit with City, of any insurance policy or certificate required pursuant to this Agreement. The indemnities in this Article shall apply regardless of whether or not any insurance policies are determined to be applicable to the Liabilities, tax, assessment, penalty or interest asserted against City.

D. Survival of Terms. Consultant's indemnifications and obligations under this Article shall survive the expiration or termination of this Agreement.

ARTICLE 5. RECORDS, REPORTS, AND RELEASE OF INFORMATION

5.1 Service Records.

Consultant shall keep, and require sub-contractors to keep, such ledgers, books of accounts, invoices, vouchers, canceled checks, reports, studies or other documents relating to the disbursements charged to City and Services performed hereunder (the "Service Records"), as shall be necessary to perform the Services required by this Agreement and enable the Contract Officer

to evaluate the performance of such Services. Any and all such Service Records shall be maintained in accordance with generally accepted accounting principles and shall be complete and detailed. The Contract Officer shall have full and free access to such Service Records at all times during normal business hours of City, including the right to inspect, copy, audit and make copies and transcripts from such Service Records. Such Service Records shall be maintained for a period of three (3) years following completion of the Services hereunder, and City shall have access to such Service Records in the event any audit is required. In the event of dissolution of Consultant's business, custody of the Service Records may be given to City, and access shall be provided by Consultant's successor in interest ("Consultant's Successor"). If custody of the Service Records is given to Consultant's Successor, Consultant shall give written notice to City of the transfer of the Service Records to Consultant's Successor. The notice shall include contact information (address and telephone number) for Consultant's Successor, and access shall be provided to City by Consultant's Successor.

5.2 Reports.

Consultant shall periodically prepare and submit to the Contract Officer such reports concerning the performance of the Services required by this Agreement as the Contract Officer shall require. Consultant hereby acknowledges that City is greatly concerned about the cost of Services to be performed pursuant to this Agreement. For this reason, Consultant agrees that if Consultant becomes aware of any facts, circumstances, techniques, or events that may or will materially increase or decrease the cost of the Services contemplated herein, Consultant shall promptly notify the Contract Officer of that fact, circumstance, technique or event and the estimated increased or decreased cost related thereto.

5.3 Ownership of Documents.

All drawings, specifications, maps, designs, photographs, studies, surveys, data, notes, computer files, reports, records, documents and other materials (the "Consultant Documents") prepared by Consultant, its employees, sub-contractors and agents in the performance of this Agreement shall be the property of City and shall be delivered to City upon request of the Contract Officer or upon the termination of this Agreement. Consultant shall have no claim for further employment or additional compensation as a result of the exercise by City of its full rights of ownership use, reuse, or assignment of the Consultant Documents hereunder. Any use, reuse or assignment of such completed Consultant Documents for other projects and/or use of uncompleted Consultant Documents without specific written authorization by Consultant will be at City's sole risk and without liability to Consultant, and Consultant's guarantee and warranties shall not extend to such use or assignment. Consultant may retain copies of such Consultant Documents for its own use. Consultant shall have an unrestricted right to use the concepts embodied therein. All sub-contractors shall provide for assignment to City of all Consultant Documents prepared by them; and in the event Consultant fails to secure such assignment, Consultant shall indemnify City for all damages resulting therefrom.

5.4 Confidentiality and Release of Information.

A. All information gained or work product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the

public domain or already known to Consultant. Consultant shall not release or disclose any such information or work product to persons or entities other than City without prior written authorization from the Contract Officer.

B. Consultant, its officers, employees, agents or sub-contractors, shall not, without prior written authorization from the Contract Officer or unless requested by the City Attorney, voluntarily provide documents, declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the Services performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided Consultant gives City notice of such court order or subpoena.

C. If Consultant, or any officer, employee, agent or sub-contractor of Consultant, provides any information or work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Consultant for any damages, costs and fees, including attorneys' fees, caused by or incurred as a result of Consultant's conduct.

D. Consultant shall promptly notify City should Consultant, its officers, employees, agents or sub-contractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any Party regarding this Agreement and the Services performed thereunder. City retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Consultant. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite the response.

ARTICLE 6. ENFORCEMENT OF AGREEMENT AND TERMINATION

6.1 California Law.

This Agreement, and any dispute arising from the relationship between the Parties to this Agreement, shall be interpreted, construed and governed both as to validity and to performance of the Parties in accordance with the laws of the State of California. Legal actions concerning any dispute, claim or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of Riverside, State of California, or any other appropriate court in such county, and Consultant covenants and agrees to submit to the personal jurisdiction of such court in the event of such action. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Central District of California, in Riverside.

6.2 Disputes; Default.

A. In the event that City determines Consultant is in default under the terms of this Agreement, City shall have no obligation or duty to continue compensating Consultant for any Services performed after the date of default. In addition to the provisions of Section 4.8, and the right to terminate pursuant to Section 6.7, if the City Manager determines that Consultant is in default in the performance of any of the terms or conditions of this Agreement, City may serve Consultant with written notice of the default. Consultant shall have ten (10) calendar days after service upon it of the notice in which to cure the default by rendering a satisfactory performance.

In the event that Consultant fails to cure its default within such period of time, City may, notwithstanding any other provision of this Agreement, terminate this Agreement without further notice and without prejudice to any other remedy to which it may be entitled at law, in equity or under this Agreement.

B. In the event of termination pursuant to this Section, City may take over the Services and prosecute the same to completion by contract or otherwise, and Consultant shall be liable to the extent that the total cost for completion of the Services required hereunder exceeds the compensation herein stipulated (provided that City shall use reasonable efforts to mitigate such damages), and City may withhold any payments to Consultant for the purpose of set-off or partial payment of the amounts owed City as provided in Section 6.3.

6.3 Retention of Funds.

Consultant hereby authorizes City to deduct from any amount payable to Consultant (whether or not arising out of this Agreement): (i) any payment amount of which may be in dispute hereunder or which is necessary to compensate City for any losses, costs, liabilities, or damages suffered by City, (ii) all amounts retained pursuant to the provisions of Section 4.8, (iii) all amounts for which City may be liable to third parties, by reason of Consultant's acts or omissions in performing or failing to perform Consultant's obligation under this Agreement, and (iv) all payments due or that become due to Consultant during the period that Consultant or any of its sub-contractors fail to maintain any required insurance in full force and effect, until notice is received by City that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to City, as provided in Section 4.9, above. In the event that any claim is made by a third party, the amount or validity of which is disputed by Consultant, or any indebtedness shall exist which shall appear to be the basis for a claim of lien, City may withhold from any payment due, without liability for interest because of such withholding, an amount sufficient to cover such claim. The failure of City to exercise such right to deduct or to withhold shall not, however, affect the obligations of Consultant to insure, indemnify, and protect City as elsewhere provided herein.

6.4 Waiver.

Waiver by any Party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any Party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision or a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any Services by Consultant shall not constitute a waiver of any of the provisions of this Agreement. No delay or omission in the exercise of any right or remedy by a non-defaulting Party on any default shall impair such right or remedy or be construed as a waiver. Any waiver by either Party of any default must be in writing, and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

6.5 Rights and Remedies are Cumulative.

Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the Parties are cumulative and the exercise by either Party

of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other Party.

6.6 Legal Action.

In addition to any other rights or remedies, either Party may take legal action, in law or in equity, to cure, correct or remedy any default, to recover damages for any default, to compel specific performance of this Agreement, to obtain declaratory or injunctive relief, or to obtain any other remedy consistent with the purposes of this Agreement. Notwithstanding any contrary provision herein, Consultant must file a statutory claim pursuant to Government Code Sections 905 et seq. and 910 et seq., in order to pursue a legal action against City under this Agreement.

6.7 Termination Prior to Expiration of Term.

This Article 6 shall govern any termination of this Agreement except as specifically provided in Section 6.2 for termination for default of Consultant. City reserves the right to terminate this Agreement at any time, with or without cause, upon thirty (30) days' written notice to Consultant, except that where termination is due to the fault of Consultant, the period of notice may be a shorter time as may be determined by the Contract Officer. In addition, Consultant reserves the right to terminate this Agreement at any time, with or without cause, upon sixty (60) days' written notice to City, except that where termination is due to the fault of City, the period of notice may be a shorter time as Consultant may determine. Upon receipt of any notice of termination, Consultant shall immediately cease all Services hereunder except such as may be specifically approved by the Contract Officer. Except where Consultant has initiated termination, Consultant shall be entitled to compensation for all Services rendered prior to the effective date of the notice of termination and for any Services authorized by the Contract Officer thereafter in accordance with the Schedule of Compensation or such as may be approved by the Contract Officer, except as provided in Section 6.3. In the event Consultant has initiated termination, Consultant shall be entitled to compensation only for the reasonable value of the work product actually produced hereunder. In the event of termination without cause pursuant to this Section, the terminating Party need not provide the non-terminating Party with the opportunity to cure pursuant to Section 6.2.

6.8 Attorneys' Fees.

In any litigation or other proceeding by which a Party seeks to enforce its rights under this Agreement (whether in contract, tort or both) or seeks a declaration of any rights or obligations under this Agreement, the prevailing Party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorneys' fees. Attorneys' fees shall include attorney's fees on any appeal, and in addition the Party entitled to attorneys' fees shall be entitled to all other reasonable costs for investigating such action, taking depositions and discovery and all other necessary costs the court allows which are incurred in such litigation. All such fees shall be deemed to have accrued on commencement of such action and shall be enforceable whether or not such action is prosecuted to judgment.

ARTICLE 7. CITY OFFICERS AND EMPLOYEES: NON-DISCRIMINATION

7.1 Non-liability of City Officers and Employees.

No officer or employee of City shall be personally liable to Consultant, or Consultant's Successor, in the event of any default or breach by City or for any amount which may become due to Consultant or Consultant's Successor, or for breach of any obligation of the terms of this Agreement.

7.2 Conflict of Interest.

Consultant covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Consultant's performance of Services under this Agreement. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent or sub-contractor without the express written consent of the Contract Officer. Consultant agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of City in the performance of this Agreement.

No officer or employee of City shall have any direct or indirect financial interest in this Agreement within the scope of Government Code section 1090, nor shall any such officer or employee make, participate in making, or use his or her official position to influence, any City decision relating to the Agreement which has a material financial effect on his or her financial interests or the financial interests of any corporation, partnership or association in which he or she is, directly or indirectly, interested, in violation of any State statute or regulation. Consultant warrants that it has not paid or given, and will not pay or give any third party any money or other consideration for obtaining this Agreement.

Consultant and its officers, employees, associates and sub-contractors, if any, shall comply with all conflict of interest statutes of the State of California applicable to Consultant's Services under this Agreement, including the Political Reform Act (Gov. Code § 81000, et seq.) and Government Code Section 1090. During the term of this Agreement, Consultant may perform similar services for other clients; but Consultant and its officers, employees, associates and sub-contractors shall not, without the Contract Officer's prior written approval, perform services for another person or entity for whom Consultant is not currently performing services that would require Consultant or one of its officers, employees, associates or sub-contractors to abstain from a decision under this Agreement pursuant to a conflict of interest statute. Consultant shall incorporate a clause substantially similar to this Section into any subcontract that Consultant executes in connection with the performance of this Agreement.

7.3 Covenant Against Discrimination.

Consultant covenants that, by and for itself, its heirs, executors, assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, gender, sexual orientation, marital status, national origin, or ancestry in the performance of this Agreement. Consultant shall take affirmative action to insure that applicants are employed, and that employees

are treated during employment, without regard to their race, color, creed, religion, sex, marital status, national origin, or ancestry, or other protected class.

7.4 Unauthorized Aliens.

Consultant hereby promises and agrees to comply with all of the provisions of the Federal Immigration and Nationality Act, 8 U.S.C.A. §§ 1101, et seq., as amended, and in connection therewith, shall not employ unauthorized aliens as defined therein. Should Consultant so employ such unauthorized aliens for the performance of Services covered by this Agreement, and should the any liability or sanctions be imposed against City for such use of unauthorized aliens, Consultant hereby agrees to and shall reimburse City for the cost of all such liabilities or sanctions imposed, together with any and all costs, including attorneys' fees, incurred by City.

ARTICLE 8. MISCELLANEOUS PROVISIONS

8.1 Notices.

Any notice, demand, request, document, consent, approval, bill, invoice, report or other communication required or permitted under this Agreement shall be in writing and conclusively deemed effective: (a) on confirmed delivery by courier service or overnight delivery service during Consultant's and City's regular business hours; or (b) three (3) Business Days after deposit in the United States mail, by certified or registered mail, and addressed to the Party to be notified as set forth below:

If to City	Attn: Art Vela Director of Engineering City of Banning 99 East Ramsey Street Banning, California 92220 Email: avela@banningca.gov
With a courtesy copy to:	Serita R. Young, City Attorney Richards, Watson & Gershon 350 South Grand Avenue, 37th Floor Los Angeles, California 90071 Email: SYoung@rwglaw.com
If to Consultant:	Attn: Stephanie Standerfer Vice President Albert A. Webb Associates 3788 McCray Street Riverside, CA 92506 Email: stephanie.standerfer@webbassociates.com

8.2 Interpretation.

The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either Party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply.

8.3 Counterparts.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

8.4 Integration; Amendment.

This Agreement, and all exhibits referred to in this Agreement, constitute the final, complete and exclusive statement of the terms of the agreement between the Parties pertaining to the subject matter of this Agreement and supersede all other and cancels any and all previous negotiations, arrangements, agreements and understandings, if any, between the Parties, and none shall be used to interpret this Agreement. No Party has been induced to enter into this Agreement by, nor is any Party relying on, any representation or warranty except those expressly set forth in this Agreement. No amendment to or modification of this Agreement, nor any provision or breach hereof waived, shall be valid unless made in writing and approved by Consultant and by City Council. The Parties agree that this requirement for written modifications cannot be waived and that any attempted waiver shall be void.

8.5 Severability.

In the event that any one or more of the phrases, sentences, clauses, paragraphs, or sections contained in this Agreement shall be declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining phrases, sentences, clauses, paragraphs, or sections of this Agreement which are hereby declared as severable and shall be interpreted to carry out the intent of the Parties hereunder unless the invalid provision is so material that its invalidity deprives either Party of the basic benefit of their bargain or renders this Agreement meaningless.

8.6 Mutual Cooperation.

A. City's Cooperation. City shall provide Consultant with all pertinent data, documents and other requested information as is reasonably available for Consultant's proper performance of the Services required under this Agreement.

B. Consultant's Cooperation. In the event any claim or action is brought against City relating to Consultant's performance of Services rendered under this Agreement, Consultant shall render any reasonable assistance that City requires.

8.7 No Third Party Beneficiaries Intended.

This Agreement is made solely for the benefit of the Parties to this Agreement and their respective successors and assigns, and no other person or entity may have or acquire a right by virtue of this Agreement.

8.8 Final Payment Acceptance Constitutes Release.

The acceptance by Consultant of the final payment made under this Agreement shall operate as and be a release of City from all claims and liabilities for compensation to Consultant for anything done, furnished or relating to Consultant's Services. Acceptance of payment shall be any negotiation of City's check or the failure to make a written extra compensation claim within ten (10) calendar days of the receipt of that check. However, approval or payment by City shall not constitute, nor be deemed, a release of the responsibility and liability of Consultant, its employees, sub-contractors and agents for the accuracy and competency of the information provided and/or Services performed; nor shall such approval or payment be deemed to be an assumption of such responsibility or liability by City for any defect or error in the Services prepared by Consultant, its employees, sub-contractors and agents.

8.9 Non-Appropriation of Funds.

Payments to be made to Consultant by City for Services performed within the current fiscal year which are within the current fiscal budget and within an available, unexhausted fund. In the event that City does not appropriate sufficient funds for payment of Consultant's Services beyond the current fiscal year, this Agreement shall cover payment for Consultant's Services only to the conclusion of the last fiscal year in which City appropriates sufficient funds and shall automatically terminate at the conclusion of such fiscal year.

8.10 Headings.

The headings in this Agreement are included solely for convenience of reference and shall not affect the interpretation of any provision of this Agreement or any of the rights or obligations of the Parties to this Agreement.

8.11 Word Usage.

Unless the context clearly requires otherwise, (a) the words "shall," "will" and "agrees" are mandatory and "may" is permissive; (b) "or" is not exclusive; and (c) "includes" or "including" are not limiting.

8.12 Business Days.

"Business Days" refers to days that the Banning City Hall is open for business.

8.13 Corporate Authority.

The persons executing this Agreement on behalf of the Parties hereto warrant that (i): such Party is duly organized and existing, (ii) they are duly authorized to execute and deliver

this Agreement on behalf of that Party, (iii) by so executing this Agreement, such Party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other Agreement to which that Party is bound. This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the Parties.

8.14 Electronic Signatures.

Each Party may adopt as its signature an electronic identification consisting of a symbol or code that is affixed to or contained in each document transmitted by such Party ("electronic signature"). The Parties hereto herby agree that electronic signatures are acceptable, shall have the same force and effect under the law as original wet signatures, and shall be sufficient to verify that the Parties have executed this Agreement and such other documents transmitted by the Parties.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF the Parties hereto have executed this Agreement the day and year first hereinabove written.

CITY OF BANNING		CONSULTANT	
Douglas Schulze, City Manager	Date	NAME: TITLE:	Date
		NAME: TITLE:	Date
ATTEST:			
		Tax ID No.	
Caroline Patton Administrative City Clerk	Date	Address:	

NOTE: PROOF OF AUTHORITY TO BIND CONTRACTING PARTY REQUIRED. APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO CONSULTANT'S BUSINESS ENTITY.

EXHIBIT "A"
SCOPE OF SERVICES

I. Consultant will perform the following Services in connection with providing CEQA Compliance – Booster Stations prepared in connection therewith:

II. As part of the Services, Consultant will prepare and deliver the following tangible work products and services to City:

ALBERT A. WEBB ASSOCIATES

Corporate Headquarters
3788 McCray Street
Riverside, CA 92506
951.686.1070

Murrieta Office
41391 Kalmia Street #320
Murrieta, CA 92562
951.686.1070

August 8, 2024

Mr. Art Vela, PE
Director of Public Works
City of Banning
99 E. Ramsey Street
Banning, CA 92220

Re: **Proposal for Banning NP-2 – Construction Monitoring**

Dear Mr. Vela:

Per your request, Albert A. Webb Associates (WEBB) is providing you with this proposal related to the implementation of the California Environmental Quality Act (CEQA) Mitigation Monitoring and Reporting Plan (MMRP) for the Banning NP-2 Project, hereinafter referred to as the Project.

As discussed during our call on July 11, 2024, you would like to contract with WEBB for services required by the mitigation measures identified in the CEQA document that pertain to biological and paleontological resources. In addition, and as requested on August 7, 2024, we are also including all required tasks to get through the end of the Project because our current contract has expired. A summary of this scope is detailed in the Scope of Services section of this proposal.

The total cost for the services described herein is $79,700. If you find this request acceptable, please issue a contract for this dollar amount. We appreciate this opportunity to be of service to the City and look forward to hearing from you. Should you have any questions regarding this proposal, please feel free to contact me at (951) 320-6055.

Sincerely,
ALBERT A. WEBB ASSOCIATES

Eliza Laws
Senior Environmental Analyst

Scope of Services

Biological Monitoring

Under contract to WEBB, Osprey Environmental Associates (Osprey) will conduct biological monitoring during installation of the temporary exclusionary fence outlined in mitigation measure MM BIO-1. During the one-day installation, Osprey will monitor the Montgomery Creek and associated Riversidean Alluvial Fan Sage Scrub habitat to ensure the fence is placed in the correct location and prevent any impacts to the creek or sensitive habitat.

Paleontological Monitoring/ Reporting

During construction activities Paleontological monitoring and reporting will be required, as outlined in mitigation measures MM Geo-1 through MM Geo-3. Under contract to WEBB, Applied Earthworks (AE) will manage and coordinate paleontological monitors during ground-disturbing activities. AE will oversee all tasks for the Project to maintain professional and quality standards of work. AE will assess construction plans and schedules as well as sedimentary conditions to determine whether any changes to the duration and frequency of monitoring are necessary. For the purposes of this scope and fees, AE assumes a three-month period for the following tasks.

In accordance with MM Geo-2, AE's Paleontologist will develop a Paleontological Resource Mitigation Monitoring Plan (PRMMP) that outlines the project's regulatory framework, geology, paleontological significance, and mitigation recommendations in accordance with all relevant City guidelines and/or industrywide standards. It is assumed no new records search is required. One round of revisions to minimal comments is included.

As required by MM Geo-1, AE's Paleontologist will develop and deliver Worker Environmental Awareness Program (WEAP) training to construction personnel, explaining paleontological resources and protocols. A maximum of 4 hours has been allotted for in-person debriefing of the WEAP that will be held with the construction contractor and each of the construction crews working on the Project. An acknowledgement form will be provided and must be signed by all personnel and will be collected by AE.

In accordance with the PRMMP outlined in MM Geo-2, paleontological monitoring will be conducted within undisturbed alluvial sediment and as well as ground-disturbing activities in alluvial sediment exceeding four feet in depth. This scope assumes 45 consecutive workdays of monitoring by one monitor and includes cost for lodging, meals, and mileage. The daily monitoring rate exclude overtime; however, any on-site overtime required by the construction schedule will be billed. Per MM Geo-3, if significant paleontological resources are discovered in intact and undisturbed sediments, the monitor will have authority to divert, redirect or halt construction in order to delineate an exclusion zone in order to assess, collect and record the find. If no significant resources are found after approximately 50 percent of the ground disturbing activities have been completed, monitoring frequency may be reduced at the discretion of the AE Paleontologist. AE requires at least 48 hours' notice for all monitoring. AE requires at least 72 hours' advance notice of any changes to the construction schedule assumed herein. This scope does not include assessment of significant paleontological resources, data recovery, consultation, or salvage excavation of resources found during this monitoring.

To demonstrate compliance with MM Geo-3, a Final Paleontological Mitigation Report will be prepared upon completion of the ground-disturbing activities assuming no significant paleontological resources are discovered and no need for collection or treatment of fossils. The report will summarize monitoring methods and results, submitted electronically in PDF format.

CEQA Meetings and Coordination

WEBB's existing contract expired before the Project's CEQA process could be completed. The remaining tasks include attendance at a second public hearing, which will be before the City Council, and filing of the Notice of Determination (NOD) with the County Clerk and State Clearinghouse. WEBB's budget includes virtual attendance at the City Council meeting and filing of the NOD after the Project has been approved.

Other Direct Expenses

This task is for the direct expense to pay the filing fees for the NOD under the CEQA Meetings and Coordination Task listed above.

Requested Budget

The breakdown of the services listed above are as follows and will be billed on a “Time and Materials” basis in accordance with our schedule of fees:

CEQA Compliance Services

Biological Monitoring	$2,800
Paleontological Monitoring/Reporting	$72,000
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Total	**$79,700**

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Charges for deliveries, printing, copying, mileage, postage, outside services, and for coordination of other services not specifically listed in the scope of work, are excluded and will be provided under separate contract addenda for additional fees.

III. In addition to the requirements of Parts I and II of this Scope of Services, during the performance of the Services, Consultant will keep City appraised through periodic status reports regarding the performance of the Services under this Agreement as set forth below and in Section 5.2, by the following means:

a. In-person meetings and/or teleconferences.

b. Email updates/questions to applicant team and City while reviews are underway.

c. Conference calls.

IV. All work product is subject to review and acceptance by City. If the City determines that any work product is unacceptable, for any reason, it must be revised by Consultant without additional charge to City until found satisfactory and accepted by City.

EXHIBIT "B"
SPECIAL REQUIREMENTS

TERMS FOR COMPLIANCE WITH CALIFORNIA LABOR LAW REQUIREMENTS

1. This Agreement calls for services that, in whole or in part, constitute "public works" as defined in Division 2, Part 7, Chapter 1 (commencing with Section 1720) of the California Labor Code ("Chapter 1"). Further, Consultant acknowledges that this Agreement is subject to (a) Chapter 1 and (b) the rules and regulations established by the Department of Industrial Relations ("DIR") implementing such statutes. Therefore, as to those Services that are "public works," Consultant shall comply with and be bound by all the terms, rules and regulations described in 1(a) and 1(b) as though set forth in full herein.

2. California law requires the inclusion of specific Labor Code provisions in certain contracts. The inclusion of such specific provisions below, whether or not required by California law, does not alter the meaning or scope of Section 1 above.

3. Consultant shall be registered with the Department of Industrial Relations in accordance with California Labor Code Section 1725.5, and has provided proof of registration to City prior to the Effective Date of this Agreement. Consultant shall not perform work with any subcontractor that is not registered with DIR pursuant to Section 1725.5. Consultant and subcontractors shall maintain their registration with the DIR in effect throughout the duration of this Agreement. If the Consultant or any subcontractor ceases to be registered with DIR at any time during the duration of the project, Consultant shall immediately notify City.

4. Pursuant to Labor Code Section 1771.4, Consultant's Services are subject to compliance monitoring and enforcement by DIR. Consultant shall post job site notices, as prescribed by DIR regulations.

5. Pursuant to Labor Code Section 1773.2, copies of the prevailing rate of per diem wages for each craft, classification, or type of worker needed to perform the Agreement are on file at City Hall and will be made available to any interested party on request. Consultant acknowledges receipt of a copy of the DIR determination of such prevailing rate of per diem wages, and Consultant shall post such rates at each job site covered by this Agreement.

6. Consultant shall comply with and be bound by the provisions of Labor Code Sections 1774 and 1775 concerning the payment of prevailing rates of wages to workers and the penalties for failure to pay prevailing wages. The Consultant shall, as a penalty to City, forfeit $200.00 for each calendar day, or portion thereof, for each worker paid less than the prevailing rates as determined by the DIR for the work or craft in which the worker is employed for any public work done pursuant to this Agreement by Consultant or by any subcontractor.

7. Consultant shall comply with and be bound by the provisions of Labor Code Section 1776, which requires Consultant and each subcontractor to: keep accurate payroll records and verify such records in writing under penalty of perjury, as specified in Section 1776; certify and make such payroll records available for inspection as provided by Section 1776; and inform City of the location of the records.

8. Consultant shall comply with and be bound by the provisions of Labor Code Sections 1777.5, 1777.6 and 1777.7 and California Administrative Code Title 8, Section 200 et seq. concerning the employment of apprentices on public works projects. Consultant shall be responsible for compliance with these aforementioned Sections for all apprenticeable occupations. Prior to commencing work under this Agreement, Consultant shall provide City with a copy of the information submitted to any applicable apprenticeship program. Within 60 days after concluding work pursuant to this Agreement, Consultant and each of its subcontractors shall submit to City a verified statement of the journeyman and apprentice hours performed under this Agreement.

9. The Consultant shall not perform Work with any Subcontractor that has been debarred or suspended pursuant to California Labor Code Section 1777.1 or any other federal or state law providing for the debarment of contractors from public works. The Consultant and Subcontractors shall not be debarred or suspended throughout the duration of this Agreement pursuant to Labor Code Section 1777.1 or any other federal or state law providing for the debarment of contractors from public works. If the Consultant or any subcontractor becomes debarred or suspended during the duration of the project, the Consultant shall immediately notify City.

10. Consultant acknowledges that eight hours labor constitutes a legal day's work. Consultant shall comply with and be bound by Labor Code Section 1810. Consultant shall comply with and be bound by the provisions of Labor Code Section 1813 concerning penalties for workers who work excess hours. The Consultant shall, as a penalty to City, forfeit $25.00 for each worker employed in the performance of this Agreement by the Consultant or by any subcontractor for each calendar day during which such worker is required or permitted to work more than eight hours in any one calendar day and 40 hours in any one calendar week in violation of the provisions of Division 2, Part 7, Chapter 1, Article 3 of the Labor Code. Pursuant to Labor Code section 1815, work performed by employees of Consultant in excess of eight hours per day, and 40 hours during any one week shall be permitted upon public work upon compensation for all hours worked in excess of eight hours per day at not less than one and one-half times the basic rate of pay.

11. California Labor Code Sections 1860 and 3700 provide that every employer will be required to secure the payment of compensation to its employees. In accordance with the provisions of California Labor Code Section 1861, Consultant hereby certifies as follows:

> "I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract."
>
> **Date**_____ **Signature**_____

12. For every subcontractor who will perform work on the project, Consultant shall be responsible for such subcontractor's compliance with Chapter 1 and Labor Code Sections 1860 and 3700, and Consultant shall include in the written contract between it and each subcontractor a copy of those statutory provisions and a requirement that each subcontractor shall comply with those statutory provisions. Consultant shall be required to take all actions necessary to enforce such contractual provisions and ensure subcontractor's compliance, including, without limitation, conducting a periodic review of the certified payroll records of the subcontractor and upon becoming aware of the failure of the subcontractor to pay his or her workers the specified prevailing rate of wages. Consultant shall diligently take corrective action to halt or rectify any failure.

EXHIBIT "C"
SCHEDULE OF COMPENSATION

I. Consultant shall perform the following tasks ("Tasks") at the following rates as attached as Exhibit C-1:

II. Within the budgeted amounts for each Task, and with the approval of the Contract Officer, funds may be shifted from one Task sub-budget to another so long as the Contract Sum is not exceeded per Section 2.1, unless Additional Services are approved per Section 1.8.

III. City will compensate Consultant for the Services performed upon submission of a valid invoice. Each invoice is to include:

A. Line items for all personnel describing the Services performed, the number of hours worked, and the hourly rate.

B. Line items for all materials and equipment properly charged to the Services.

C. Line items for all other approved reimbursable expenses claimed, with supporting documentation.

D. Line items for all approved sub-contractor labor, supplies, equipment, materials, and travel properly charged to the Services.

EXHIBIT "C-1"
CONSULTANT'S BILLING RATE AND TASK SCHEDULE

The breakdown of the services listed above are as follows and will be billed on a "Time and Materials" basis in accordance with our schedule of fees:

CEQA Compliance Services

Biological Monitoring	$2,800
Paleontological Monitoring/Reporting	$72,000
CEQA Meetings and Coordination	$1,480
Other Direct Expenses	$3,420
Total	**$79,700**

Task budgets are estimates and may be used interchangeably as needed but not to exceed the budget total. Any additional services requested outside this scope will be provided under separate contract addenda for additional fees. Invoices will be submitted monthly based on work completed. All invoices shall be due and payable upon receipt. If invoices remain unpaid after 30 days, work on project may cease and interest of 1.5% per month shall be charged on unpaid balances.

Charges for deliveries, printing, copying, mileage, postage, outside services, and for coordination of other services not specifically listed in the scope of work, are excluded and will be provided under separate contract addenda for additional fees.

ALBERT A. WEBB ASSOCIATES

Fee Schedule

CLASSIFICATION

Engineers/Project Managers/Planners/Scientists/ Assessment/Special Tax Consultants/Landscape Architects/Designers	Rates $/Hour
Principal II	293.00
Principal I	279.00
Senior III	252.00
Senior II	240.00
Senior I	232.00
Associate III	208.00
Associate II	197.00
Associate I	191.00
Assistant V	173.00
Assistant IV	156.00
Assistant III	144.00
Assistant II	135.00
Assistant I	98.00

Survey Services

2-Person Survey Party	302.00
1-Person Survey Party	208.00

Inspection Services

Construction Manager II	245.00
Construction Manager I	185.00
Inspector (Non-Prevailing Wage)	141.00
Inspector Overtime (Non-Prevailing Wage)	190.00
Inspector (Prevailing Wage)	152.00
Inspector Overtime (Prevailing Wage)	200.00

Administrative Services

Project Coordinator	115.00
Administrative Assistant III	102.00
Administrative Assistant II	91.00
Administrative Assistant I	72.00

Other Direct Expenses

Incidental Charges	Cost + 15%
Postage	Cost
Subcontracted Services	Cost + 15%
Special Consultant	365.00
Survey/Inspection Per Diem	Prevailing Wage Rate
In-House Delivery Up to 1/2 hour	32.00
In-House Delivery 1/2 Hour up to 1 Hour	64.00
In-House Delivery Over 1 Hour up to 2 Hours	118.00
In-House Delivery Over 2 Hours	170.00
Survey/Inspection Vehicle	0.81/Mile
Mileage	0.72/Mile

Note: All rates are subject to change based on annual inflation and cost of living adjustments. Prevailing wages are dictated by the California Department of Industrial Relations (DIR). As such, the indicated rate will remain in effect until revised rates are published by the DIR. The rate shown shall be subject to renegotiation to remain in compliance with State requirements if prevailing wages are increased by the DIR.

* ***A FINANCE CHARGE*** *of 1 ½ % per month (18% per year) will be added to any unpaid amount commencing thirty (30) days from invoice date. A mechanic's lien may be filed for any invoice remaining unpaid after thirty (30) days from invoice date.*

EXHIBIT "D"
SCHEDULE OF PERFORMANCE

I. Consultant shall perform all Services timely, and deliver the specified tangible work products to City in accordance with the schedule attached as Exhibit D-1.

II. The Contract Officer may approve extensions for performance of the Services in accordance with Sections 1.8 and 3.3.

RESOLUTION 2022-123

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A FUNDING AGREEMENT BETWEEN THE COUNTY OF RIVERSIDE AND THE CITY OF BANNING IN THE AMOUNT OF $5,049,202 FOR TWO NON-POTABLE WATER INFRASTRUCTURE PROJECTS

WHEREAS, on March 11, 2021, President Biden signed into law a $1.9 trillion economic stimulus bill also known as the COVID-19 Stimulus Package or the American Rescue Plan Act (ARPA), with the intent to accelerate the United States recovery from the economic and health impacts of the COVID-19 pandemic; and

WHEREAS, Riverside County's share of the American Rescue Plan funding is estimated to be $479 million; and

WHEREAS, on February 8, 2022, the Riverside County Board of Supervisors approved establishing the ARPA infrastructure funding category in the amount of $82 million which included an allocation of $5,049,202 to the City of Banning for two non-potable water infrastructure projects.

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

SECTION 1. The Funding Agreement between the County of Riverside and the City of Banning is hereby approved; and

SECTION 2. The City Council hereby authorizes and directs the City Manager to execute the Funding Agreement on behalf of the City of Banning.

PASSED, APPROVED AND ADOPTED this 13th day of September 2022.

Colleen Wallace, Mayor
City of Banning

ATTEST:

Caroline Patton, Deputy City Clerk
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

Kevin G. Ennis, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2022-123, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 13th day of September 2022 by the following vote, to wit:

AYES: Happe, Minjares, Sanchez, and Wallace.

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Deputy City Clerk
City of Banning, California

RESOLUTION 2023-05UA

A RESOLUTION OF THE UTILITY AUTHORITY OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT TO ALBERT A. WEBB ASSOCIATES FOR THE PREPARATION OF CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND ENVIRONMENTAL CLEARANCE DOCUMENTS FOR TWO NON-POTABLE WATER INFRASTRUCTURE PROJECTS

WHEREAS, the American Rescue Plan Act (ARPA) economic stimulus bill was signed into law in an effort to accelerate recovery from the economic and health impacts created by the COVID-19 pandemic. The ARPA stimulus bill made $362 billion in funds available to eligible state, local, territorial, and tribal governments. Riverside County's share of the ARPA funding is estimated to be $479 million which must be obligated by December 31, 2024, and expended by December 31, 2026; and

WHEREAS, on September 13, 2022, City Council approved a funding agreement between the County of Riverside and the City of Banning allocating $5,049,202 for two non-potable water infrastructure projects funded by ARPA; and

WHEREAS, ARPA rules align environmental requirements with Clean Water State Revolving Fund (CSWRF) requirements, therefore both projects will have to meet CEQA Plus requirements; and

WHEREAS, as a result, on January 30, 2023, staff released a Request for Proposals to vendors on the City's approved list for On-Call Environmental and Engineering Consultant Services. In response, proposals were received by Albert A. Webb Associates and CASC Engineering & Consulting. After evaluation of both proposals, staff recommends the award of a Professional Services Agreement to the lowest bidder, Albert A. Webb Associates in the amount of $147,200; and

WHEREAS, an appropriation from the Water Capital Facilities Fund 661 to Account No. 661-6300-471.33-11 (Professional Services) in the amount of $147,200 is necessary to fund the Professional Services Agreement with Albert A. Webb Associates.

NOW, THEREFORE, BE IT RESOLVED by the Banning Utility Authority of the City of Banning as follows:

SECTION 1. The Utility Authority approves the Professional Services Agreement with Albert A. Webb Associates for the Preparation of California Environmental Quality Act (CEQA) Plus and Environmental Clearance Documents.

SECTION 2. The City Manager or his designee is authorized to execute the Professional Services Agreement with Albert A. Webb Associates and to make necessary budget adjustments, appropriations, transfers related to the Professional Services Agreement between Albert A. Webb Associates.

PASSED, APPROVED AND ADOPTED this 28th day of February 2023.

Alberto Sanchez, Chairperson
Banning Utility Authority

ATTEST:

Caroline Patton, Secretary
Banning Utility Authority

APPROVED AS TO FORM AND LEGAL CONTENT:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Secretary of the Banning Utility Authority do hereby certify that the foregoing Resolution 2023-05UA, was duly adopted by the Utility Authority of the City of Banning, California, at a regular meeting thereof held on the 28th day of February 2023 by the following vote, to wit:

AYES: Flynn, Gonzales, Minjares, Sanchez, and Wallace.

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Secretary
Banning Utility Authority

ALBERT A. WEBB ASSOCIATES

Corporate Headquarters
3788 McCray Street
Riverside, CA 92506
951.686.1070

Murrieta Office
41391 Kalmia Street #320
Murrieta, CA 92562
951.686.1070

August 8, 2024

Mr. Art Vela, PE
Director of Public Works
City of Banning
99 E. Ramsey Street
Banning, CA 92220

Re: **Proposal for Banning NP-2 – Construction Monitoring**

Dear Mr. Vela:

Per your request, Albert A. Webb Associates (WEBB) is providing you with this proposal related to the implementation of the California Environmental Quality Act (CEQA) Mitigation Monitoring and Reporting Plan (MMRP) for the Banning NP-2 Project, hereinafter referred to as the Project.

As discussed during our call on July 11, 2024, you would like to contract with WEBB for services required by the mitigation measures identified in the CEQA document that pertain to biological and paleontological resources. In addition, and as requested on August 7, 2024, we are also including all required tasks to get through the end of the Project because our current contract has expired. A summary of this scope is detailed in the Scope of Services section of this proposal.

The total cost for the services described herein is $79,700. If you find this request acceptable, please issue a contract for this dollar amount. We appreciate this opportunity to be of service to the City and look forward to hearing from you. Should you have any questions regarding this proposal, please feel free to contact me at (951) 320-6055.

Sincerely,
ALBERT A. WEBB ASSOCIATES

Eliza Laws
Senior Environmental Analyst

Scope of Services

Biological Monitoring

Under contract to WEBB, Osprey Environmental Associates (Osprey) will conduct biological monitoring during installation of the temporary exclusionary fence outlined in mitigation measure MM BIO-1. During the one-day installation, Osprey will monitor the Montgomery Creek and associated Riversidean Alluvial Fan Sage Scrub habitat to ensure the fence is placed in the correct location and prevent any impacts to the creek or sensitive habitat.

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WEBB's existing contract expired before the Project's CEQA process could be completed. The remaining tasks include attendance at a second public hearing, which will be before the City Council, and filing of the Notice of Determination (NOD) with the County Clerk and State Clearinghouse. WEBB's budget includes virtual attendance at the City Council meeting and filing of the NOD after the Project has been approved.

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ALBERT A. WEBB ASSOCIATES

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Administrative Services

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Other Direct Expenses

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Survey/Inspection Per Diem	Prevailing Wage Rate
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Note: All rates are subject to change based on annual inflation and cost of living adjustments. Prevailing wages are dictated by the California Department of Industrial Relations (DIR). As such, the indicated rate will remain in effect until revised rates are published by the DIR. The rate shown shall be subject to renegotiation to remain in compliance with State requirements if prevailing wages are increased by the DIR.

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CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Patrick Safari, Capital Improvement Projects Manager** **Art Vela, Director of Public Works**
MEETING DATE:	**August 27, 2024**
SUBJECT:	**Consideration of Resolution 2024-134, Approving Amendment No. 1 to the Professional Services Agreement with Kimley-Horn and Associates, Inc. for an Additional Amount of $17,850 for Design of the Lions Park Non-Potable Water Irrigation Conversion**

RECOMMENDATION:

Adopt Resolution 2024-134.

BACKGROUND:

Lions Park is an 8.9-acre facility located at 955 South Hargrave Street. The Facility consists of three baseball fields, a children's playground and a 500 square-feet concession stand.

On June 13, 2023 City Council approved Resolution 2023-113, see attached, authorizing City representative to execute an agreement with the State of California Department of Water Resources for a Proposition 1 Round 2 Integrated Regional Water Management (IRWM) Implementation Grant in the amount of $490,269. The grant would support the design and construction of a project that will convert the Lion's Park irrigation system from potable to recycled water resulting in the conservation of the City's potable water supply.

On February 27, 2024 City Council approved Resolution 2024-31, see attached, awarding a Professional Services Agreement to Kimley-Horn and Associates, Inc. in the amount of $98,749 for the design of Lions Park Non-Potable Water Irrigation Conversion Project.

JUSTIFICATION:

For pedestrian safety and convenience, the park needs a 6 foot wide sidewalk and 3 foot high vinyl fencing along Hargrave Street, Charles Street and Westward Avenue to ensure that there is sidewalk connectivity to existing sidewalk around the park perimeter.

On July 25, 2024 at the request of City Staff, Kimley-Horn provided a change order in the amount of $17,850 for additional design services including design of 1,200 feet of sidewalk and fencing along Hargrave Street, Charles Street and Westward Avenue.

The additional design services scope of work includes data collection, plans, specifications, cost estimate and bid/construction support.

FISCAL IMPACT:

Kimley-Horn Amendment 1 in the amount of $17,850 will be funded through the existing budget of the

Parks Fund, Professional Services Account No. 001-3600-461.33-11.

If approved, the total contract amount with Kimley-Horn will be amended to a not-to-exceed amount of $116,599.

ALTERNATIVES:

Do not adopt Resolution 2024-134 and provide alternative direction to staff.

BUDGETED?:

Yes

CONTRACT/AGREEMENT:

Yes

ATTACHMENTS:

1. Resolution 2024-134, Kimley Horn Lions Park.docx
2. Amend No.1 PSA for Kimley Horn Design Lions Park Irrigation Conversion.docx
3. Resolution No. 2023-113.pdf
4. Resolution No. 2024-031.pdf
5. Kimley-Horn_Change Order.pdf

RESOLUTION 2024-134

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING AMENDMENT No. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR AN ADDITIONAL AMOUNT OF $17,850 FOR DESIGN OF LIONS PARK NON-POTABLE WATER IRRIGATION CONVERSION

WHEREAS, Lions Park is an 8.9-acre facility located at 955 South Hargrave Street. The Facility consists of three baseball fields, a children's playground and a 500 square-feet concession stand; and

WHEREAS, on June 13, 2023 City Council approved Resolution 2023-113 authorizing City representative to execute an agreement with the State of California Department of Water Resources for a Proposition 1 Round 2 Integrated Regional Water Management (IRWM) Implementation Grant; and

WHEREAS, on February 27, 2024 City Council approved Resolution 2024-31 awarding a Professional Services Agreement to Kimley-Horn and Associates, Inc. in the amount of $98,749 for the design of Lions Park Non-Potable Water Irrigation Conversion Project; and

WHEREAS, for pedestrian safety and convenience, the park needs a 6 foot wide sidewalk and 3 foot high vinyl fencing along Hargrave Street, Charles Street and Westward Avenue to ensure that there is sidewalk connectivity to existing sidewalk around the park perimeter; and

WHEREAS, on July 25, 2024 at the request of City Staff, Kimley-Horn provided a proposal in the amount of $17,850 for additional design services to include the design of 1,200 feet of sidewalk and fencing along Hargrave Street, Charles Street and Westward Avenue; and

WHEREAS, the additional design services scope of work includes data collection, plans, specifications, cost estimate and bid/construction support; and

WHEREAS, Kimley-Horn Amendment No. 1 in the amount of $17,850 will be funded through Parks Fund, Professional Services Account No. 001-3600-461.33-11.

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

SECTION 1. The City Council approves the Professional Services Agreement with Kimley-Horn and Associates, Inc. for an additional amount of $17,850 for the Design of Lions Park Non-Potable Water Irrigation Conversion Project.

SECTION 2. The City Council authorizes the City Manager, or designee, to make necessary budget adjustments, appropriations, and transfers related to the Professional Services Agreement with Kimley-Horn and Associates, Inc. for the Design of Lions Park Non-Potable Water Irrigation Conversion Project.

SECTION 3. The City Council authorizes the City Manager to make necessary non-substantive changes and to execute the Amendment No.1 with Kimley-Horn and Associates, Inc.

SECTION 4. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 27th day of August 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-134, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 27th day of August 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

EXHIBIT A

Amendment No. 1 to the Professional Services Agreement with Kimley-Horn and Associates

AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT (C00981) FOR DESIGN LIONS PARK WATER IRRIGATION CONVERSION PROJECT BY AND BETWEEN CITY OF BANNING AND KIMLEY-HORN AND ASSOCIATES, INC.

THIS AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT FOR SERVICES ("Amendment No. 1") by and between the **CITY OF BANNING** ("City") and Kimley-Horn and Associates, Inc., a North Carolina Corporation, ("Consultant") is effective as of this day: _____.

RECITALS

A. City and Consultant entered into that certain Contract dated February 27, 2024 for the purpose of providing Engineering Design Services ("Agreement") following an issuance of a Request for Proposal (RFP 23-045) for the Engineering Design Servies for the Lions Park Water Irrigation Conversion Project, as approved by City Council Resolution 2024-31.

B. City and Consultant now desire to amend the Agreement to modify the Scope of Services, extend the Term of the Agreement to June 30, 2026, and increase the Contract Sum to One Hundred Sixteen Thousand Five Hundred Ninety-Nine Dollars ($116,599.00).

The Parties therefore agree follows:

1. Amended Terms. The Agreement is hereby amended as follows:

1.1 The Scope of Services as set forth in Section 1.1 of and Exhibit A to the Agreement is hereby amended to include the Services set forth in Attachment 1, attached hereto and incorporated herein.

1.2 The maximum compensation for the Services performed pursuant to this Amendment No. 1 shall not exceed Seventy Thousand Eight Hundred Fifty Dollars ($17,850.00) thereby increasing the Contract Sum, as set forth in Section 2.1 of the Agreement, to One Hundred Sixteen Thousand Five Hundred Ninety-Nine Dollars ($116,599.00).

1.3 The Term of the Agreement, as set forth in Section 3.4 of the Agreement, is hereby extended through June 30, 2026, unless sooner terminated or extended as provided in the Agreement.

2. Miscellaneous Provisions

2.1 Continued Effect of Agreement. Except as amended by this Amendment No. 1, all provisions of the Agreement shall remain unchanged and in full force and effect. From and after the date of this Amendment No. 1, whenever the term

"Agreement" appears in the Agreement, it shall mean the Agreement, as amended by Amendment No. 1. In the event of a conflict between the provisions of this Amendment No. 1 and the provisions of the Agreement or Amendments No. 1, the provisions of this Amendment No. 1 shall control.

2.2 Consideration for Amendment. The parties hereby agree that they have each received adequate and independent consideration for the modifications to the Agreement set forth in this Amendment No. 1.

2.3 Authority. The persons executing this Amendment No. 1 on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Amendment No. 1 on behalf of said party, (iii) by so executing this Amendment No. 1, such party is formally bound to the provisions of this Amendment No. 1, and (iv) entering into this Amendment No. 1 does not violate any provision of any other agreement to which said party is bound.

2.4 Counterparts. This Amendment No. 1 may be signed in any number of counterparts, each of which will be an original, but all of which together will constitute one instrument.

2.5 Electronic Signatures. Each Party may adopt as its signature an electronic identification consisting of a symbol or code that is affixed to or contained in each document transmitted by such Party ("electronic signature"). The Parties hereto herby agree that electronic signatures are acceptable, shall have the same force and effect under the law as original wet signatures, and shall be sufficient to verify that the Parties have executed this Agreement and such other documents transmitted by the Parties.

[*SIGNATURE PAGE FOLLOWS*]

The Parties are signing this Amendment No. 1 on the date stated in the introductory clause.

CITY OF BANNING	CONSULTANT
Douglas Schulze, City Manager	NAME: TITLE:
City Council Approval: _____	NAME: TITLE:
ATTEST:	
Caroline Patton Administrative City Clerk	
APPROVED AS TO FORM: Richards, Watson & Gershon	
Serita R. Young City Attorney	

NOTE: PROOF OF AUTHORITY TO BIND CONTRACTING PARTY REQUIRED. APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO CONSULTANT'S BUSINESS ENTITY.

RESOLUTION 2023-113

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, DESIGNATING AN AUTHORIZED REPRESENTATIVE TO EXECUTE AN AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES FOR A PROPOSITION 1 ROUND 2 INTEGRATED REGIONAL WATER MANAGEMENT IMPLEMENTATION GRANT

WHEREAS, on January 10, 2023 City Council adopted Resolution 2023-11 authorizing the submittal of a grant application to the Department of Water Resources to obtain Proposition (Prop) 1 Round 2 Integrated Regional Water Management (IRWM) Implementation Grant funds; and

WHEREAS, pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014 the City of Banning, on behalf of the San Gorgonio IRWM Region, submitted a Prop 1 Round 2 IRWM grant application ("Proposal"); and

WHEREAS, on May 18, 2023 the City of Banning received an award notification that the submitted Proposal was awarded the requested funds in the amount of $1,912,755.

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

SECTION 1. The City Council authorizes and directs the City Manager of the City of Banning, or designee, to prepare the necessary data, conduct investigations, file the Proposal and execute a Prop 1 Round 2 grant agreement or any amendments related thereto with the California Department of Water Resources.

SECTION 2. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 13th day of June 2023.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Deputy City Clerk
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

Kevin G. Ennis, City Attorney's Office
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2023-113, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 13th day of June 2023 by the following vote, to wit:

AYES: Flynn, Gonzales, Minjares, Sanchez, and Wallace.

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Deputy City Clerk
City of Banning, California

RESOLUTION 2024-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AWARDING A PROFESSIONAL SERVICES AGREEMENT FOR THE DESIGN OF LIONS PARK NON-POTABLE WATER IRRIGATION CONVERSION PROJECT TO KIMLEY-HORN AND ASSOCIATES, INC. IN THE AMOUNT OF $98,749 AND APPROVING A 10% CONTINGENCY FOR A TOTAL PROJECT BUDGET NOT-TO-EXCEED $108,623.90

WHEREAS, Lions Park is an 8.9-acre facility located at 955 South Hargrave Street and consists of three baseball fields, a children's playground and a 500 square-feet concession stand. Lions Park's existing irrigation piping is a mix of PVC, HDPE, and copper piping that has gone beyond its useful life; and

WHEREAS, on June 13, 2023, City Council approved Resolution 2023-113 authorizing City representative to execute an agreement with the State of California Department of Water Resources for a Proposition 1 Round 2 Integrated Regional Water Management (IRWM) Implementation Grant; and

WHEREAS, on October 31, 2023, the City entered into a Grant Agreement with the Department of Water Resources of the State of California to provide funding from the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1) to assist in the financing of this project; and

WHEREAS, on December 1, 2023, Public Works and Purchasing staff advertised a Request for Proposals (RFP-23-045) on the City's electronic bidding system ProcureNow. In response to these efforts, on January 11, 2024 the City received three (3) proposals; and

WHEREAS, an evaluation committee was assembled to score each proposal based on qualifications, project approach, overall quality of project and pricing. As a result the highest scored proposal was submitted by Kimley-Horn and Associates, Inc.; and

WHEREAS, the scope of work includes the design of hundreds of feet of PVC piping including recycled water identification valve boxes, lids, and tags; recycled water signs; sprinkler head retrofits to water efficient, color-coded purple heads; and a smart irrigation controller and backflow preventer; and

WHEREAS, staff recommends awarding an agreement to Kimley-Horn and Associates, Inc. in the amount of $98,749 and approving a 10% contingency in the amount of $139,805.15 for a total "not-to-exceed" project budget of $108,623.90; and

WHEREAS, the project will be funded through the IRWM Implementation Grant valued at $490,269. The City will receive quarterly reimbursements from the State of California for the costs incurred during the design phase of the project; and

WHEREAS, an appropriation in the amount of $98,749 from General Fund 001 to Account 001-3600-461.90-05 is needed to cover the consultant's design cost while waiting for IRWM quarterly reimbursements. General Fund 001 has a current balance of $1,310,719.

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

SECTION 1. The City Council approves the Professional Services Agreement with Kimley-Horn and Associates, Inc., attached hereto as Exhibit "A," for the design of Lions Park Non-Potable Water Irrigation Conversion Project in the amount of $98,749 and approves a 10% contingency in the amount of $9,874.90, for a total project budget of $108,623.90 and rejects all other bids.

SECTION 2. The City Council authorizes the City Manager or his designee to make necessary budget adjustments, appropriations, and transfers; and approving change orders within the approved contingency related to the Professional Services Agreement with Kimley-Horn and Associates, Inc for the design of Lions Park Non-Potable Water Irrigation Conversion Project.

SECTION 3. The City Council authorizes the City Manager to make necessary non-substantive changes to and to execute the Professional Services Agreement with Kimley-Horn and Associates, Inc.

SECTION 4. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 27th day of February 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-31, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 27th day of February 2024 by the following vote, to wit:

AYES: Flynn, Happe, Minjares, Sanchez, and Wallace.

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

July 25, 2024

Patrick Safari
City of Banning
99 E. Ramsey Street
Banning, CA 92220

RE: ***Professional Design Services for Lions Park Water Conversion Project***

Dear Mr. Safari,

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "Consultant") is pleased to submit this proposal to The City of Banning ("Client") to provide design Services for the proposed development of the above referenced property ("Project") in the City of Banning, CA. The project understanding and scope of services outlined below.

PROJECT UNDERSTANDING

It is understood that the City of Banning would like to design a new irrigation system for Lions Park and have it supplied by non-potable water. The existing irrigation piping infrastructure has gone beyond its useful life and the city now desires to abandon the existing lines.

The irrigation water will be supplied by a new non-potable water meter off Charles Street, and the existing fixtures requiring potable water will also be supplied by a new potable water meter off Charles Street.

SCOPE OF SERVICES

Kimley-Horn is currently working on the new irrigation design for the park, and the City would like Kimley-Horn to expand their scope to include the design of a 6' wide sidewalk along E. Westward Avenue, Hargrave Street, and Charles Street, as indicated by the blue line in Exhibit A. Where the proposed sidewalk connects to the existing sidewalk, the width will have to taper down in some instances to match the width of the existing sidewalk. The City also desires a white Master Halco Legend Vinyl fence to be installed along the inside edge of the proposed sidewalk. The proposed fence layout is indicated by the brown line in Exhibit A.

The sidewalk layout shall be set in from the curb to avoid major grading, and to support the elimination of irrigation overspray by setting the irrigation further back from the curb.

All these items are outside the scope of our original agreement dated February 27, 2024.

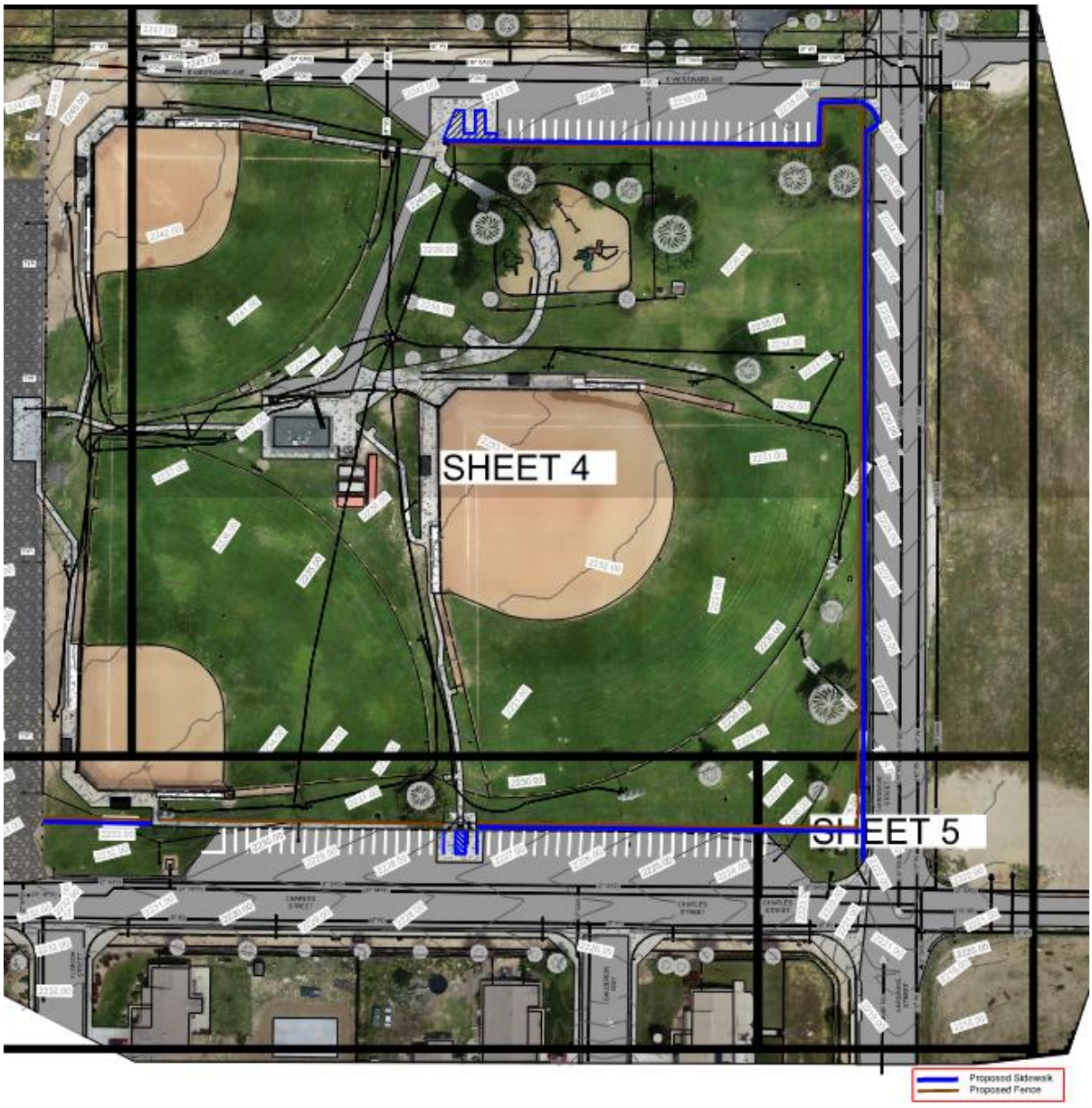


Exhibit A: Proposed sidewalk and fence improvements

Below is an outline of the Additional Services required to perform this task:

Task 1: Initial Coordination Meeting + Data Collection & Field Review

Kimley-Horn will review survey information, project photographs, and visit the work area to determine optimal locations for sidewalk and fence.

Kimley-Horn will discuss alternative alignments with the Client during a virtual meeting.

Task 2: Project Management

The Kimley-Horn team project manager will provide coordination between the design team and the City while monitoring project progress and the project schedule on a regular basis. The Kimley-Horn team project manager will lead any necessary meetings with the City and project stakeholders and coordinate all monthly project invoicing. The Kimley-Horn team will provide an extensive in-house quality control review to assure plans inclusive of proper coordination between the City, affected utilities, and consultant teams.

Task 3: Alternative Exhibits

Kimley-Horn will prepare exhibits for up to two alternatives showing horizontal alignment and typical cross-sections of sidewalks and fencing relative to existing curbs for City review and selection. Cross-section exhibits will show proposed landscaping/surface treatment between the curb and sidewalk and the curb and between the sidewalk and fence.

Task 4: 90% Plans/Specifications/Opinion of Probable Construction Cost

Kimley-Horn will submit 90% Plans (Horizontal Alignment Only), Specifications, and Opinion of Probable Construction Cost (OPCC) based upon City's selected alternative for review by the City.

Task 5: Bid Documents:

Kimley-Horn will incorporate City comments and deliver bid-ready Final Plans (Horizontal Alignment Only), Specifications, and OPCC.

Task 6: Bid Phase Services:

Kimley-Horn will respond to up to three bid phase RFIs.

Up to 2 virtual meetings are assumed prior to bid phase and up to 1 virtual meeting during the bid phase.

Task 7: Design Services During Construction:

Design Services During Construction (DSDC) is an hourly task to be able to address questions that come up during the construction process: some may be due to discoveries in the field (things that would not have been captured on a survey), to provide response to RFIs, to review proposed material submittals, additional remote meetings during construction, preparation of punch lists or observation reports, and as built drawings. The items listed would be performed on an as needed basis, as requested.

Kimley-Horn will provide design services during the construction phase on a time and materials basis up to $5,000.

SCHEDULE

Kimley-Horn will provide services as expediently as practical to meet a mutually agreed upon schedule.

EXCLUSIONS

1. Geotechnical services are not included in the scope of services.
2. Additional surveying services are not included in the scope of services.
3. Vertical alignment will not be provided. Vertical alignment will be relative to top of curb.

FEE AND BILLING

Kimley-Horn will perform the services in **Tasks 1 - 6** for the total lump sum labor fee below. Individual task amounts are informational only. All permitting, application, and similar project fees will be paid directly by the Client. Kimley-Horn reserves the right, as approved by the City, to reallocate amounts among tasks as necessary.

Task 7 will be billed hourly on an as-needed basis.

A breakdown of the fee for these additional services is below:

Task 1 – Initial Coordination Meeting + Data Collection & Field Review	$1,650 Lump Sum
Task 2 – Project Management	$1,400 Lump Sum
Task 3 – Alternative Exhibits	$2,700 Lump Sum
Task 4 – 90% Plans/Specs/OPCC:	$3,800 Lump Sum
Task 5 – Bid Documents	$1,900 Lump Sum
Task 6 – Bid Phase Services	$1,400 Lump Sum
Task 7 – Design Services During Construction (DSDC)	$5,000 Hourly
Design Subtotal:	$12,850
DSDC:	$5,000 (as requested)
Total:	**$17,850**

Lump sum labor fees will be invoiced monthly based upon the overall percentage of services performed. As needed services will be Labor fee will be billed on an hourly basis according to our then-current rates. Reimbursable expenses will be invoiced based upon expenses incurred. Payment will be due within 30 days of your receipt of the invoice and should include the invoice number and Kimley-Horn project number.

CLOSURE

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, our signed, executed contract dated February 27, 2024**.**

If you concur in all the foregoing and wish to direct us to proceed with the services, please have authorized persons execute this Agreement in the spaces provided below, and return a copy to us via email or mail. We will commence services once we are in receipt of the executed Agreement.

We appreciate the opportunity to provide these services to you. Please feel free to contact me at (619) 744-0164 or Michael.Madsen@kimley-horn.com if you have any questions or if you need additional information.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Michael P. Madsen, PLA #5798
Vice President

Agreed to this _____ day of _____, 2024

City of Banning

By:

_____

_____
Title:

_____
(Date)

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Lincoln Bogard, Administrative Services Director**
MEETING DATE:	**August 27, 2024**
SUBJECT:	**Consideration of Resolution 2024-135, Approving an Amendment to the GARDA CL West, Inc. Purchase Order (PO 031919) to Increase the Amount by $2,000.00 for a Total of $27,0000.00 for Fiscal Year 2024 Expenditures and Approving a New Purchase Order for GARDA CL West, Inc. to Use During Fiscal Year 2025 for an Amount Not to Exceed $30,000.00**

RECOMMENDATION:

Adopt Resolution 2024-135.

BACKGROUND:

The City of Banning and Garda CL West have been under contract with automatic 1-yr renewals and provided the City with daily armored car services/bank courier services since September 1995. City staff will go out to bid for requests for proposals this fiscal year for armored car services/bank courier services. Approving an amendment to the fiscal year 2024 Garda CL West purchase order (PO 031919) in the amount of $2,000.00 for a total purchase order of $27,000.00 will complete payment of invoices issued for armored car services during fiscal year 2024. Staff also recommends approval for a new purchase order for use in fiscal year 2025 for a not to exceed amount of $30,000.00.

JUSTIFICATION:

Armored car services provide delivery of the city's daily cash deposits. They ensure the safety of City staff and guarantee the funds are credited to city's bank account so finance department may reconcile the bank deposit totals in a timely manner.

FISCAL IMPACT:

The fiscal impact of this action is an increase to purchase order 031919 in the amount of $2,000.00 to be paid from account 761-3100-480.23-43 from fiscal year 2024 budget and $30,000.00 to be paid from same account from fiscal year 2025 budget.

ALTERNATIVES:

1. Adopt Resolution 2024-135, as recommended.
2. Adopt Resolution 2024-135, with modifications.
3. Do not adopt Resolution 2024-135 and provide alternative direction to staff.

BUDGETED?:

Yes

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. Resolution 2024-135, GARDA CI West Services.docx
2. 10780724.pdf
3. City_of_Banning__GardaWorld_Contract_Schedul.pdf

RESOLUTION 2024-135

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING AN AMENDMENT TO THE GARDA CL WEST PURCHASE ORDER (31919) TO INCREASE THE PURCHASE ORDER AMOUNT BY $2,000 FOR A TOTAL OF $27,000 FOR FISCAL YEAR 2024 EXPENDITURES AND APPROVING A NEW PURCHASE ORDER FOR GARDA CL WEST TO USE DURING FISCAL YEAR 2025 FOR AN AMOUNT NOT TO EXCEED OF $30,000.00

WHEREAS, Garda CL West provides armored truck and bank courier services at City Hall since September 1995 on an automatic 1-yr renewable contract; and

WHEREAS, as of June 30, 2024, the department needs additional funds to cover service costs for fiscal year 2024 invoices; and

WHEREAS, as of July 1, 2024, a new Purchase Order for fiscal year 2025 is being requested in the amount of $30,000.00 for armored truck/bank courier services; and

WHEREAS, City staff will go out for formal bid for armored truck/bank courier services this fiscal year; and

WHEREAS, the fiscal impact of the Council's adoption of this Resolution is an increase to Purchase Order 31919 by $2,000 to be paid from fiscal year 2024 budget account 761-3100-480.23-43 and upcoming fiscal year 2025 Purchase Order in the amount of $30,000.00 to be paid from fiscal year 2025 budget account 761-3100-480.23-43.

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

SECTION 1. The City Council approves an amendment to Purchase Order 31919 with Garda CL West to increase the purchase order amount by $2,000 for a total of $27,000 for fiscal year 2024 expenditures and approves the creation of a new fiscal year 2025 Purchase Order in the amount of $30,000.

SECTION 2. The City Council authorizes the City Manager, or designee, to make necessary budget adjustments, appropriations, and transfers related to this resolution.

SECTION 3. The City Clerk shall certify the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 27th day of August 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-135, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 27th day of August 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

GARDAWORLD

INVOICE 10780724

DATE	PAGE
6/1/2024	1

GARDA CL WEST, INC. LOCKBOX #233209
2000 NW CORPORATE BOULEVARD
BOCA RATON FL 33431-7304

Now offering support in Spanish
Ahora con asistencia en Español
1-855-464-2732 (1-855-GO-GARDA)
Lunes a Viernes de 8am a 5pm EST

CO	CLIENT NO	SERVICE MONTH	CLIENT	SURCHARGE PROGRAM
120	123748	June 2024	CITY OF BANNING	Fuel 1.75 Security 5

STORE #	SERVICE DESCRIPTION	BRANCH	GARDA NO	AMOUNT	SURCHARGE	TAX	TOTAL
1000	CITY OF BANNING 99 E RAMSEY STREET BANNING CA 92220		326305				
	ARMORED TRANSPORTATION SERVICE	ARTS01					
		12013					
	MTWTF			862.18	232.79		1094.97

PLEASE SHARE THIS IMPORTANT HOLIDAY SERVICE MESSAGE WITH YOUR OPERATIONS TEAMS

** GardaWorld provides services on all holidays as outlined on the GardaWorld US Cash Services 2024 Holiday Calendar which can be found at https://www.garda.com/client-portal. Any scheduled service that falls on days listed on this calendar, will be assessed a Holiday Service Fee commensurate to contractual agreement. GardaWorld requires a minimum of four (4) weeks advance notice of Holiday service requirements. All holiday requests should be sent to your support team for timely processing. Late requests received outside the four (4)-week notice period, may not be accepted. Thank you**

Next Holiday Request Deadline:

Independence Day June 4, 2024

Please contact your Support Group or email holidaybilling@garda.com

Subtotal	862.18
Sales Tax	0.00
Fuel/Ins Surch	232.79
Regulatory Surch	129.33
Total	1,224.30

TERMS: Net 30 FROM DATE OF INVOICE. 1.5% INTEREST PER MONTH (18% PER ANNUM) WILL BE CHARGED ON PAST DUE BALANCES.
GardaWorld encourages customers to make any payments hereunder by ACH or Check.
For any requests to change your service or to change billing information, please contact changeservice@garda.com.
To gain access to our invoice portal, please email signmeup@garda.com with the following: Customer # and Name, Contact Name and Title, Direct Phone # and E-mail/s.
Please visit our Client Portal https://www.garda.com/client-portal for other helpful links including: Invoice Portal, Change Service Request, Billing Dispute Request, etc.

PLEASE RETURN LOWER PORTION WITH CHECK

CO	CLIENT NO.	CLIENT NAME	INVOICE	DATE	TOTAL DUE	AMOUNT PAID
120	123748	CITY OF BANNING	10780724	6/1/2024	1,224.30	

BILL TO:

CITY OF BANNING
FINANCE DEPARTMENT
PO BOX 998
contract C0035
PO#27486
BANNING CA 92220-0007

REMIT TO:

GARDAWORLD

GARDA CL WEST, INC. LOCKBOX #233209
3209 MOMENTUM PLACE
CHICAGO IL 60689-0001
TELEPHONE:1-855-464-2732

617

DocuSign Envelope ID: 1FEA008D-385A-487D-BE9A-A810F6F60D01

GARDAWORLD

Schedule A

FOR OFFICE USE ONLY	
Customer Account: **CITY OF BANNING**	Contract: **10460 (120-123748)**

GARDA CL West, Inc. ("CARRIER") and **CITY OF BANNING** ("CUSTOMER") agree that effective **November 01**, **2021** this Schedule A amends and is incorporated into the Armored Car Service Agreement between the parties (the "Agreement") dated as of **November 01**, **2017** (the "Contract Date") by adding or amending the following Customer rates, schedules, lists, liabilities, days, Term and/or terms.

(I) Term

The Agreement shall be in full force and effect from **November 01**, **2021** until **November 01**, **2022** and shall automatically renew thereafter from year to year until cancelled by either party by giving the other party written notice thereof ninety (90) days in advance of each anniversary of the Contract Date.

(II) Holidays

CUSTOMER acknowledges that CARRIER observes the following Holidays for which a Holiday Service rate as set forth in Section III below shall apply.

(1) New Year's Day	(6) Juneteenth	(11) Thanksgiving Day
(2) Martin Luther King Day	(7) Independence Day	(12) Christmas Day
(3) Presidents Day	(8) Labor Day	(13) Family Day (NV Only)
(4) Easter	(9) Columbus Day	(14) Admission Day (NV Only)
(5) Memorial Day	(10) Veteran's Day	(15) Pioneer Day (UT Only)

It is understood and agreed that when a Holiday falls on a Sunday the following Monday shall constitute the Holiday; when a Holiday falls on a Saturday the preceding Friday, that Saturday, or the following Monday shall constitute the Holiday.

(II) Custom Fuel Surcharge and Index

For any 3-week U.S. National Average Diesel Fuel price over $4.25 add an additional 1% for every $0.10 per gallon increase.

Price Per Gallon	Surcharge
Below - $1.75	0%
$1.751-$1.85	1%
$1.851-$1.95	2%
$1.951-$2.05	3%
$2.051-$2.15	4%
$2.151-$2.25	5%
$2.251-$2.35	6%
$2.351-$2.45	7%
$2.451-$2.55	8%
$2.551-$2.65	9%
$2.651-$2.75	10%
$2.751-$2.85	11%
$2.851-$2.95	12%
$2.951-$3.05	13%

GARDAWORLD

$3.051-$3.15	14%
$3.151-$3.25	15%
$3.251-$3.35	16%
$3.351-$3.45	17%
$3.451-$3.55	18%
$3.551-$3.65	19%
$3.651-$3.75	20%
$3.751-$3.85	21%
$3.851-$3.95	22%
$3.951-$4.05	23%
$4.051-$4.15	24%
$4.151-$4.25	25%

(II) Service Locations and Rates

**Effective Date	**Service Location	**Address	City	ST	**Product	**Monthly Price	Item Allowance	Frequency	Days of Service	Liability Limit
11/1/21	CITY OF BANNING	99 E RAMSEY ST	BANNING	CA	ARMORED TRANSPORTATION SERVICE	$431.51	6	Weekly	Tu, Th, F	$200,000.00

(** Flagged for GARDA CL internal purposes only.)

The following rate schedule applies to the service locations listed above:

**Product		
ARMORED TRANSPORTATION SERVICE		
Description	**Price ($)**	**Unit of Measure**
OFF DAY IN-ROUTE $	75.6370	TR
EXCESS LIABILITY ($000's) $	0.7160	PT
EXCESS ITEMS $	2.9273	UN
EXCESS PREMISE TIME $	5.7810	MN
HOLIDAY SERVICE $	92.4008	TR

(** Flagged for GARDA CL internal purposes only.)

Carrier

GARDA CL West, Inc.

By: _____

(Signature)

_____

(Printed Name)

Title: _____

Customer

CITY OF BANNING

By: _____

(Signature)

Liliana Mascorro

(Printed Name)

Title: _____

CITY OF BANNING
STAFF REPORT

TO: **CITY COUNCIL**

FROM: **Douglas Schulze, City Manager**

PREPARED BY: **A'ja Wallace,**
Lincoln Bogard, Administrative Services Director

MEETING DATE: **August 27, 2024**

SUBJECT: **Consideration of (1) Resolution 2024-136, Amending the Classification and Compensation Plan; and (2) Resolution 2024-137, Revising the Confidential Employee Benefit Plan**

RECOMMENDATION:

Adopt Resolution 2024-136 and Resolution 2024-137.

BACKGROUND:

It is necessary to amend the City's Classification & Compensation Plan from time to time to maintain a current plan that reflects budget amendments, organizational structure, and department needs.

Past City Council resolutions have identified the necessity to maintain a current Classification & Compensation Plan that reflects the nature of work and organizational structure, that the plan is updated to reflect both market changes and appropriate compensation for work performed.

JUSTIFICATION:

Proposed changes to the Classification and Compensation plan include:
Community Development-Planning
Un-fund and Reclassify Senior Planner (Job Code 5022) Range T81 to a Planning Manager (Job Code 5024) Range T85. This will create a Promotional opportunity for current Community Development staff. The Senior Planner position will be unfunded to mitigate the general fund impact.

Proposed changes to the revision of the Confidential benefit plan include:
Addition of updated positions that include the Human Resources and Risk Manager (formally Human Resources Manager), Human Resources Generalist (formally Human Resources Technician), Sr. Human Resources Generalist (formally Sr. Human Resources Technician), Administrative City Clerk (formally Deputy City Clerk), Finance Manager, Budget & Financial Analyst, Risk & Safety Analyst, Deputy Waster/Wastewater Director, Deputy Public Works Director and the Deputy Electric Director.

FISCAL IMPACT:

Position/Range	Proposed Salary Range	Current Salary Range	Proposed Based Wage Difference
Planning Manager/T85	$ 143,812.00	$ 0.00	$ 143,812.00
Senior Planner	$ 0.00	$ 133,611.00	$ -133,611.00

Total Annual Fiscal Impact			**$ 10,201**

ALTERNATIVES:

1. Adopt Resolution 2024-137 and 2024-137, as recommended
2. Adopt Resolution 2024-136 and 2024-137, with modifications
3. Do not approve Resolution 2024-137 and 2024-137 and provide alternative direction to staff.

BUDGETED?:

Yes

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. Resolution 2024-136, Class and Compensation.docx
2. Exhibit A - Planning Manager Job Description.pdf
3. Resolution 2024-137, Confidential Employees Update.docx
4. Teamsters Salary Schedule.pdf

RESOLUTION 2024-136

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AMENDING THE CLASSIFICATION & COMPENSATION PLAN FOR THE CITY OF BANNING TO RECLASSIFY THE SENIOR PLANNER TO THE PLANNING MANAGER

WHEREAS, it is necessary to amend the City's Classification & Compensation Plan from time to time to maintain a current plan that reflects the nature of work, organizational structure, or otherwise; and

WHEREAS, the proposed reclassification of the select position set forth in Section 1 of this Resolution will provide a promotional opportunity for current Community Development staff; and

WHEREAS, changes to job descriptions, job titles, and/or pay ranges require City Council approval.

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

SECTION 1. The City Council approves the following updated position control for Fiscal Year 2024-25: (1) reclassification of the Senior Planner (unfund) to Planning Manager (T85).

SECTION 2. The City Council authorizes the City Manager, or designee, to make necessary budget adjustments, appropriations, and transfers related to this resolution.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 27th day of August 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-136, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 27th day of August 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

Exhibit A
Planning Manager Job Description

JOB DESCRIPTION

TITLE: Planning Manager	**JOB CODE:** 5024
DEPARTMENT: Community Development	**EFFECTIVE DATE:** 08/27/2024
REPORTS TO: Community Development Director	**FLSA STATUS:** Exempt
SUPERVISES: Various Division Staff	**UNION STATUS:** Represented
SALARY RANGE: T85 ($109,012.19-$147,480.13)	

JOB PURPOSE/SUMMARY

Under general supervision, the Planning Manager will be responsible for directing, managing, and coordinating activities of the Planning Division, including the review of complex development projects, the preparation of general plan elements, specific plans, zoning ordinance amendments, and environmental documentation under the California Environmental Quality Act, and the management of assigned activities with other City departments and outside agencies, including demographic analysis and reports to state and regional planning agencies.

ABOUT THE CITY OF BANNING

The City of Banning is located in the San Gorgonio Pass area of Southern California. The community of over 30,000 people is diverse with income levels slightly lower than other areas of Riverside County. However, growth and development is occurring rapidly, which will create new jobs, increase the population and raise income levels. Our employees are the most important asset in preserving our Proud History, Creating a Prosperous Tomorrow, and in responding to the community's needs. The City provides competitive salaries, outstanding benefits and professional growth opportunities.

CITY VISION

The City of Banning promotes and supports a high quality of life that ensures a safe and friendly environment, fosters new opportunities and provides responsible, fair treatment to all and is the pride of its citizens.

Core Values - R.E.A.D.Y.

- Respectful
- Enthusiastic
- Accountable
- Dedication
- Yes-Minded

PERFORMANCE EXPECTATIONS

- **Leadership:** Contributes to a positive work culture consistent with the City of Banning Leadership Philosophy, actively welcomes new approaches to public service and supports change and process improvements at all levels within the organization.
- **Teamwork:** Demonstrates ability and willingness to work collaboratively with a team.
- **Communication:** Communicates effectively with peers, supervisors, subordinates, and individuals to who service is provided.

ESSENTIAL FUNCTIONS

The following duties ARE NOT intended to serve as a comprehensive list of all duties performed by all employees in this classification. Shown are duties intended to provide a representative summary of the major duties and responsibilities. Incumbent(s) may not be required to perform all duties listed and may be required to perform additional, position-specific duties.

- Assume management responsibility for services, activities, and programs of the Planning Division of the Community Development Department and other assigned responsibilities, including related contracted services; prepare and administer policies and procedures.
- Provide responsible staff assistance and support to the Community Development Director, or other assigned supervisor.
- Manage and participate in the development and implementation of Community Development Department goals, objectives, policies, and priorities for each assigned division or service area.
- Coordinate activities with other City departments and public agencies, Chamber of Commerce, economic development collaboratives, and applicable affordable housing organizations.
- Recommend, within Departmental policy, appropriate service and staffing levels; monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures; allocate resources accordingly.
- Plan, direct and coordinate the work plan of any assigned division of the Community Development Department; assign projects to subordinate staff; review and evaluate work methods and procedures; meet with staff to identify and resolve problems.
- Assess and monitor work load, administrative and support systems, and internal reporting relationships; identify opportunities for improvement; direct and implement changes.
- Train and evaluate department personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline.
- Participate in the preparation and administration of the Community Development Department budget as assigned; complete revenue and expenditure projections; monitor expenditures, cost recovery, and time accounting.
- Explain and interpret Community Development Department programs, policies, and activities; negotiate and resolve sensitive and controversial issues.
- Establish schedules for development performance and other provisions of disposition and development agreements with private developers for the sale and redevelopment of City-owned property.
- Oversee City agreements for professional consulting services related to assigned programs and activities; monitor contract payments; ensure contracts are within budget requirements; ensure compliance with contract obligations.
- Respond to and resolve difficult and sensitive citizen inquiries and complaints.
- Monitor legislative developments related to assigned activities and programs.
- Attend and participate in professional training and group meetings, stay abreast of new trends and innovations for assigned areas of responsibility; and represent City at local and regional meetings.
- Provide expertise in application and interpretation of the Municipal Code, including Zoning Code.
- Provide regular reports to the department head and City Manager on the status of development applications and assigned programs and activities.
- Maintain organized and accurate records, files, and databases for entitlement processing and all other assigned areas of responsibility, including key deadlines for action and expiration dates for permits or agreements.
- May be assigned responsibility for supervising affordable housing programs and activities and including assisting with bond issues including debt service projections and analysis.
- Performs other duties as assigned or required.

KNOWLEDGE OF:

- Operations, services, and activities of a comprehensive municipal community development program, including economic development, planning, affordable housing, building and safety, code compliance, and related programs.

- Reporting and tracking methods for development applications including entitlement review and compliance with conditions of approval.
- Reporting and tracking methods for code compliance activities.
- Advanced site planning and architectural design techniques and methods.
- Planning theory and social policies.
- Principles and practices of building construction, structural design, and processing procedures for land development.
- Pertinent building related codes, ordinances, and regulations enforced by the City including the Uniform Building Code, plumbing, electrical, and mechanical codes, zoning ordinances, general land use codes, and related City codes and state mandated regulations.
- Civil engineering principles and practices.
- Geographic information system software.
- Technical report writing.
- Methods and techniques of research and analysis related to urban development and environmental impact assessment.
- Current literature, information sources, and research techniques in the field of urban planning.
- Affordable housing programs including deed restriction provisions, home mortgage financing, and related procedures.
- Principles and practices of tax increment financing.
- Principles and practices of state and federal tax credit financing, home mortgage financing, and other forms of public assistance provided for private for-profit and non-profit housing developments.
- Management skills to analyze programs, policies, and operational needs.
- Negotiation strategies.
- Principles and practices of contract administration.
- Principles and practices of program development and administration.
- Principles and practices of municipal budget preparation and administration.
- Purchasing procedures and practices.
- Modern office procedures, methods, and equipment.
- Principles of supervision, training, and performance evaluation.
- Pertinent Federal, State, and local laws, codes, and regulations including California Environmental Quality Act (CEQA).
- English usage, spelling, grammar, and punctuation.

ABILITY TO:

- Oversee and participate in the management of the Planning Division and other divisions of the Community Development Department as assigned, including responsibility for administration, development review and entitlement processing for development projects, long-range and regional planning, environmental review, and business registration.
- Plan, organize, direct and coordinate the work of lower level staff.
- Select, supervise, train, and evaluate staff.
- Effectively manage contracts and evaluate the work of contractors.
- Delegate authority and responsibility.
- Lead and direct the operations, services, and activities of assigned areas of responsibilities including one or more divisions of the Department.
- Develop and administer division goals, objectives, and procedures.
- Identify and respond to community concerns and needs related to assigned areas of responsibility.
- Prepare reports that provide essential management information on the status of development applications and code compliance activities.
- Prepare clear and concise administrative and financial reports.
- Prepare and administer large and complex budgets.
- Analyze problems, identify alternative solutions, project consequences of proposed actions, and implement recommendations in support of goals.
- Operate and use modern office equipment including computer, printers, and copiers.
- Research, analyze, and evaluate new service delivery methods and techniques.
- Interpret and apply Federal, State, and local policies, laws, and regulations.

- Communicate clearly and concisely, both orally and in writing.
- Research, develop, and prepare ordinances, resolutions, contracts, and technical reports and associated summary data for presentation to City Council and others.
- Respond tactfully, clearly, concisely, and appropriately to inquiries from the public, press, or other agencies on sensitive issues in areas of responsibility.
- Establish and maintain effective working relationships with those contacted in the course of work.
- Maintain physical condition appropriate to the performance of assigned duties and responsibilities.
- Maintain mental capacity, which allows the capability of making sound decisions and demonstrating intellectual capabilities.
- Maintain effective audio/visual discrimination and perception to the degree necessary for the successful performance of assigned duties.
- Perform responsible and difficult administrative work involving the use of independent judgment and personal initiative.
- Attend evening meetings as required.

MINIMUM QUALIFICATIONS

Equivalent to a Bachelor's degree from an accredited college or university with major course work in urban planning, engineering, economics, business administration, public administration, or closely related field and five (5) years of progressively responsible professional planning experience; including two years of administrative and supervisory responsibility.

PREFERRED QUALIFICATIONS:

- Must possess or ability to obtain a valid class "C" California driver's license within thirty (30) days of appointment and maintain for the duration of employment.
- AICP Certification
- Master's Degree

PHYSICAL AND ENVIRONMENTAL WORKING CONDITIONS

Essential functions may require maintaining physical condition necessary for sitting for prolonged periods of time, standing or walking; travel to various locations; light lifting, carrying, pushing and pulling; reaching; handling; use of fingers; talking; hearing; near acuity. Office and field environment; exposure to computer screens; exposure to outside atmospheric conditions.

The City of Banning is an equal opportunity employer. All employees and candidates for employment will be recruited, selected, trained, promoted, compensated and, if necessary, disciplined or terminated without regard to sex/gender, race, national origin, religion, creed, color, marital status, veteran status, age, national origin, pregnancy, sexual orientation, gender identity, disability, genetic information or any other basis prohibited by law.

While requirements may be representative of minimum levels of knowledge, skills and abilities to perform this job successfully, the incumbent will possess the abilities or aptitudes to perform each duty proficiently. This job description does not constitute an employment agreement between the Employer and Employee and is subject to change as the needs of the Employer and requirements of the job change.

RESOLUTION 2024-137

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AMENDING THE COMPENSATION AND BENEFIT PLAN FOR UNREPRESENTED CONFIDENTIAL AND UNREPRESENTED MANAGEMENT AND REPRESENTED MANAGEMENT EMPLOYEES WHO ARE NOT COVERED BY EMPLOYMENT AGREEMENTS

WHEREAS, the Meyers-Milias-Brown Act ("MMBA") and specifically Government Code Section 3502 provides that Public employees "shall have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with a public agency"; and Government Code Section 3507.5 provides for local governments to establish rules and regulations for the designation of "confidential" employees within the scope of labor relations; and

WHEREAS, the City Council established such local rules and regulations as part of its Employer-Employee Relations Resolutions, the most recent of which is the Resolution 2017-100, and which defines Confidential Employee as “an employee, who, in the course of his/her duties, has access to confidential information relating to the City's administration of employer-employee relations, or who is required to develop or present management positions with respect to employer-employee relations;" and

WHEREAS, the Employer-Employee Relations Resolution 2017-100 states that designated "Confidential employees include, but are not limited to, the Administrative Services Director/Deputy City Manager, Deputy Human Resources Director, Deputy Finance Director, Human Resources Technician, and any Executive Secretary when assigned to report to the City Manager;" and

WHEREAS, the City Council also previously approved Resolutions designating certain positions as confidential employees and providing for the salary and benefits of certain employees that are not covered by employment contracts or belonging to or represented by any employee organization; and

WHEREAS, the Human Resources & Risk Manager, Deputy Finance Director, Finance Manager, Information Technology Manager, Economic Development Manager, and Public Information Officer positions are considered Unrepresented Management Confidential employees, and Executive Assistant/Support Services Manager (assigned to Police) is considered Represented Management Confidential employee and all are exempt under the Federal Fair Labor Standards Act ("FLSA"), and have compensation and benefits that are linked to the Teamsters MOU; and

WHEREAS, the City Council also previously approved Resolutions for Management Confidential employees’ eligibility for an additional cafeteria plan amount equal to the individual’s calculated premiums for short term disability (STD) and long term disability (LTD).

WHEREAS, the Human Resources Technicians and Executive Secretary/ Executive Assistant when assigned to the City Manager are considered Non- Management Confidential employees and are not FLSA exempt, and have compensation and benefits that are linked to The International Brotherhood Of Electrical Workers - Local 47 Memorandum of Understanding for the General Employees Unit ("IBEW MOU"); and

WHEREAS, the Compensation and Benefit Plan for the non-contract, unrepresented and represented Confidential positions need to be updated to reflect changes in compensation and benefits for those positions; and

WHEREAS, the City has determined that the employees in the departments of Information Technology, Finance and City Clerk have access to confidential and highly sensitive information and further determined that such employees be designated as Confidential Unrepresented employees; and

WHEREAS, the Information Technology Analyst, Information Technology Analyst II, the Accountant I, Accountant II and Accounting Specialist (assigned to Payroll) and Deputy City Clerk are considered Non-Management Confidential employees and are not FLSA exempt, and have compensation and benefits that are linked to the IBEW General MOU and receive an added three percent (3%) confidential pay; and

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

SECTION 1. The City Council hereby approves and amends the Non-Management Confidential employees to include Executive Assistant (assigned to City Manager), Human Resources Generalist, Senior Human Resources Generalist, Deputy City Clerk, Accounting Specialist (assigned to Payroll), Accountant I (assigned to Payroll), Accountant II, Senior Accountant, Information Technology Analyst, and Information Technology Analyst II.

SECTION 2. The City Council hereby approves that the amended Non-Management Confidential employee list are not FLSA exempt, and have compensation and benefits that are linked to the IBEW General MOU and receive an added three percent (3%) confidential pay; and

SECTION 3. The City Council hereby approves and amends the Management Confidential employees to include Assistant City Manager, Public Information Officer, Economic Development Manager, Human Resources & Risk Manager, Risk & Safety Analyst, Administrative City Clerk, Deputy Finance Director, Finance Manager, Budget & Financial Analyst, Executive Assistant/Support Services Manager (assigned to Police), Deputy Public Works Director, Information Technology Manager, Deputy Water/Wastewater Director, and Deputy Electric Director.

SECTION 4. The City Council hereby approves that the amended Management Confidential employee list is FLSA exempt and have compensation and benefits that are linked to the Teamsters MOU and receive an additional benefit allotment amount equal to the individual's calculated premiums for short term disability (STD) and long-term disability (LTD).

SECTION 5. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 27th day of August 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-137, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 27th day of August 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

Attachment "A"

CITY OF BANNING

Grade Step Table -TEAMSTERS

MID-MANAGEMENT AND PROFESSIONAL UNIT

MOU: Teamsters Local 1932 (formerly San Bernardino Public Employee Association) — Effective: 7/1/2023

2.5506% Between Steps — Base Wage Increase (BWI) 3%

Grade	Pay Frequency	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
T60	Hourly	28.2693	28.9903	29.7297	30.4880	31.2657	32.0631	32.8809	33.7196	34.5796	35.4616	36.3661	37.2937	38.2449
	Biweekly	2,261.54	2,319.23	2,378.38	2,439.04	2,501.25	2,565.05	2,630.47	2,697.57	2,766.37	2,836.93	2,909.29	2,983.49	3,059.59
	Annual	58,800.11	60,299.86	61,837.87	63,415.11	65,032.57	66,691.29	68,392.32	70,136.74	71,925.64	73,760.18	75,641.51	77,570.82	79,549.34
T61	Hourly	28.9760	29.7151	30.4730	31.2502	32.0473	32.8647	33.7030	34.5626	35.4441	36.3482	37.2753	38.2260	39.2010
	Biweekly	2,318.08	2,377.21	2,437.84	2,500.02	2,563.79	2,629.18	2,696.24	2,765.01	2,835.53	2,907.85	2,982.02	3,058.08	3,136.08
	Annual	60,270.14	61,807.39	63,383.85	65,000.52	66,658.42	68,358.61	70,102.17	71,890.19	73,723.82	75,604.22	77,532.58	79,510.13	81,538.12
T62	Hourly	29.7007	30.4582	31.2351	32.0318	32.8488	33.6866	34.5458	35.4270	36.3306	37.2572	38.2075	39.1820	40.1814
	Biweekly	2,376.05	2,436.66	2,498.81	2,562.54	2,627.90	2,694.93	2,763.67	2,834.16	2,906.44	2,980.58	3,056.60	3,134.56	3,214.51
	Annual	61,777.42	63,353.12	64,969.00	66,626.10	68,325.47	70,068.18	71,855.33	73,688.08	75,567.56	77,494.99	79,471.58	81,498.58	83,577.28
T63	Hourly	30.4432	31.2197	32.0160	32.8326	33.6701	34.5288	35.4095	36.3127	37.2389	38.1887	39.1627	40.1616	41.1860
	Biweekly	2,435.46	2,497.58	2,561.28	2,626.61	2,693.60	2,762.31	2,832.76	2,905.01	2,979.11	3,055.10	3,133.02	3,212.93	3,294.88
	Annual	63,321.95	64,937.04	66,593.32	68,291.85	70,033.71	71,819.99	73,651.83	75,530.39	77,456.87	79,432.48	81,458.49	83,536.17	85,666.84
T64	Hourly	31.2043	32.0002	32.8164	33.6534	34.5118	35.3920	36.2948	37.2205	38.1698	39.1434	40.1418	41.1656	42.2156
	Biweekly	2,496.34	2,560.02	2,625.31	2,692.27	2,760.94	2,831.36	2,903.58	2,977.64	3,053.59	3,131.47	3,211.34	3,293.25	3,377.25
	Annual	64,904.97	66,560.43	68,258.13	69,999.12	71,784.51	73,615.45	75,493.09	77,418.61	79,393.25	81,418.26	83,494.91	85,624.53	87,808.47
T65	Hourly	31.9845	32.8003	33.6369	34.4948	35.3746	36.2769	37.2022	38.1511	39.1242	40.1221	41.1454	42.1949	43.2711
	Biweekly	2,558.76	2,624.02	2,690.95	2,759.59	2,829.97	2,902.15	2,976.18	3,052.09	3,129.93	3,209.76	3,291.63	3,375.59	3,461.69
	Annual	66,527.72	68,224.57	69,964.71	71,749.23	73,579.26	75,455.98	77,380.56	79,354.23	81,378.23	83,453.87	85,582.44	87,765.31	90,003.85
T66	Hourly	32.7837	33.6199	34.4774	35.3568	36.2586	37.1834	38.1318	39.1044	40.1018	41.1247	42.1736	43.2493	44.3524
	Biweekly	2,622.70	2,689.59	2,758.20	2,828.55	2,900.69	2,974.68	3,050.55	3,128.35	3,208.15	3,289.97	3,373.89	3,459.94	3,548.19
	Annual	68,190.20	69,929.46	71,713.08	73,542.19	75,417.96	77,341.57	79,314.24	81,337.23	83,411.82	85,539.32	87,721.09	89,958.50	92,252.98
T67	Hourly	33.6033	34.4604	35.3393	36.2407	37.1651	38.1130	39.0851	40.0820	41.1043	42.1528	43.2279	44.3305	45.4612
	Biweekly	2,688.26	2,756.83	2,827.15	2,899.26	2,973.21	3,049.04	3,126.81	3,206.56	3,288.35	3,372.22	3,458.23	3,546.44	3,636.89
	Annual	69,894.89	71,677.63	73,505.84	75,380.68	77,303.34	79,275.04	81,297.02	83,370.59	85,497.04	87,677.72	89,914.03	92,207.38	94,559.22
T68	Hourly	34.4432	35.3217	36.2226	37.1465	38.0939	39.0656	40.0620	41.0838	42.1317	43.2063	44.3083	45.4384	46.5974
	Biweekly	2,755.45	2,825.73	2,897.81	2,971.72	3,047.52	3,125.25	3,204.96	3,286.70	3,370.53	3,456.50	3,544.66	3,635.07	3,727.79
	Annual	71,641.80	73,469.09	75,342.99	77,264.69	79,235.41	81,256.38	83,328.91	85,454.30	87,633.89	89,869.08	92,161.28	94,511.95	96,922.66

Attachment "A"

CITY OF BANNING

Grade Step Table -TEAMSTERS

MID-MANAGEMENT AND PROFESSIONAL UNIT

MOU: Teamsters Local 1932 (formerly San Bernardino Public Employee Association) — Effective: 7/1/2023

2.5506% Between Steps — Base Wage Increase (BWI) 3%

Grade	Pay Frequency	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
T69	Hourly	35.3045	36.2050	37.1284	38.0754	39.0466	40.0425	41.0638	42.1112	43.1853	44.2868	45.4164	46.5748	47.7627
	Biweekly	2,824.36	2,896.40	2,970.28	3,046.04	3,123.73	3,203.40	3,285.11	3,368.90	3,454.82	3,542.94	3,633.31	3,725.98	3,821.02
	Annual	73,433.40	75,306.39	77,227.16	79,196.91	81,216.91	83,288.43	85,412.78	87,591.32	89,825.42	92,116.51	94,466.03	96,875.49	99,346.39
T70	Hourly	36.1874	37.1104	38.0569	39.0276	40.0230	41.0438	42.0907	43.1643	44.2652	45.3942	46.5521	47.7394	48.9571
	Biweekly	2,894.99	2,968.83	3,044.55	3,122.21	3,201.84	3,283.51	3,367.26	3,453.14	3,541.22	3,631.54	3,724.16	3,819.15	3,916.56
	Annual	75,269.70	77,189.53	79,158.32	81,177.34	83,247.85	85,371.17	87,548.64	89,781.66	92,071.63	94,420.01	96,828.28	99,297.99	101,830.68
T71	Hourly	37.0917	38.0377	39.0079	40.0029	41.0232	42.0695	43.1425	44.2429	45.3714	46.5286	47.7154	48.9324	50.1805
	Biweekly	2,967.33	3,043.02	3,120.63	3,200.23	3,281.85	3,365.56	3,451.40	3,539.44	3,629.71	3,722.29	3,817.23	3,914.59	4,014.44
	Annual	77,150.70	79,118.50	81,136.50	83,205.97	85,328.22	87,504.60	89,736.49	92,025.31	94,372.51	96,779.57	99,248.03	101,779.45	104,375.44
T72	Hourly	38.0193	38.9890	39.9835	41.0033	42.0491	43.1216	44.2215	45.3494	46.5061	47.6923	48.9087	50.1562	51.4354
	Biweekly	3,041.54	3,119.12	3,198.68	3,280.26	3,363.93	3,449.73	3,537.72	3,627.95	3,720.49	3,815.38	3,912.70	4,012.49	4,114.83
	Annual	79,080.12	81,097.13	83,165.60	85,286.82	87,462.14	89,692.95	91,980.66	94,326.72	96,732.62	99,199.88	101,730.07	104,324.80	106,985.71
T73	Hourly	38.9696	39.9635	40.9828	42.0282	43.1001	44.1994	45.3268	46.4829	47.6685	48.8843	50.1312	51.4098	52.7211
	Biweekly	3,117.57	3,197.08	3,278.63	3,362.25	3,448.01	3,535.95	3,626.14	3,718.63	3,813.48	3,910.75	4,010.49	4,112.78	4,217.68
	Annual	81,056.72	83,124.15	85,244.31	87,418.55	89,648.25	91,934.82	94,279.71	96,684.41	99,150.44	101,679.37	104,272.81	106,932.39	109,659.81
T74	Hourly	39.9437	40.9625	42.0073	43.0788	44.1775	45.3043	46.4599	47.6449	48.8601	50.1063	51.3843	52.6949	54.0390
	Biweekly	3,195.50	3,277.00	3,360.59	3,446.30	3,534.20	3,624.35	3,716.79	3,811.59	3,908.81	4,008.51	4,110.75	4,215.60	4,323.12
	Annual	83,082.98	85,202.09	87,375.26	89,603.85	91,889.29	94,233.01	96,636.52	99,101.33	101,629.01	104,221.16	106,879.43	109,605.49	112,401.09
T75	Hourly	40.9424	41.9867	43.0576	44.1558	45.2820	46.4370	47.6214	48.8360	50.0817	51.3590	52.6690	54.0124	55.3900
	Biweekly	3,275.39	3,358.93	3,444.61	3,532.46	3,622.56	3,714.96	3,809.71	3,906.88	4,006.53	4,108.72	4,213.52	4,320.99	4,431.20
	Annual	85,160.15	87,332.24	89,559.74	91,844.05	94,186.62	96,588.95	99,052.54	101,578.98	104,169.85	106,826.81	109,551.53	112,345.75	115,211.24
T76	Hourly	41.9661	43.0365	44.1342	45.2598	46.4142	47.5981	48.8121	50.0571	51.3339	52.6432	53.9859	55.3629	56.7750
	Biweekly	3,357.29	3,442.92	3,530.73	3,620.79	3,713.14	3,807.85	3,904.97	4,004.57	4,106.71	4,211.46	4,318.87	4,429.03	4,542.00
	Annual	87,289.46	89,515.86	91,799.06	94,140.48	96,541.63	99,004.02	101,529.22	104,118.82	106,774.48	109,497.87	112,290.72	115,154.81	118,091.94
T77	Hourly	43.0155	44.1126	45.2378	46.3916	47.5748	48.7883	50.0327	51.3088	52.6175	53.9596	55.3359	56.7473	58.1947
	Biweekly	3,441.24	3,529.01	3,619.02	3,711.33	3,805.99	3,903.06	4,002.61	4,104.71	4,209.40	4,316.77	4,426.87	4,539.78	4,655.57
	Annual	89,472.16	91,754.24	94,094.52	96,494.50	98,955.69	101,479.65	104,067.99	106,722.35	109,444.41	112,235.90	115,098.59	118,034.29	121,044.87

Attachment "A"

CITY OF BANNING

Grade Step Table -TEAMSTERS

MID-MANAGEMENT AND PROFESSIONAL UNIT

MOU: Teamsters Local 1932 (formerly San Bernardino Public Employee Association) — Effective: 7/1/2023

2.5506% Between Steps — Base Wage Increase (BWI) 3%

Grade	Pay Frequency	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
T78	Hourly	44.0905	45.2151	46.3683	47.5510	48.7638	50.0076	51.2831	52.5911	53.9325	55.3081	56.7188	58.1655	59.6491
	Biweekly	3,527.24	3,617.21	3,709.47	3,804.08	3,901.11	4,000.61	4,102.65	4,207.29	4,314.60	4,424.65	4,537.51	4,653.24	4,771.92
	Annual	91,708.25	94,047.36	96,446.13	98,906.09	101,428.79	104,015.83	106,668.86	109,389.56	112,179.65	115,040.90	117,975.13	120,984.21	124,070.03
T79	Hourly	45.1930	46.3457	47.5278	48.7400	49.9832	51.2581	52.5655	53.9062	55.2811	56.6911	58.1371	59.6199	61.1406
	Biweekly	3,615.44	3,707.66	3,802.22	3,899.20	3,998.66	4,100.65	4,205.24	4,312.50	4,422.49	4,535.29	4,650.97	4,769.59	4,891.25
	Annual	94,001.46	96,399.06	98,857.81	101,379.28	103,965.06	106,616.79	109,336.16	112,124.89	114,984.74	117,917.54	120,925.15	124,009.47	127,172.45
T80	Hourly	46.3224	47.5039	48.7155	49.9580	51.2323	52.5390	53.8791	55.2533	56.6626	58.1078	59.5899	61.1098	62.6685
	Biweekly	3,705.79	3,800.31	3,897.24	3,996.64	4,098.58	4,203.12	4,310.32	4,420.26	4,533.01	4,648.63	4,767.19	4,888.79	5,013.48
	Annual	96,350.53	98,808.05	101,328.24	103,912.72	106,563.12	109,281.12	112,068.44	114,926.86	117,858.19	120,864.28	123,947.04	127,108.43	130,350.46
T81	Hourly	47.4810	48.6920	49.9340	51.2076	52.5137	53.8531	55.2267	56.6353	58.0798	59.5612	61.0804	62.6383	64.2360
	Biweekly	3,798.48	3,895.36	3,994.72	4,096.61	4,201.09	4,308.25	4,418.13	4,530.82	4,646.39	4,764.90	4,886.43	5,011.06	5,138.88
	Annual	98,760.44	101,279.42	103,862.66	106,511.78	109,228.47	112,014.45	114,871.49	117,801.40	120,806.04	123,887.32	127,047.19	130,287.66	133,610.78
T82	Hourly	48.6676	49.9090	51.1819	52.4874	53.8261	55.1990	56.6069	58.0507	59.5314	61.0498	62.6069	64.2038	65.8414
	Biweekly	3,893.41	3,992.72	4,094.56	4,198.99	4,306.09	4,415.92	4,528.55	4,644.06	4,762.51	4,883.98	5,008.55	5,136.30	5,267.31
	Annual	101,228.71	103,810.65	106,458.44	109,173.77	111,958.36	114,813.97	117,742.41	120,745.55	123,825.28	126,983.57	130,222.42	133,543.87	136,950.04
T83	Hourly	49.8842	51.1565	52.4613	53.7994	55.1716	56.5788	58.0219	59.5018	61.0195	62.5758	64.1719	65.8086	67.4872
	Biweekly	3,990.73	4,092.52	4,196.90	4,303.95	4,413.73	4,526.30	4,641.75	4,760.14	4,881.56	5,006.07	5,133.75	5,264.69	5,398.97
	Annual	103,759.05	106,405.53	109,119.51	111,902.71	114,756.90	117,683.89	120,685.54	123,763.74	126,920.46	130,157.69	133,477.50	136,881.97	140,373.29
T84	Hourly	51.1317	52.4359	53.7733	55.1448	56.5514	57.9938	59.4730	60.9899	62.5455	64.1408	65.7767	67.4544	69.1749
	Biweekly	4,090.54	4,194.87	4,301.86	4,411.59	4,524.11	4,639.50	4,757.84	4,879.19	5,003.64	5,131.26	5,262.14	5,396.36	5,534.00
	Annual	106,353.96	109,066.62	111,848.48	114,701.28	117,626.86	120,627.05	123,703.76	126,858.95	130,094.61	133,412.81	136,815.63	140,305.25	143,883.88
T85	Hourly	52.4097	53.7465	55.1173	56.5231	57.9648	59.4433	60.9594	62.5143	64.1088	65.7439	67.4208	69.1404	70.9039
	Biweekly	4,192.78	4,299.72	4,409.39	4,521.85	4,637.19	4,755.46	4,876.76	5,001.14	5,128.70	5,259.51	5,393.66	5,531.23	5,672.31
	Annual	109,012.19	111,792.65	114,644.04	117,568.15	120,566.84	123,642.02	126,795.63	130,029.68	133,346.22	136,747.35	140,235.22	143,812.06	147,480.13
T86	Hourly	53.7199	55.0901	56.4952	57.9362	59.4139	60.9293	62.4834	64.0771	65.7115	67.3875	69.1063	70.8689	72.6765
	Biweekly	4,297.59	4,407.21	4,519.62	4,634.90	4,753.11	4,874.35	4,998.67	5,126.17	5,256.92	5,391.00	5,528.50	5,669.51	5,814.12
	Annual	111,737.46	114,587.44	117,510.10	120,507.32	123,580.98	126,733.03	129,965.49	133,280.39	136,679.84	140,165.99	143,741.06	147,407.32	151,167.10

Attachment "A"

CITY OF BANNING

Grade Step Table -TEAMSTERS

MID-MANAGEMENT AND PROFESSIONAL UNIT

MOU: Teamsters Local 1932 (formerly San Bernardino Public Employee Association) — Effective: 7/1/2023

2.5506% Between Steps — Base Wage Increase (BWI) 3%

Grade	Pay Frequency	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
T87	Hourly	55.0630	56.4674	57.9077	59.3847	60.8993	62.4526	64.0456	65.6791	67.3543	69.0723	70.8340	72.6407	74.4935
	Biweekly	4,405.04	4,517.39	4,632.61	4,750.77	4,871.95	4,996.21	5,123.64	5,254.33	5,388.35	5,525.78	5,666.72	5,811.26	5,959.48
	Annual	114,531.02	117,452.25	120,447.99	123,520.13	126,670.64	129,901.50	133,214.77	136,612.54	140,096.98	143,670.30	147,334.75	151,092.67	154,946.44
T88	Hourly	56.4395	57.8790	59.3553	60.8692	62.4217	64.0139	65.6466	67.3210	69.0381	70.7990	72.6048	74.4566	76.3557
	Biweekly	4,515.16	4,630.32	4,748.42	4,869.54	4,993.74	5,121.11	5,251.73	5,385.68	5,523.05	5,663.92	5,808.38	5,956.53	6,108.46
	Annual	117,394.11	120,388.37	123,458.99	126,607.94	129,837.20	133,148.83	136,544.92	140,027.63	143,599.18	147,261.82	151,017.88	154,869.74	158,819.85
T89	Hourly	57.8506	59.3261	60.8393	62.3911	63.9824	65.6143	67.2879	69.0041	70.7642	72.5691	74.4200	76.3182	78.2648
	Biweekly	4,628.05	4,746.09	4,867.14	4,991.28	5,118.59	5,249.15	5,383.03	5,520.33	5,661.13	5,805.53	5,953.60	6,105.45	6,261.18
	Annual	120,329.21	123,398.33	126,545.73	129,773.40	133,083.40	136,477.83	139,958.83	143,528.62	147,189.46	150,943.68	154,793.65	158,741.81	162,790.68
T90	Hourly	59.2969	60.8093	62.3603	63.9509	65.5820	67.2548	68.9702	70.7293	72.5333	74.3834	76.2806	78.2262	80.2215
	Biweekly	4,743.75	4,864.75	4,988.83	5,116.07	5,246.56	5,380.38	5,517.61	5,658.35	5,802.67	5,950.67	6,102.45	6,258.10	6,417.72
	Annual	123,337.57	126,483.42	129,709.50	133,017.87	136,410.63	139,889.92	143,457.95	147,116.99	150,869.35	154,717.43	158,663.65	162,710.52	166,860.62
T91	Hourly	60.7793	62.3296	63.9193	65.5497	67.2216	68.9361	70.6944	72.4976	74.3467	76.2430	78.1876	80.1819	82.2270
	Biweekly	4,862.35	4,986.37	5,113.55	5,243.97	5,377.73	5,514.89	5,655.55	5,799.80	5,947.73	6,099.44	6,255.01	6,414.55	6,578.16
	Annual	126,421.01	129,645.50	132,952.24	136,343.32	139,820.89	143,387.16	147,044.40	150,794.91	154,641.09	158,585.36	162,630.24	166,778.29	171,032.13
T92	Hourly	62.2988	63.8878	65.5173	67.1884	68.9021	70.6595	72.4618	74.3100	76.2053	78.1490	80.1423	82.1864	84.2827
	Biweekly	4,983.91	5,111.02	5,241.39	5,375.07	5,512.17	5,652.76	5,796.94	5,944.80	6,096.43	6,251.92	6,411.38	6,574.91	6,742.61
	Annual	129,581.53	132,886.64	136,276.04	139,751.90	143,316.41	146,971.84	150,720.51	154,564.78	158,507.11	162,549.99	166,695.99	170,947.74	175,307.94
T93	Hourly	63.8563	65.4850	67.1553	68.8681	70.6247	72.4260	74.2733	76.1677	78.1105	80.1028	82.1459	84.2411	86.3897
	Biweekly	5,108.50	5,238.80	5,372.42	5,509.45	5,649.97	5,794.08	5,941.87	6,093.42	6,248.84	6,408.22	6,571.67	6,739.29	6,911.18
	Annual	132,821.07	136,208.80	139,682.95	143,245.70	146,899.32	150,646.14	154,488.52	158,428.90	162,469.79	166,613.74	170,863.39	175,221.44	179,690.63
T94	Hourly	65.4527	67.1221	68.8341	70.5898	72.3903	74.2367	76.1302	78.0719	80.0632	82.1053	84.1995	86.3471	88.5495
	Biweekly	5,236.22	5,369.77	5,506.73	5,647.19	5,791.22	5,938.93	6,090.41	6,245.75	6,405.06	6,568.43	6,735.96	6,907.77	7,083.96
	Annual	136,141.60	139,614.02	143,175.02	146,826.84	150,571.81	154,412.29	158,350.73	162,389.63	166,531.53	170,779.09	175,134.98	179,601.97	184,182.90
T95	Hourly	67.0890	68.8002	70.5550	72.3546	74.2000	76.0926	78.0334	80.0237	82.0648	84.1580	86.3045	88.5058	90.7632
	Biweekly	5,367.12	5,504.01	5,644.40	5,788.37	5,936.00	6,087.41	6,242.67	6,401.90	6,565.19	6,732.64	6,904.36	7,080.46	7,261.06
	Annual	139,545.14	143,104.37	146,754.40	150,497.51	154,336.10	158,272.60	162,309.50	166,449.37	170,694.82	175,048.57	179,513.35	184,092.02	188,787.47
T96	Hourly	68.7662	70.5202	72.3189	74.1634	76.0551	77.9949	79.9842	82.0243	84.1164	86.2619	88.4621	90.7184	93.0323
	Biweekly	5,501.30	5,641.61	5,785.51	5,933.08	6,084.40	6,239.59	6,398.74	6,561.95	6,729.32	6,900.95	7,076.97	7,257.47	7,442.58
	Annual	143,033.77	146,681.98	150,423.25	154,259.95	158,194.50	162,229.41	166,367.24	170,610.60	174,962.19	179,424.78	184,001.19	188,694.32	193,507.16

Attachment "A"

CITY OF BANNING

Grade Step Table -TEAMSTERS

MID-MANAGEMENT AND PROFESSIONAL UNIT

MOU: Teamsters Local 1932 (formerly San Bernardino Public Employee Association) — Effective: 7/1/2023

2.5506% Between Steps — Base Wage Increase (BWI) 3%

Grade	Pay Frequency	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
T97	Hourly	70.4854	72.2832	74.1268	76.0175	77.9564	79.9448	81.9839	84.0749	86.2194	88.4185	90.6737	92.9864	95.3581
	Biweekly	5,638.83	5,782.66	5,930.15	6,081.40	6,236.51	6,395.58	6,558.71	6,725.99	6,897.55	7,073.48	7,253.89	7,438.91	7,628.65
	Annual	146,609.61	150,349.03	154,183.84	158,116.45	162,149.37	166,285.15	170,526.42	174,875.86	179,336.25	183,910.40	188,601.22	193,411.68	198,344.84
T98	Hourly	72.2475	74.0903	75.9800	77.9180	79.9053	81.9434	84.0335	86.1768	88.3748	90.6289	92.9405	95.3110	97.7420
	Biweekly	5,779.80	5,927.22	6,078.40	6,233.44	6,392.43	6,555.47	6,722.68	6,894.14	7,069.99	7,250.31	7,435.24	7,624.88	7,819.36
	Annual	150,274.85	154,107.76	158,038.43	162,069.36	166,203.10	170,442.28	174,789.58	179,247.76	183,819.66	188,508.16	193,316.25	198,246.97	203,303.46
T99	Hourly	74.0537	75.9425	77.8795	79.8659	81.9030	83.9920	86.1343	88.3312	90.5842	92.8946	95.2640	97.6938	100.1856
	Biweekly	5,924.30	6,075.40	6,230.36	6,389.27	6,552.24	6,719.36	6,890.74	7,066.50	7,246.74	7,431.57	7,621.12	7,815.51	8,014.85
	Annual	154,031.72	157,960.45	161,989.39	166,121.09	170,358.18	174,703.33	179,159.32	183,728.96	188,415.15	193,220.86	198,149.15	203,203.15	208,386.05
T100	Hourly	75.9051	77.8411	79.8265	81.8626	83.9505	86.0918	88.2876	90.5395	92.8488	95.2170	97.6456	100.1362	102.6902
	Biweekly	6,072.40	6,227.29	6,386.12	6,549.00	6,716.04	6,887.34	7,063.01	7,243.16	7,427.90	7,617.36	7,811.65	8,010.89	8,215.22
	Annual	157,882.51	161,909.47	166,039.13	170,274.12	174,617.13	179,070.92	183,638.30	188,322.18	193,125.53	198,051.38	203,102.88	208,283.23	213,595.70

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Lincoln Bogard, Administrative Services Director** **Lincoln Bogard, Administrative Services Director**
MEETING DATE:	**August 27, 2024**
SUBJECT:	**Consideration of Resolution 2024-138, Approving an Amendment No. 2 to the Professional Services Agreement (C00853) with Eide Bailly for External Audit Services for Fiscal Year 2022-23 Cost Overruns in the Amount of $50,000 after 23 Percent Discount**

RECOMMENDATION:

Adopt Resolution 2024-138.

BACKGROUND:

In accordance with the engagement letter for the fiscal year ended June 30, 2023, if unexpected circumstances arose during the audit, Eide Bailly would discuss them with the City and arrive at a new fee estimate.

During the current year audit, the time incurred to perform required audit procedures has exceeded original estimates and initial amendment in multiple audit areas, including cash, capital assets (including right of use lease and subscription-based information technology arrangement assets), interfund balances, accounts payable, long-term debt (including right of use lease and subscription-based information technology arrangement liabilities), accrued expenses, self-insurance, net position/fund balance, receivables/revenue, expenditures, pensions/OPEB, and successor agency.

JUSTIFICATION:

Throughout the audit process we have coordinated with Audit staff, researched matters, and performed a much deeper dive including detailed transaction testing, which included the identification of mis recorded items dating back several years and now requiring a prior period restatement.

Government Accounting Standard 100 – Accounting Changes and Error Corrections will be effective for the Fiscal Year 2023-24 audit and staff requested a more thorough review by the auditors in its first contract year due to prior financial misstatement items identified by Finance staff during the Fiscal Year 2021-22 audit and the upcoming implementation of said Standard.

FISCAL IMPACT:

$50,000 in Fiscal Year 2023-24. Some savings are likely to be realized in future years of the contract. This will be appropriated and paid out of general ledger account 705-4500-412.33-11 for Professional Services.

ALTERNATIVES:

Do not adopt Resolution 2024-138 and provide alternative direction to staff.

BUDGETED?:

No

CONTRACT/AGREEMENT:

Yes

ATTACHMENTS:

1. Resolution 2024-138 - Amendment No. 2 to PSA for External Audit Services with Eide Bailly
2. Amendment No.2 to Auditing PSA.docx

RESOLUTION 2024-138

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING AN AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT (C00853) WITH EIDE BAILLY FOR EXTERNAL AUDIT SERVICES FOR FISCAL YEAR 2022-23 COST OVERRUNS IN THE AMOUNT OF $50,000 AFTER 23 PERCENT DISCOUNT

WHEREAS, in accordance with the engagement letter for the fiscal year ended June 30, 2023, if unexpected circumstances arose during the audit, Eide Bailly would discuss them with the City and arrive at a new fee estimate; and

WHEREAS, during the current year audit, the time incurred to perform required audit procedures has exceeded original estimates in multiple audit areas, including cash, capital assets (including right of use lease and subscription-based information technology arrangement assets), interfund balances, accounts payable, long-term debt (including right of use lease and subscription-based information technology arrangement liabilities), accrued expenses, self-insurance, net position/fund balance, receivables/revenue, expenditures, pensions/OPEB, and successor agency; and

WHEREAS, throughout the audit process we have coordinated with Audit staff, researched matters, and performed a much deeper dive including detailed transaction testing, which included the identification of mis recorded items dating back several years and now requiring a prior period restatement; and

WHEREAS, Government Accounting Standard 100 – Accounting Changes and Error Corrections will be effective for the Fiscal Year 2023-24 audit and staff requested a more thorough review by the auditors in its first contract year due to prior financial misstatement items identified by Finance staff during the Fiscal Year 2021-22 audit and the upcoming implementation of said Standard; and

WHEREAS, based on the estimated additional time necessary to perform and complete the audit work, Eide Bailly is proposing an amendment and requesting an overage of $50,000 for this fiscal year's audit, which includes a proposed fee amendment discount of 23 percent on the overage.

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

SECTION 1. The City Council approves Amendment No. 2 to Agreement with Eide Bailly, attached as Exhibit A, for a not-to-exceed total of $50,000 for Amendment No. 2 and authorizes the City Manager to make necessary non-substantive changes and to execute said Amendment No. 2.

SECTION 2. The City Council authorizes the City Manager, or designee, to make necessary budget adjustments, appropriations, and transfers related to this resolution.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 27th day of August 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-138, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 27th day of August 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

EXHIBIT A
Amendment No. 2 to Agreement with Eide Bailly for External Audit Services

AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT (C00853) FOR FINANCIAL AUDITING SERVICES BY AND BETWEEN CITY OF BANNING AND EIDE BAILLY LLP

THIS AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT FOR SERVICES ("Amendment No. 2") by and between the **CITY OF BANNING** ("City") and Eide Bailly LLP, a Limited Liability Partnership ("Consultant") is effective as of this day: _____.

RECITALS

A. City and Consultant entered into that certain Contract dated July 28, 2023 for the purpose of providing Financial Auditing Services ("Agreement") following the Request for Proposals #23-029, as approved by City Council Resolution 2023-128.

B. City and Consultant have entered into an Amendment No. 1 to the Agreement dated May 14, 2024 to modify the Scope of Services and increase the Contract Sum by One Hundred Forty-Five Thousand Dollars ($145,000.00), as approved by City Council Resolution 2024-72.

C. City and Consultant now desire to amend the Agreement to modify the Scope of Services and increase the Contract Sum by Fifty Thousand Dollars ($50,000.00).

The Parties therefore agree follows:

1. Amended Terms. The Agreement is hereby amended as follows:

1.1 The Scope of Services as set forth in Section 1.1 of and Exhibit A to the Agreement is hereby amended to include the Services set forth in Attachment 1, attached hereto and incorporated herein.

1.2 The maximum compensation for the Services performed pursuant to this Amendment No. 2 shall not exceed Fifty Thousand Dollars ($50,000.00) thereby increasing the Contract Sum, as set forth in Section 2.1 of the Agreement, to Five Hundred Eighty-Six Thousand Eight Hundred Seventy-Three Dollars ($586,873.00).

2. Miscellaneous Provisions

2.1 Continued Effect of Agreement. Except as amended by this Amendment No. 2, all provisions of the Agreement shall remain unchanged and in full force and effect. From and after the date of this Amendment No. 2, whenever the term "Agreement" appears in the Agreement, it shall mean the Agreement, as amended by Amendment No. 1 and No.2. In the event of a conflict between the

provisions of this Amendment No. 2 and the provisions of the Agreement or Amendment No. 1 thru 2, the provisions of this Amendment No. 2 shall control.

2.2 Consideration for Amendment. The parties hereby agree that they have each received adequate and independent consideration for the modifications to the Agreement set forth in this Amendment No. 2.

2.3 Authority. The persons executing this Amendment No. 2 on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Amendment No. 2 on behalf of said party, (iii) by so executing this Amendment No. 2, such party is formally bound to the provisions of this Amendment No. 2, and (iv) entering into this Amendment No. 2 does not violate any provision of any other agreement to which said party is bound.

2.4 Counterparts. This Amendment No. 2 may be signed in any number of counterparts, each of which will be an original, but all of which together will constitute one instrument.

2.5 Electronic Signatures. Each Party may adopt as its signature an electronic identification consisting of a symbol or code that is affixed to or contained in each document transmitted by such Party ("electronic signature"). The Parties hereto herby agree that electronic signatures are acceptable, shall have the same force and effect under the law as original wet signatures, and shall be sufficient to verify that the Parties have executed this Amendment No. 2 and such other documents transmitted by the Parties.

[*SIGNATURE PAGE FOLLOWS*]

The Parties are signing this Amendment No. 2 on the date stated in the introductory clause.

CITY OF BANNING	CONSULTANT
Douglas Schulze, City Manager	NAME: TITLE:
City Council Approval: _____	NAME: TITLE:

ATTEST:

Caroline Patton
Administrative City Clerk

APPROVED AS TO FORM:
Richards, Watson & Gershon

Serita R. Young
City Attorney

NOTE: PROOF OF AUTHORITY TO BIND CONTRACTING PARTY REQUIRED. APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO CONSULTANT'S BUSINESS ENTITY.

ATTACHMENT "1"

EideBailly

CPAs & BUSINESS ADVISORS

July 31, 2024

Mr. Lincoln Bogard
Administrative Services Director
City of Banning

Dear Mr. Bogard:

We appreciate the opportunity to continue to serve the City of Banning, California (City) as the independent auditor. This letter is intended to set forth the basic understanding that we will incur additional time in performing the City's 2023 fiscal year-end audit and request to amend our engagement letter.

We have maintained frequent communication and weekly status meetings to discuss audit procedures, potential adjustments, pending items, delays and contract status.

The time incurred to perform required audit procedures has exceeded estimates in multiple audit areas, including cash, capital assets (including right of use lease and subscription-based information technology arrangement assets), interfund balances, accounts payable, long-term debt (including right of use lease and subscription-based information technology arrangement liabilities), accrued expenses, self-insurance, net position/fund balance, receivables/revenue, expenditures, pensions/OPEB, and successor agency. Throughout the audit process we have coordinated with City staff, allowed for the City to research matters and revise year-end schedules, reviewed support and modified our procedures.

During the reporting phase of the audit, additional matters were identified, further research was necessary by the City and adjustments/revisions to the financial statements were required.

Based on the additional time necessary to perform and complete our work, we are respectfully requesting an overage of $50,000 for this fiscal year's audit. Our proposed fee amendment includes a further discount of 23% on the total overage.

10681 Foothill Blvd., Ste. 300 | Rancho Cucamonga, CA 91730-3831 | T 909.466.4410 | F 909.466.4431 | EOE

A recap of the hours and comparison to our original proposal is included below:

Per Proposal	
Engagement Fee	$121,300
Hours	707
Blended Rate	$171.57

Actual to Date	**Rates**	**Final Total Hrs**		**Cost**
Partner	$400	101.25	$	40,500
Manager	300	655.38		$196,614
Senior	200	485.75		$97,150
Staff	150	359.33		$53,900
Admin	90	54.6		$4,914
		1656.31	$	393,078

Contract Amount	**$**	**121,300**
Overage	$	271,778
Initial year - investment		(18,195)
		253,583
Discount - 23%		(58,324)
	$	195,259
Previous amendment	$	145,000
Remaining overage	$	50,259
Requested Additional Overage	**$**	**50,000**

Please let me know if you have any questions.

Sincerely,

Roger E. Alfaro, CPA
Partner

CITY OF BANNING
STAFF REPORT

TO: **CITY COUNCIL**

FROM: **Douglas Schulze, City Manager**

PREPARED BY: **Lincoln Bogard, Administrative Services Director**

MEETING DATE: **August 27, 2024**

SUBJECT: **Notification that The City is Changing its Availability Period from 60 Days to 90 Days for Eligible Revenues under the Modified Accrual Basis of Accounting**

RECOMMENDATION:

Receive and file.

BACKGROUND:

The City has historically reported a 60-day lookback period for revenues earned by fiscal year-end. So revenues earned by fiscal year-end and received by August 29th of the following fiscal year are included in the prior year revenues. Anything earned but not collected by August 29th would be recorded as Unearned Revenue (liability) and an Accounts Receivable (asset).

JUSTIFICATION:

The determination of the Availability Period is generally a matter of professional judgment. The City contracts with HdL Companies for Business License Taxes and Transient Occupancy Taxes collections. Those items will no longer be collected in the existing 60-day lookback period. HdL bills the month after revenue is earned and allows a month for payment and remits to the City the month after collecting. This makes June revenues uncollectable within the existing availability period. Cannabis tax is due 60-days after fiscal year-end (after quarter-end starting in Fiscal Year 2024-25). Any late payments would not be counted as revenue for the year earned with a 60-day lookback period. This makes the more accurate timeframe for collectability 90 days.

The City is moving to a 90-day availability period for all eligible revenue sources. The City will continue to comply with mandated exceptions: 60-days for property taxes, and immediate recognition required for increases in the fair value of investments.

FISCAL IMPACT:

None, but it will better align revenues to the year earned and alleviate some reoccurring unearned revenue items.

ALTERNATIVES:

None.

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

CITY OF BANNING
STAFF REPORT

TO: **CITY COUNCIL**

FROM: **Douglas Schulze, City Manager**

PREPARED BY: **Emery Papp, Senior Planner**

MEETING DATE: **August 27, 2024**

SUBJECT: **Consideration of Resolution 2024-140, Approving EA 24-0051, an Initial Study/Mitigated Negative Declaration for the Proposed Construction and Operation of a New Non-Potable Water Storage Reservoir that is 24-Feet in Diameter and 21-Feet Tall with a Capacity of Approximately 61,000 Gallons, Associated Appurtenances, Onsite Access Road, and the Construction and Operation of a New Booster Pump Station Designed for the Future Ultimate Flow of 2,500 Gallons Per Minute (GPM). The Proposed Reservoir and Booster Station will be Located on a Portion of Accessor's Parcel Number (APN) 538-280-001 that is Approximately 7.51 Acres. The Project Site is Located on a City-Owned Property within the Open Space-Parks (OS-P) Zoning District and is Generally Located on the South Side of West Lincoln Street and East of 22nd Street, within the City of Banning, California; and Adopting a Mitigation Monitoring and Reporting Program for the Project**

RECOMMENDATION:

Adopt Resolution 2024-140.

BACKGROUND:

The Initial Study/Mitigated Negative Declaration identifies potential impacts to the environment for a Project which proposes the construction and operation of a new non-potable water storage reservoir with a capacity of approximately 61,000 gallons, associated appurtenances, on-site access road, and the construction and operation of a new booster pump station designed for the future ultimate flow of 2,500 gallons per minute (gpm). The proposed Project will only utilize a small portion of the parcel it is located on. The total disturbance area during construction is approximately 1.39 acres, which includes construction staging. This is approximately 18.4 percent of the parcel. Once construction is complete, the proposed Project's disturbance area is approximately 0.48 acres, which represents approximately 6.4 percent of the total parcel acreage.

The Project is located south of the I-10 freeway in the City of Banning and is more specifically located on vacant land south of Lincoln Street between South 22nd Street and South 16th Street within APN 538-280-001, on a site of approximately 7.51 acres. There is an existing wood and chain link fence along the western Project site boundary. The Project site receives routine weed abatement and sits at an elevation between 2,401 to 2,403 feet above mean sea level (amsl).

The General Plan Land Use designation and the Zoning classification for the subject site are the same, Open Space-Parks (OS-PA). The proposed facilities are permitted uses under the OS-PA zoning classification of the City of Banning Municipal Code (BMC) as public utility facilities. (BMC 17.20.020).

Surrounding Land Uses and Setting:
The existing built environment to the north, west, and northwest generally includes residential homes. Land to the south of the Project area is vacant and undeveloped land. Land adjacent to the Project area to the east is Montgomery Creek, followed by vacant and undeveloped properties. The built environment to the northeast consists of industrial buildings.

Other Public Agencies Whose Approval is Required (e.g., permits, financing approval, or participation agreement):
- County of Riverside, American Reuse Plan Act (ARPA) – funding allocation through the Coronavirus State and Local Fiscal Recovery Funds Final Rule
- Regional Water Quality Control Board (RWQCB), Colorado River Region – National Pollutant Discharge Elimination System (NPDES) Construction General Permit and Stormwater Pollution Prevention Plan (SWPPP)
- South Coast Air Quality Management District – permit for backup generator

Reservoir:
The proposed reservoir entails the construction of a circular above-ground, bolted steel tank measuring 24-feet in diameter with a shell height of 21 feet which will sit on an elevation of 2,404.20 amsl. The reservoir will have a capacity to store approximately 60,910 gallons of non-potable water. The reservoir will be designed in accordance with the American Water Works Association (AWWA) D103 standards, which sets guidelines for the construction of welded steel water tanks. The interior of the reservoir will be factory-coated in epoxy and the exterior will be coated with polyester powder coating that will blend in with the local surrounding environment. Interior support columns and foundations will be provided as needed. The reservoir will include standard tank appurtenances such as roof vent, roof hatch and platform, exterior stairway, ladder, minimum ring wall, valves, piping, inspection hatch, level gauge and transmitter, and conduits.

Reservoir design also includes an overflow catch basin located on the southeastern side of the reservoir that is 3-feet wide and 8-feet long. From the catch basin, approximately 160 linear feet of 18-inch diameter storm drain pipeline will be installed underground and will outlet through the proposed headwall at Lincoln Street.

The reservoir will connect to the existing 24-inch diameter non-potable water transmission pipeline in Lincoln Street. Non-potable water will be diverted to the reservoir, routed to the proposed booster pump station and ultimately pumped back into the existing pipeline.

Booster Station:
The proposed booster station building will be located at the north of the reservoir at an elevation of approximately 2,403 feet above mean sea level, on a concrete slab on grade foundation with split face masonry exterior walls and tile roof. The building will be approximately 38-feet long. 24-feet wide and 12-feet tall. Roof hatches will be provided over each pump to facilitate pump removal. The building will be ventilated with a power exhaust fan and automatic air inlet wall louvers. Interior and exterior lights will be provided along with intrusion alarms and cameras.

The booster pumps will be vertical turbine pumps designed for an ultimate future flow of 2,500 gpm. Space for three electric pumps will be provided. Two 75 horsepower (hp) pumps will be constructed (one for standby) and space for a third pump will be provided. The two pumps will be sized for existing non-potable water demand of 1,000 gpm each and both will have variable speed pump controls. The third pump will be sized for a capacity of 1,500 gpm. The ultimate future flow of 2,500 gpm assumes three (3) pumps at 1,250 gpm each. Two (2) firm pumps and one (1) standby pump. The booster pumps will connect to the existing non-portable water transmission main located in Lincoln Street. Appurtenances for the booster station will include a motor control center, flow meter, valves, pressure transmitter, and

one portable diesel-fueled emergency generator that will only be used during emergencies and routine testing.

A new SCADA system will be installed on the Project site. The system will include a control panel process controller and software components to communicate with the City's SCADA system. The SCADA antennae will be mounted on the top of the reservoir and the antennae will not extend more than five feet above the top of the reservoir.

Site Access:
Access to the Project site consists of a new asphalt driveway near the western Project site boundary that will transition to a 20-foot-wide asphalt access road leading to the reservoir and booster station. A cable railing fence will be installed near the driveway entrance, extending to the western property boundary from the northwest corner of a proposed perimeter wall that encloses the booster station building and reservoir. A 20-foot-wide swinging pipe gate will be installed across the access road, connecting to the cable railing fence. A new cable railing fence will also be installed between the western property boundary and the southwest corner of the perimeter wall; this fence will include a swinging gate for access to the rest of the parcel.

The booster station building and reservoir will be enclosed by an approximately 6-foot tall combination masonry block wall topped with a four-foot-tall tubular steel fence that is accessible on the western boundary via a 20-foot-wide sliding gate. Inside the perimeter wall, the 20-foot-wide access road is paved and bisects the two structures (the booster station building and reservoir). The area south of the access road surrounding the reservoir will be paved whereas the area north of the access road that surrounds the booster station building will include both concrete and gravel.

Lighting and Security:
Light and camera poles will be installed within the perimeter wall surrounding the booster station building and reservoir. Lighting will be shielded or downward facing to avoid light pollution or light spillage and will be installed in accordance with Section 17.24.100 (Lighting) of the City Municipal Code.

Electrical:
New electrical service will be required for the Project site and provided by the City of Banning from an existing adjacent electrical system source. The Project site is proposing to connect to an existing overhead electric pole on the north side of Lincoln Street, across from the proposed Project driveway. The Project will require a 480/240 volt electrical system sized for two booster pumps. The new electric line will be underground, and service will include a new electrical vault and transformer. Fiber optic service to the site is also proposed with the electrical.

Drainage:
Currently, storm water generally sheet flows across the Project site in a southeasterly direction. The proposed Project improvements will increase impervious surfaces on the site and is expected to result in a negligible increase in storm water runoff that will maintain the existing drainage pattern. All on-site storm water will be captured on site in accordance with State and Regional Water Quality Control Board requirements. A concrete drainage swale will surround the reservoir and convey storm water to the proposed 18-inch diameter storm drain pipeline east of the perimeter wall. The runoff from the booster station area will be collected in a four-inch diameter pipeline and connect to the proposed 18-inch diameter storm drain pipeline east of the perimeter wall. Storm water discharged to the 18-inch storm drain pipeline will be conveyed off-site where it would flow east to the municipal storm drain system at Lincoln Street.

Frontage Improvements:
The Project proposes to widen the southern portion of Lincoln Street within existing right-of-way along

the Project frontage and create a new paved driveway for access. Pavement width will vary from approximately two to eight feet wide. The existing pavement edge will be sawcut and the surface will be ground and overlaid with new pavement. An asphalt curb will be installed at the new edge of pavement.

Construction:
Construction activities include removal of existing on-site vegetation, grading and excavation, paving, construction of the proposed facilities in addition to associated improvements and utility connections. The construction footprint is approximately 1.39 acres. Construction staging will occur on site within the construction footprint and south of the proposed reservoir as shown on Figure 5 – Project Site Plan. During remedial grading, on-site soils will be excavated and recompacted and are expected to require approximately 317 cubic yards of import. The maximum depth of excavation is approximately six feet. During Project construction, it is possible there would be temporary lane closures along Lincoln Street. Construction is anticipated to take approximately 12 months and will begin in August 2024.

Maintenance:
During operations, routine maintenance will occur and may include, but is not limited to, daily maintenance vehicle trips to inspect the booster station and reservoir. Maintenance vehicles would visit the Project site during the City's normal business hours.

Findings:
Pursuant to the California Environmental Quality Act (CEQA) (Cal. Pub. Res. Code § 21000 *et seq.*) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.), City Staff prepared an Initial Study (IS) of the potential environmental effects of the Project as described in the IS. Based upon the findings contained in the IS, City Staff determined that, with the incorporation of mitigation measures, there is no substantial evidence that the Project will have a potentially significant effect on the environment and a Mitigated Negative Declaration (MND) was prepared in full compliance with the requirements of CEQA.

Thereafter, City Staff provided public notice of the public comment period and of the intent to adopt the MND as required by law. The MND and the Mitigation Monitoring and Reporting Program (MMRP) are on file with the Planning Department. The public comment period began on April 26, 2024, and was set to expire on May 27, 2024; however the deadline to submit comments was extended by one day to Tuesday, May 28, 2024 due to the Memorial Day holiday on Monday, May 27, 2024. Copies of the documents are available for public review and inspection at City Hall, 99 E. Ramsey Street, Banning, California 92220, the Banning Public Library, located at 21 West Nicolet Street, Banning, California 92220, and the City of Banning website.

The Project is located outside of any MSHCP criteria cell areas and plan compliance is provided through payment of the MSHCP Mitigation Fee at the time of building permit issuance.

Planning Commission Action:
At a duly noticed public hearing held on July 10, 2024, the Planning Commission of the City of Banning adopted Resolution 2024-10, recommending that the City Council approve the Mitigated Negative Declaration and the Mitigation Monitoring Reporting Program prepared for the proposed Project. In making it's recommendation, the Planning Commission has suggested that the City Council amend the scope of work for the project to include the planting of trees or other visual buffer between the driveway access into the site from Lincoln Street and the westerly property line to obstruct the view of the tank from the neighboring residence; and that the City Council consider a mural as public art to be painted onto the non-potable reservoir. City staff is aware of the Planning Commission's recommendation regarding potential amendments to the scope of work for the Project, a contract for which will be presented to the City Council at a future date.

Environmental Determination:

Pursuant to CEQA and the State CEQA Guidelines, City Staff prepared an Initial Study of the potential

environmental effects of the Project as described in the Initial Study. Based upon the findings contained in the Initial Study, the Planning Commission recommended that the City Council determine that, with the incorporation of mitigation measures, there is no substantial evidence that the Project will have a potentially significant effect on the environment and that the MND was prepared in full compliance with the requirements of CEQA.

CEQA requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid adverse effects on the environment (Cal. Pub. Resources Code, § 21081.6). The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation. An MMRP has been prepared in compliance with State law and the IS/MND prepared for the Project.

As the Lead Agency, the City is responsible for ensuring full compliance with the mitigation measures adopted for the proposed Project. The City will monitor and report on all mitigation activities. Mitigation measures will be implemented at different stages of development throughout the Project area. In this regard, the responsibilities for implementation have been assigned to the City, Contractor, or a combination thereof. If during the course of Project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City will then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the Project is required and/or whether alternative mitigation is appropriate. A Notice of Determination has been prepared and will be filed with the County of Riverside and the State of California.

JUSTIFICATION:

The NP-2 Reservoir and Booster Station Project is a part of the City of Banning's expansion of the non-potable water system identified in the City's Integrated Master Plan (IMP) (BIMP, 2018). The City's existing customer of non-potable water (otherwise known as recycled water) is the Sun Lakes Country Club golf course. Future potential customers may include: Lions Park, Banning High School, Dysart Park, a neighborhood park and the Rancho San Gorgonio development. The proposed Project was not specifically identified in the City's IMP; however, it is needed to provide non-potable water supplies to existing and potential customers on the west side of the City.

FISCAL IMPACT:

Approximately $113,000 was expended to prepare the IS/MND from ARPA and Water Reserve funds
Other project components awarded under the Consent Calendar for the August 27, 2024 City Council Agenda include:

1. Booster Pump and Storage Reservoir Construction Award
2. Inspection and Management Services
3. Contract Amendment for Webb Associates

ALTERNATIVES:

1. Adopt Resolution 2024-140, as presented.
2. Adopt Resolution 2024-140, with modifications.
3. Do not adopt Resolution 2024-140 and provide alternative direction to staff.

BUDGETED?:

Yes

CONTRACT/AGREEMENT:

Yes

ATTACHMENTS:

1. Resolution_2024-140.docx
2. EA 24-0051_NP-2 Booster Station and Reservoir Project ISMND w_appendices.pdf

3. Draft_MMRP_Banning_NP-2_and_Reservoir_05-14-24 (1).pdf
4. RCFCD Comment Letter.pdf
5. COB Response to RCFCD Comment Letter.pdf
6. EA 24-0051 Aerial - Combined.pdf
7. Supplemental PC Staff Report NP-2 Booster and Reservoir.docx
8. PHN_CC 08-27-2024 COB NP-2 Tank and Booster.pdf

RESOLUTION 2024-140

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA APPROVING EA 24-0051, AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE PROPOSED CONSTRUCTION AND OPERATION OF A NEW NON-POTABLE WATER STORAGE RESERVOIR THAT IS 24-FEET IN DIAMETER AND 21-FEET TALL WITH A CAPACITY OF APPROXIMATELY 61,000 GALLONS, ASSOCIATED APPURTENANCES, ONSITE ACCESS ROAD, AND THE CONSTRUCTION AND OPERATION OF A NEW BOOSTER PUMP STATION DESIGNED FOR THE FUTURE ULTIMATE FLOW OF 2,500 GALLONS PER MINUTE (GPM). THE PROPOSED RESERVOIR AND BOOSTER STATION WILL BE LOCATED ON A PORTION OF ASSESSOR'S PARCEL NUMBER (APN) 538-280-001 THAT IS APPROXIMATELY 7.51 ACRES. THE PROJECT SITE IS LOCATED ON A CITY-OWNED PROPERTY WITHIN THE OPEN SPACE-PARKS (OS-P) ZONING DISTRICT AND IS GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LINCOLN STREET AND EAST OF 22ND STREET, WITHIN THE CITY OF BANNING, CALIFORNIA; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PROJECT

WHEREAS, the City of Banning desires to expand its non-potable water system identified in the City's Integrated Master Plan (IMP) (BIMP, 2018). The City's existing customer of non-potable water (otherwise known as recycled water) is the Sun Lakes Country Club golf course. Future potential customers may include: Lions Park, Banning High School, Dysart Park, a neighborhood park and the Rancho San Gorgonio development. The proposed non-potable water storage reservoir and booster pump station project (collectively, the Project) is needed to provide non-potable water supplies to existing and potential customers on the west side of the City; and,

WHEREAS, under Banning Municipal Code (BMC) Section 17.24.070.A., all development proposals shall be reviewed for compliance with the California Environmental Quality Act (CEQA). If the proposal is determined to qualify as a project under CEQA, the project proponent may be required to submit specialized studies to determine the effect on specific resources and hazards, including, but not limited to, biological resources, cultural resources, geotechnical hazards, hydrology, air quality, noise, and traffic. No project shall be approved without first satisfying the requirements of CEQA; and

WHEREAS, pursuant to BMC Section 17.04.060.C., the Planning Commission has the authority to review and make recommendations to the City Council concerning the proposed Initial Study (IS)/Mitigated Negative Declaration (MND) and Mitigation and Monitoring Program (MMRP) (EA 24-0051) prepared for the Project; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines Sections 15064(f)(2) and 15070, the proposal constitutes a project as defined by CEQA and Community Development Department staff has determined, on the basis of the IS, that the Project will not have a significant effect on the environment with implementation of recommended mitigation measures; and

WHEREAS, an IS/MND was prepared for the Project and was made available on the City of Banning website for public review and comment for a 30-day public review and comment period prior to the public hearing beginning Friday, April 26, 2024, and concluding on Monday, May 27, 2024, which was then extended to Tuesday, May 28, 2024, due to the Memorial Day Holiday on May 27, 2024; and

WHEREAS, in accordance with the disclosure requirements of CEQA Guidelines Section 15072(g)(5), the Project site is not listed as a hazardous property as designated under Section 65962.5 of the Government Code; and

WHEREAS, in accordance with Government Code Sections 65353, 65854, 65090, and 65091, on April 26, 2024, the City provided a 30-day public notice by advertisement in the Record Gazette newspaper of a public hearing before the Planning Commission concerning the Project, and Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) for the Project. The public hearing notice/NOI was also mailed to the owners of the subject properties within 300-feet of the Project boundary; and

WHEREAS, in accordance with Government Code Sections 65353 and 65855, on July 10, 2024, the Planning Commission held the duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to the Project and at which time the Planning Commission considered the entirety of the Project and has adopted Planning Commission Resolution 2024-10, recommending that the City Council approve the IS/MND and the MMRP prepared for the Project; and

WHEREAS, in accordance with Government Code Sections 65353, 65854, 65090, and 65091, on August 9, 2024, the City gave public notice by advertisement in the Record Gazette newspaper, of a public hearing before the City Council concerning the IS/MND and the MMRP prepared for the Project. The public hearing notice was also mailed to the owners of the subject properties within 300-feet of the Project; and,

WHEREAS, on August 27, 2024, the City Council conducted a duly noticed public hearing on the IS/MND and MMRP prepared for the Project.

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

SECTION 1. The City Council hereby finds that all facts stated in the preceding recitals are true and correct.

SECTION 2. The City Council hereby finds and determines as follows with respect to CEQA and the Multiple Species Habitat Conservation Plan (MSHCP).

A. Pursuant to CEQA (Cal. Pub. Res. Code § 21000 *et seq.*), the State CEQA Guidelines (14 Cal. Code Regs. § 15000 *et seq.*), City Staff prepared an IS of the potential environmental effects of the Project as described in the IS. Based upon the findings contained in that the IS, City Staff determined that, with the incorporation of mitigation measures, there is no substantial evidence that the Project will have a potentially significant effect on the environment and an MND was prepared in full compliance with the requirements of CEQA.

B. Thereafter, City Staff provided public notice of the public comment period and of the intent to adopt the MND as required by law. The MND and the MMRP are on file with the Planning Department and incorporated herein by this reference. The public comment period began on April 26, 2024, and expired on May 27 2024 which was then extended to Tuesday, May 28, 2024, due to the Memorial Day Holiday on May 27, 2024. Copies of the documents are available for public review and inspection at City Hall, 99 E. Ramsey Street, Banning, California 92220, the Banning Public Library, located at 21 West Nicolet Street, Banning, California 92220,

and the City of Banning website. The City did not receive comments during the public review period.

C. In light of the whole record regarding the Project, the City Council determines and finds, in its independent judgment and analysis that: (1) the MND was prepared in compliance with CEQA; (2) with the incorporation of mitigation measures, there is no substantial evidence that the Project will have a significant effect on the environment. Based on the findings set forth in this Resolution, the City Council hereby adopts the IS/MND and MMRP for the Project.

D. The Project is located outside of any MSHCP criteria cell areas and plan compliance is provided through payment of the MSHCP Mitigation Fee at the time of building permit issuance.

SECTION 3. The City Manager or their designee is authorized to file a Notice of Determination for Mitigated Negative Declaration EA 24-0051 in accordance with CEQA.

PASSED, APPROVED AND ADOPTED this 27th day of August 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-140, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 27th day of August 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

Exhibit A
EA 2024-0051 and Mitigation Monitoring and Reporting Program

City of Banning

Community Development Department

NOTICE OF PUBLIC HEARING AND NOTICE OF INTENT (NOI) TO ADOPT A MITIGATED NEGATIVE DECLARATION (MND)(EA 24-0051) FOR CONSIDERATION OF THE CONSTRUCTION AND OPERATION OF A NEW NON-POTABLE WATER STORAGE RESERVOIR THAT IS 24-FEET IN DIAMETER AND 21-FEET TALL WITH A CAPACITY OF APPROXIMATELY 61,000 GALLONS, ASSOCIATED APPURTENANCES, ON-SITE ACCESS ROAD, AND THE CONSTRUCTION AND OPERATION OF A NEW BOOSTER PUMP STATION DESIGNED FOR THE FUTURE ULTIMATE FLOW OF 2,500 GALLONS PER MINUTE (GPM). THE PROPOSED RESERVOIR AND BOOSTER STATION WILL BE LOCATED ON A PORTION OF ASSESSOR'S PARCEL NUMBER (APN) 538-280-001 THAT IS APPROXIMATELY 7.51 ACRES. THE PROJECT SITE IS LOCATED ON A CITY-OWNED PROPERTY WITHIN THE OPEN SPACE-PARKS (OS-P) ZONING DISTRICT AND IS GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LINCOLN STREET AND EAST OF 22ND STREET, WITHIN THE CITY OF BANNING, CALIFORNIA.

NOTICE IS HEREBY GIVEN of a public hearing before a Special Meeting of the City of Banning Planning Commission, to be held on Wednesday, May 29, 2024, at 5:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider an Initial Study/Mitigated Negative Declaration for the proposed construction and operation of a new non-potable water storage reservoir that is 24-feet in diameter and 21-feet tall with a capacity of approximately 61,000 gallons, associated appurtenances, on-site access road, and the construction and operation of a new booster pump station designed for the future ultimate flow of 2,500 gallons per minute (gpm). The proposed reservoir and booster station will be located on a portion of assessor's Parcel Number (APN) 538-280-001 that is approximately 7.51 acres. The project site is located on a City-owned property within the Open Space-Parks (OS-P) zoning district and is generally located on the south side of West Lincoln Street and east of 22nd Street, within the City of Banning, California.

An Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the project is available for public review and comment for a 30-day public review and comment period prior to the public hearing beginning FRIDAY, APRIL 26, 2024, and concluding MONDAY, MAY 27, 2024.

Information regarding the Initial Study/Mitigated Negative Declaration can be obtained by contacting the City's Community Development Department at (951) 922-3125, or by visiting the following link: https://banningca.gov/Archive.aspx?AMID=60&Type=&ADID=

To observe the live meeting through your personal computer, but not participate with video or oral comments, you may use your computer or smart phone to enter the following or click on the link: https://banninglive.viebit.com or on the Banning Government Channel on Cable Television.

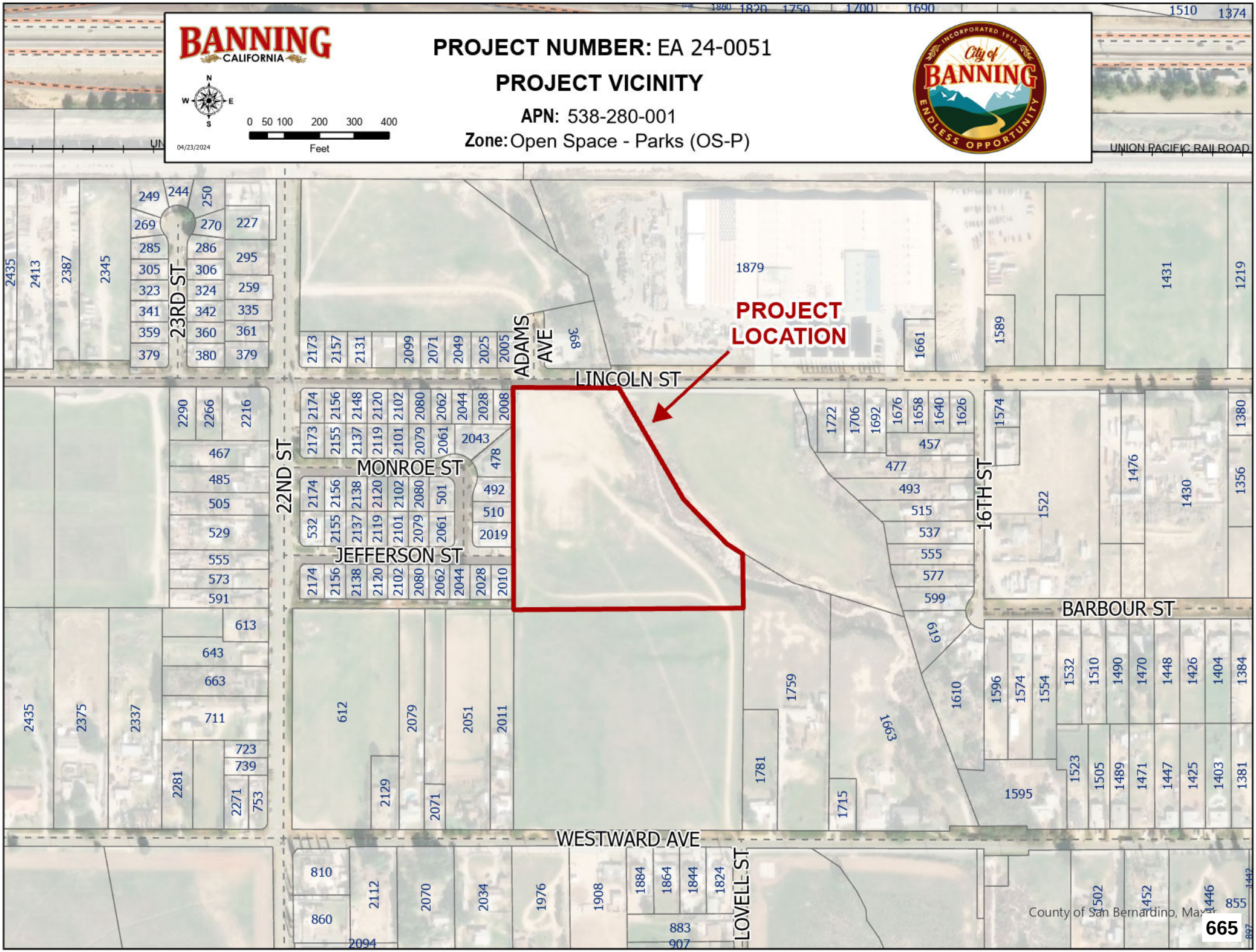
All parties interested in speaking either in support of or in opposition to this item are invited to attend the hearing by accessing the videoconference or by sending their written comments by email to scalderon@banningca.gov or by mail to the Community Development Department, Planning Division, City of Banning at 99 E. Ramsey Street, Banning, California, 92220.

If you challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the Planning Commission Recording Secretary prior to, at, or during the time the Planning Commission makes its recommendation on the proposal; or, you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code, Section 65009).

BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA

Adam Rush, M.A., AICP
Community Development Director

Dated: April 23, 2024
Publish: April 26, 2024


BANNING CALIFORNIA
PROJECT NUMBER: EA 24-0051
PROJECT VICINITY
APN: 538-280-001
Zone: Open Space - Parks (OS-P)
0 50 100 200 300 400
Feet
04/23/2024
City of BANNING
INCORPORATED 1913
ENDLESS OPPORTUNITY
UNION PACIFIC RAILROAD
PROJECT LOCATION
LINCOLN ST
MONROE ST
JEFFERSON ST
BARBOUR ST
WESTWARD AVE
23RD ST
22ND ST
ADAMS AVE
16TH ST
LOVELL ST
County of San Bernardino, Maxar

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

FOR

NP-2 Booster Station and Reservoir Project

Prepared for:

City of Banning
99 E. Ramsey Street
Banning, CA 92220
Contact: Arturo Vela, Director of Public Works
(951) 922-3130

Prepared by:

Albert A. Webb Associates
3788 McCray Street
Riverside, CA 92506
(951) 686-10707

April 24, 2024

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ACRONYMS LIST

Acronym	Definition
AB52	Assembly Bill 52
ACBCI	Agua Caliente Band of Cahuilla Indians
AE	Applied Earthworks
ALUC	Airport Land Use Commission
APN	Assessor Parcel Number
AQ/GHG	Air Quality/Greenhouse Gas Analysis
AQMP	Air Quality Management Plan
BMC	Banning Municipal Code
BMPs	Best Management Practices
BTR	Biological Technical Report
BSA	Biological study area
CARB	California Air Resources Board
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CGP	Construction General Stormwater Permit
CHSC	California Health and Safety Code
City	City of Banning
CMP	Congestion Management Program
CNDDB	California Natural Diversity Data Base
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CRI	Cultural Resources Investigation
CRHR	California Register Historical Resources
dB	Decibels
dBA	A-Weighted Decibels
DBESP	Determination of Biologically Equivalent or Superior Preservation
DTSC	California Department of Toxic Substances Control
EIC	Eastern Information Center
DEIR	Draft Environmental Impact Report
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zone
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FMMP	Farmland Mapping Management Program
GHG	Greenhouse Gas
GP	City of Banning Comprehensive General Plan and Zoning Ordinance
GPA	General Plan Amendment

Acronym	Definition
GSA	Groundwater Sustainability Agencies
GSP	Groundwater Sustainability Plan
Ha	High A
Hb	High B
HDR-20	High Density Residential 20
I-MR	Industrial-Mineral Resources
IS/MND	Initial Study Mitigated Negative Declaration
ISO	Insurance Service Office
LDR	Low Density Residential
LST	Localized Significance Threshold
LRA	Local Responsibility Area
LRTP	Long Range Transportation Plan
MBMI	Morongo Band of Mission Indians
MBTA	Migratory Bird Treaty Act
MDP	Master Drainage Plan
MDR	Medium Density Residential
MLD	Most Likely Descendant
MRZ	Mineral Resources Zone
MSHCP	Western Riverside County Multiple Species Habitat Conservation Plan
NAHC	Native American Heritage Commission
NEPSSA	Narrow Endemic Plant Species Survey Area
NO_2	Nitrogen Dioxide
NO_x	Nitrogen Oxides
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historical Places
OS-P	Open Space – Parks
PM-2.5	Particulate Matter Less Than 2.5 Microns in Diameter
PM-10	Particulate Matter Less Than 10 Microns in Diameter
PQP	Public quasi-public lands
Qf	Pleistocene-age Alluvial fan of the San Gorgonio Pass
Qof	Older Alluvial fan
RCFD	Riverside County Fire Department
RCTC	Riverside County Transportation Commission
RTA	Riverside Transit Agency
RTP/SCS	Regional Transportation Plan/Sustainable Communities Strategy
RWQCB	Regional Water Quality Control Board
SB 743	Senate Bill 743
SF	Square Feet
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District

Acronym	Definition
SCE	Southern California Edison
SLF	Sacred Lands File
SMARA	Surface Mining and Reclamation Act
SRA	State Responsibility Area
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
USACE	US Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UWMP	Urban Water Management Plan
VHFHSZ	Very High Fire Severity Zone
VLDR	Very Low Density Residential
VMT	Vehicle Miles Traveled
WEAP	Workers Environmental Awareness Program

ENVIRONMENTAL CHECKLIST FORM

1. **Project title**
   NP-2 Booster Station and Reservoir

2. **Lead agency name and address**
   City of Banning
   99 E. Ramsey Street
   Banning, CA 92220
   (951) 922-3131

3. **Contact person email address and phone number**
   Arturo Vela, Director of Public Works
   Public Works Department
   avela@banningca.gov
   (951) 922-3130

4. **Project location:**
   The Project site is located on the south side of West Lincoln Street, within the City of Banning, California, in Riverside County, generally south of the Interstate 10 (I-10) freeway and east of 22nd Street, as shown in **Figure 1 – Vicinity Map, Figure 2 – Aerial Map** and **Figure 3 – USGS Topographic Map**. The Project site consists of Assessor's Parcel Number (APN) 538-280-001 and is approximately 7.51 acres. The Project site is located within Township 3S, Range, 1E, Section 8, San Bernardino Base and Meridian.

5. **Project sponsor's name and address**
   Public Works Department
   City of Banning
   99 E. Ramsey Street
   Banning, CA 92220
   (951) 922-3130

6. **General Plan Land Use Designations:**
   The Project site has a City of Banning General Plan (GP) land use designation of Open Space – Parks (OS-PA). See **Figure 4 – General Plan Land Use and Zoning Designations**.

7. **Zoning:**
   The Project's zoning is the same as the City of Banning GP land use designation of OS-PA. The proposed Project's facilities are permitted uses under the OS-PA designation of the City of Banning Municipal Code (BMC) (BMC, 17.20.020). See **Figure 4 – General Plan Land Use and Zoning Designations**.

8. **Project Description:**
   Background
   The Project is a part of the City of Banning's ("the City") expansion of non-potable water system identified in the City's Integrated Master Plan (IMP) (BIMP, 2018). The City's existing customer of non-potable water (otherwise known as recycled water) is the Sun Lakes Country Club golf course. Future potential customers

may include: Lions Park, Banning High School, Dysart Park, a neighborhood park and the Rancho San Gorgonio development. The proposed Project was not specifically identified in the City's IMP; however, it is needed to provide non-potable water supplies to existing and potential customers on the west side of the City.

Project Location and Setting

The Project is located south of the I-10 freeway in the City as shown on **Figure 2**, and is more specifically located on vacant land south of Lincoln Street between South 22nd Street and South 16th Street within APN 538-280-001, which is approximately 7.51 acres. There is an existing wood and chain link fence along the western Project site boundary. The Project site receives routine weed abatement and sits at an elevation between 2,401 to 2,403 feet above mean sea level (amsl).

Description of Project

The Project entails the construction and operation of a new non-potable water storage reservoir with a capacity of approximately 61,000 gallons, associated appurtenances, on-site access road, and the construction and operation of a new booster pump station designed for the future ultimate flow of 2,500 gallons per minute (gpm). The proposed Project will only utilize a portion of the parcel it is located on. The total disturbance area during construction is approximately 1.39 acres, which includes construction staging. This is approximately 18.4 percent of the parcel. Once construction is complete, the proposed Project's disturbance area is approximately 0.48 acres, which represents approximately 6.4 percent of the total parcel acreage. The proposed Project characteristics are further described below and shown on **Figure 5 – Project Site Plan**.

Reservoir

The reservoir entails the construction of a circular above-ground, bolted steel tank measuring 24-feet in diameter with a shell height of 21 feet which will sit on an elevation of 2,404.20 amsl. The reservoir will have a capacity to store approximately 60,910 gallons of non-potable water. The reservoir will be designed in accordance with the American Water Works Association (AWWA) D103 standards, which sets guidelines for the construction of welded steel water tanks. The interior of the reservoir will be factory-coated in epoxy and the exterior will be coated with polyester powder coating that will blend in with the local surrounding environment. Interior support columns and foundations will be provided as needed. The reservoir will include standard tank appurtenances such as roof vent, roof hatch and platform, exterior stairway, ladder, minimum ring wall, valves, piping, inspection hatch, level gauge and transmitter, and conduits.

Reservoir design also includes an overflow catch basin located on the southeastern side of the reservoir that is 3-feet wide and 8-feet long. From the catch basin, approximately 160 linear feet of 18-inch diameter storm drain pipeline will be installed underground and will outlet through the proposed headwall at Lincoln Street.

The reservoir will connect to the existing 24-inch diameter non-potable water transmission pipeline in Lincoln Street. Non-potable water will be diverted to the reservoir, routed to the proposed booster pump station and ultimately pumped back into the existing pipeline.

Booster Station

The booster station building will be located at the north of the reservoir at an elevation of approximately 2,403 feet amsl, on a concrete slab on grade foundation with split face masonry exterior walls and tile roof. The building will be approximately 38-feet long. 24-feet wide and 12-feet tall. Roof hatches will be provided over each pump to facilitate pump removal. The building will be ventilated with a power exhaust fan and automatic air inlet wall louvers. Interior and exterior lights will be provided along with intrusion alarms and cameras.

The booster pumps will be vertical turbine pumps designed for an ultimate future flow of 2,500 gpm. Space for three electric pumps will be provided. Two 75 horsepower (hp) pumps will be constructed (one for standby) and space for a third pump will be provided. The two pumps will be sized for existing non-potable

water demand of 1,000 gpm each and both will have variable speed pump controls. The third pump will be sized for a capacity of 1,500 gpm. The ultimate future flow of 2,500 gpm assumes three (3) pumps at 1,250 gpm each. Two (2) firm pumps and one (1) standby pump. The booster pumps will connect to the existing non-portable water transmission main located in Lincoln Street. Appurtenances for the booster station will include a motor control center, flow meter, valves, pressure transmitter, and one portable diesel-fueled emergency generator that will only be used during emergencies and routine testing.

A new SCADA system will be installed on the Project site. The system will include a control panel process controller and software components to communicate with the City's SCADA system. The SCADA antennae will be mounted on the top of the reservoir and the antennae will not extend more than five feet above the top of the reservoir.

Site Access

Access to the Project site consists of a new asphalt driveway near the western Project site boundary that will transition to a 20-foot-wide asphalt access road leading to the reservoir and booster station. A cable railing fence will be installed near the driveway entrance, extending to the western property boundary from the northwest corner of a proposed perimeter wall that encloses the booster station building and reservoir. A 20-foot-wide swinging pipe gate will be installed across the access road, connecting to the cable railing fence. A new cable railing fence will also be installed between the western property boundary and the southwest corner of the perimeter wall; this fence will include a swinging gate for access to the rest of the parcel.

The booster station building and reservoir will be enclosed by an approximately 6-foot tall combination masonry block wall topped with a four-foot-tall tubular steel fence that is accessible on the western boundary via a 20-foot-wide sliding gate. Inside the perimeter wall, the 20-foot-wide access road is paved and bisects the two structures (the booster station building and reservoir). The area south of the access road surrounding the reservoir will be paved whereas the area north of the access road that surrounds the booster station building will include both concrete and gravel.

Lighting and Security

Light and camera poles will be installed within the perimeter wall surrounding the booster station building and reservoir. Lighting will be shielded or downward facing to avoid light pollution or light spillage and will be installed in accordance with Section 17.24.100 (Lighting) of the City Municipal Code.

Electrical

New electrical service will be required for the Project site and provided by the City of Banning from an existing adjacent electrical system source. The Project site is proposing to connect to an existing overhead electric pole on the north side of Lincoln Street, across from the proposed Project driveway. The Project will require a 480/240 volt electrical system sized for two booster pumps. The new electric line will be underground, and service will include a new electrical vault and transformer. Fiber optic service to the site is also proposed with the electrical.

Drainage

Currently, storm water generally sheet flows across the Project site in a southeasterly direction. The proposed Project improvements will increase impervious surfaces on the site and is expected to result in a negligible increase in storm water runoff that will maintain the existing drainage pattern. All on-site storm water will be captured on site in accordance with State and Regional Water Quality Control Board requirements. A concrete drainage swale will surround the reservoir and convey storm water to the proposed 18-inch diameter storm drain pipeline east of the perimeter wall. The runoff from the booster station area will be collected in a four-inch diameter pipeline and connect to the proposed 18-inch diameter storm drain pipeline east of the

perimeter wall. Storm water discharged to the 18-inch storm drain pipeline will be conveyed off-site where it would flow east to the municipal storm drain system at Lincoln Street.

Frontage Improvements

The Project proposes to widen the southern portion of Lincoln Street within existing right-of-way along the Project frontage and create a new paved driveway for access. Pavement width will vary from approximately two to eight feet wide. The existing pavement edge will be sawcut and the surface will be ground and overlaid with new pavement. An asphalt curb will be installed at the new edge of pavement.

Construction

Construction activities include removal of existing on-site vegetation, grading and excavation, paving, construction of the proposed facilities in addition to associated improvements and utility connections. The construction footprint is approximately 1.39 acres. Construction staging will occur on site within the construction footprint and south of the proposed reservoir as shown on **Figure 5 – Project Site Plan**. During remedial grading, on-site soils will be excavated and recompacted and are expected to require approximately 317 cubic yards of import. The maximum depth of excavation is approximately six feet. During Project construction, it is possible there would be temporary lane closures along Lincoln Street. Construction is anticipated to take approximately 12 months and will begin in August 2024.

Maintenance

During operations, routine maintenance will occur and may include, but is not limited to, daily maintenance vehicle trips to inspect the booster station and reservoir. Maintenance vehicles would visit the Project site during the City's normal business hours.

9. Surrounding land uses and setting:

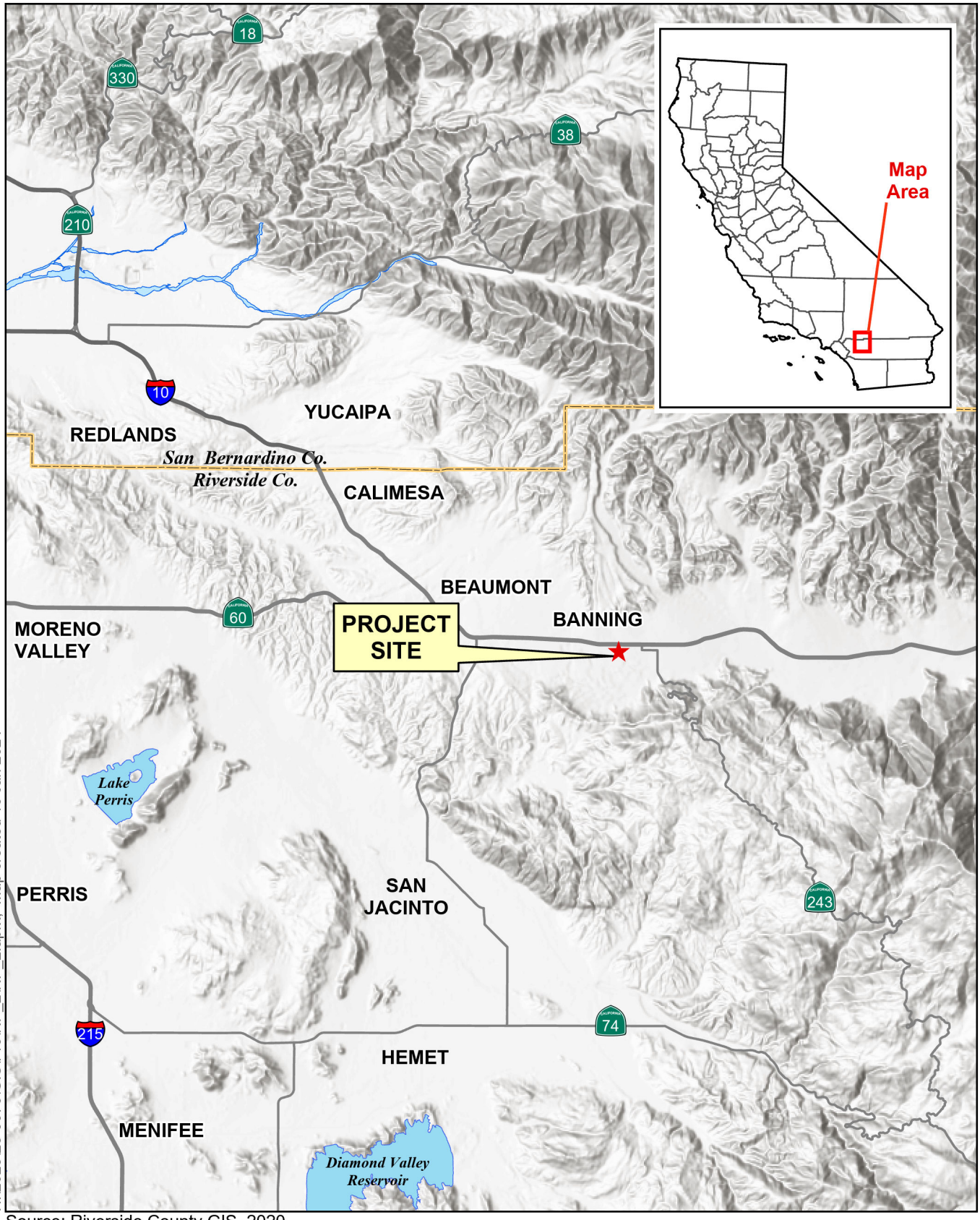
The area to the north, west and northwest includes residential homes; the adjacent area to the south is vacant and undeveloped land; the adjacent area to the east is Montgomery Creek followed by vacant and undeveloped area; the area to the northeast is industrial buildings.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

- County of Riverside, American Resue Plan Act (ARPA) – funding allocation through the Coronavirus State and Local Fiscal Recovery Funds Final Rule
- Regional Water Quality Control Board (RWQCB), Colorado River Region – National Pollutant Discharge Elimination System (NPDES) Construction General Permit and Stormwater Pollution Prevention Plan (SWPPP)
- South Coast Air Quality Management District – permit for backup generator

11. Have California Native American tribes traditionally and culturally affiliated with the project are requested consultation pursuant to Public Resource Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance to tribal cultural resources, procedures regarding confidentiality, etc.?

The City of Banning provided Assembly Bill (AB 52) notification to Tribes that have previously requested such a notice. The consultation process is discussed under Threshold XVIII, Tribal Cultural Resources, of this Initial Study.



Source: Riverside County GIS, 2020

0 2 4 6 Miles

Figure 1 - Vicinity Map

NP-2 Booster Pump Station and Reservoir Project

ALBERT A. WEBB ASSOCIATES

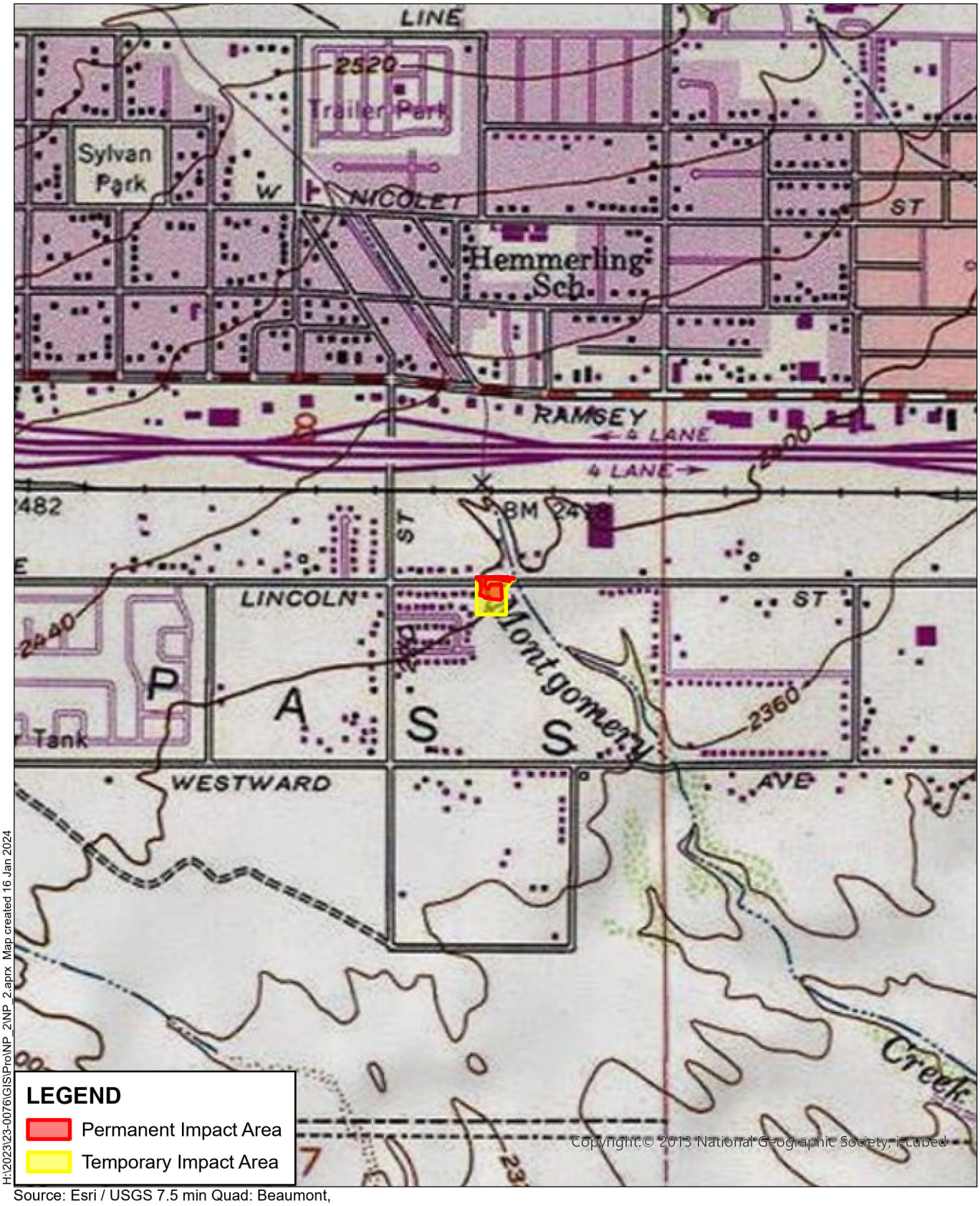
Source: Esri imagery, 2024.

0 100 200 300 Feet

Figure 2 - Aerial Map

NP-2 Booster Pump Station and Reservoir Project

ALBERT A. WEBB ASSOCIATES



H:\2023\23-0076\GIS\Pro\NP_2NP_2.aprx Map created 16 Jan 2024

Source: Esri / USGS 7.5 min Quad: Beaumont,
Township: 3, Section: 8, Range: 1.

0 500 1,000 1,500 Feet

Figure 3 - USGS Topographic Map

NP-2 Booster Pump Station and Reservoir Project

ALBERT A. WEBB ASSOCIATES

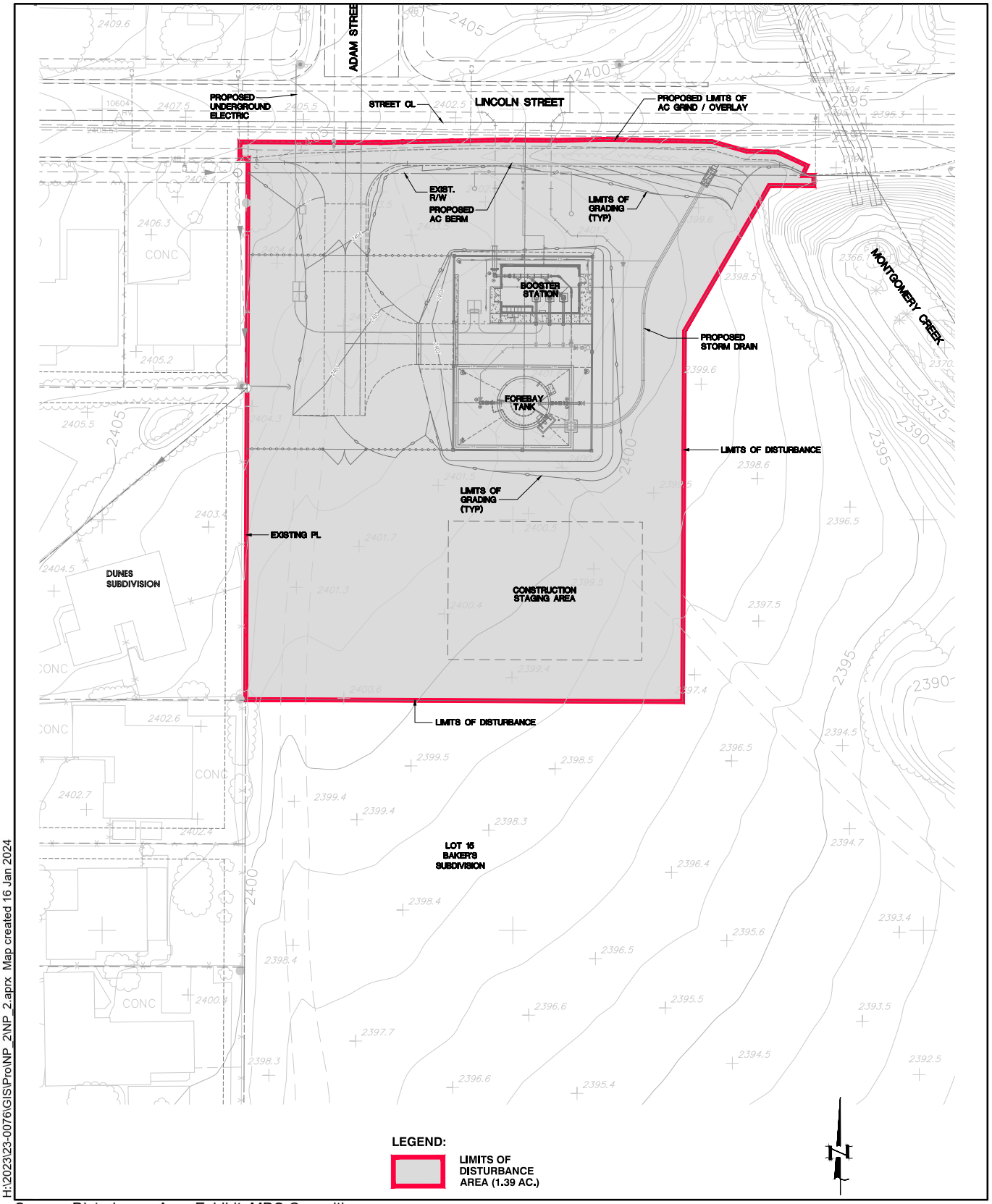
Source: City of Banning General Plan with Zoning Overlay, 2020; Esri imagery, 2024.

Figure 4 - General Plan Land Use and Zoning Designations

NP-2 Booster Pump Station and Reservoir Project

0 100 200 300 Feet

ALBERT A. WEBB ASSOCIATES



H:\2023\23-0076\GIS\Pro\NP_2\NP_2.aprx Map created 16 Jan 2024

Source: Disturbance Area Exhibit, MDS Consulting, Dec. 22, 2023.

0 100 200 300 Feet

Figure 5 - Project Site Plan

NP-2 Booster Pump Station and Reservoir Project

ALBERT A. WEBB ASSOCIATES

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

☐ Aesthetics	☐ Agriculture and Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Geology / Soils	☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials
☐ Hydrology / Water Quality	☐ Land Use / Planning	☐ Mineral Resources
☐ Noise	☐ Population / Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities / Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance

DETERMINATION

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature Date 4/25/24

Arturo Vela, Director of Public Works
Printed Name

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved *(e.g., the project falls outside a fault rupture zone)*. A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards *(e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis)*.

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063©(3)(D). In this case, a brief discussion should identify the following:

    a. **Earlier Analysis Used.** Identify and state where they are available for review.
    b. **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
    c. **Mitigation Measures.** For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts *(e.g., general plans, zoning ordinances)*. Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

a. the significance criteria or threshold, if any, used to evaluate each question; and
b. the mitigation measure identified, if any, to reduce the impact to less than significant.

ENVIRONMENTAL FACTORS: ENVIRONMENTAL CHECKLIST	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
I. AESTHETICS Except as provided in Public Resources Code Section 21099, would the project:				
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c. Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Aesthetics Discussion:

a) Have a substantial adverse effect on a scenic vista?

Less than significant impact. The City of Banning (City) defines visual resources as those physical features that enhance the City's aesthetic and scenic character. The majority of the City is located within the narrow east-west trending valley of the San Gorgonio Pass, which is dominated by the San Bernardino Mountains along the northern end of the valley and the San Jacinto Mountains along the southern end of the valley. (GP DEIR, p. III-189.) These mountain ranges present impressive viewsheds and dramatic scenery, including frequently snow-covered mountain peaks and ranges with rugged slopes. The San Bernardino Mountains which can be seen from the Project site towards the northern horizon have a peak elevation of approximately 11,499 feet above sea level. The San Jacinto Mountains seen from the Project site towards the southern horizon have a peak at an approximate elevation of 10,804 feet above sea level. (GP DEIR, p. III-189.)

The Project site is located at an elevation of approximately 2,400 feet above sea level. The Project's largest structure would be the 21-foot-tall reservoir with the SCADA antenna that extends 5 feet above the reservoir. However, given the differences in elevation between the Project site and the mountains and the relative lack of massing of both the reservoir and SCADA antenna, the proposed Project would not obscure views of the San Bernardino Mountains or the San Jacinto Mountains. Construction equipment and related construction activity at the Project site may result in limited, short term, and undesirable visuals; however, this will be a temporary condition, which will cease after construction is completed. Therefore, impacts regarding a substantial adverse effect on a scenic vista will be less than significant.

Sources: GP DEIR; Project Description

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No impact. A portion of State Highway 243 is designated as a state scenic highway where it occurs in the City's southern Sphere of Influence; however, the City's GP Draft Environmental Impact Report (DEIR) determined that development pursuant to the City's GP would have a limited impact to viewsheds along this corridor. (GP DEIR, p. III-190.) Moreover, the portion of Highway 243 designated as a state scenic highway is approximately 1.5 miles east from the Project site. As such, the Project will not physically affect scenic resources within a state scenic highway. Therefore, no impact will occur.

Source: GP DEIR

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less than significant impact. CEQA Section 21071(a) defines an incorporated city as being an urbanized area if it meets either of the following criteria:

(1) Has a population of at least 100,000 persons.
(2) Has a population of less than 100,000 persons if the population of that city and not more than two contiguous incorporated cities combined equals at least 100,000 persons.

The City is not categorized as an urbanized area because (i) the City's population is not at least 100,000 persons and (ii) the combined population of both the City and the City of Beaumont (the only contiguous city) is less than 100,000 persons. Based on July 1, 2022 United States Census Bureau data Banning has a population of approximately 30,683 persons and Beaumont has a population of 56,349 persons, totaling to a population of approximately 85,553 persons. (USCB.) The January 1, 2023, California Department of Finance population estimate for Banning and Beaumont is approximately 31,250 and 56,590, respectively. (DOF.) Since the City is not an urbanized area, this analysis is based on whether Project implementation would substantially degrade the existing visual character or quality of public views of the Project site and its surroundings.

Public views of the Project site are from (i) W. Lincoln Street (between S. 22nd Street and S. 16th Street, (ii) W. Westward Avenue (between S. 22nd and Lowell Street). The Project site may also be briefly visible from motorists traveling in the westbound lanes of I-10, which is approximately 0.20 of a mile north of the Project site.

Although the Project site will be visible from public access points and will change the view of the Project site from vacant land to water conveyance infrastructure, this will not substantially degrade the visual character or quality of public views of the site or its surroundings. Because above ground utilities are already present in proximity to the Project site and there are no unique items or visual interest present on the Project site. Additionally, existing commercial and industrial development that exceeds the height of the proposed Project facilities is located near the Project site. The proposed reservoir will not exceed 21 feet high and will be coated to blend in with the surrounding environment. The SCADA antenna will be mounted on top of the reservoir and will not extend more than five feet above the reservoir. The booster station will be about 12 feet tall and

will be a relatively small structure. Therefore, the Project does not include any above-grade features of significant mass that would alter or interfere with the dramatic and valuable viewsheds provided by the mountains. (GP, p. II-1.) For these reasons, Project implementation would not substantially degrade the existing visual character or quality of public views of the site or its surroundings and impacts would be less than significant.

Sources: Project Description; UCSB; DOF; GP

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than significant impact. Light pollution may result due to introduction of new artificial light sources. The International Dark-Sky Association defines light pollution as any adverse effect of artificial light including sky glow, glare, light trespass, light clutter, decreased visibility at night and energy waste. (IDA.) Night lighting and glare can effect human vision, navigation, and other activities; however, it can also affect nocturnal wildlife particularly nigh-hunting or foraging animals, such as owls, rodents, and others. Glare is typically associated with installation of windows and other reflective surfaces.

The existing light sources within proximity to the Project site include: streetlights within Lincoln Street; streetlights and residential lighting from the residential neighborhood west of the Project site; and lighting from the commercial/industrial development north of the Project site. The Project site and surrounding area are therefore not generally dark at night. The proposed Project will introduce a new source of light. Security lighting will be installed along the perimeter of the booster station and reservoir. However, on-site lighting will be shielded or downward facing to avoid light pollution or light spillage and will be installed in accordance with the City's standards. Project implementation will not introduce a source of substantial glare to the surrounding area. Therefore, impacts will be less than significant.

Sources: Project Description; IDA

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
II. AGRICULTURAL AND FORESTRY RESOURCES In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☒	☐
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Agricultural Resources Discussion:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No impact. The proposed Project site is not located within areas designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland). According to the California Department of Conservation *Farmland Mapping and Monitoring Program* (FMMP), the Project site consists of Urban and Built Up Land, and is adjacent to other vacant lands. Thus, implementation of the proposed Project will not convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, no impact will occur.

Source: FMMP

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No impact. The proposed Project is not located within a Williamson Act contract. As of 2004, there were three Williamson Act contracts in effect over approximately 3,500 acres within the City's GP planning area. These include lands located in the City limits near the Banning Bench, in the northwest portion of the planning area between Highland Springs Avenue and Highland Home Road, and in the City's southerly sphere of influence south of Westward Avenue/Sun Lakes Boulevard. (GP, p. IV-22.) These lands are being phased out due to urbanization, although residential land uses that allow for agricultural and ranching activities are provided for under the GP. (GP DEIR, p. III-11.) Per **Figure 3 – General Plan Land Use and Zoning Designations**, the Project site is zoned as Open Space-Parks. The City zones the surrounding areas as General Commercial, Low-Density Residential, and Very Low Density Residential. Therefore, there are no agricultural zoning/land use designations adjacent to the Project site (see **Figure 3**). The Project will not encroach Williamson Act land or change a land use in the vicinity of a Williamson Act contract. Therefore, no impacts will occur**.**

Sources: GP; GP DEIR

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

Forest land, as defined in Public Resources Code (PRC) section 12220(g) is land that can support 10 percent of native tree cover of any species under natural conditions and that allows for the management of one or more forest resources. Timberland, as defined in PRC section 4526, means land other than land owned by the federal government and land designated as experimental forest land, which is capable of growing a crop of trees for any commercial species, including Christmas trees.

No impact. The Project does not propose or require rezoning. As shown on **Figure 3**, the proposed Project site is within the City of Banning. Banning does not have a zoning designation for forest land, timberland, or timberland zoned Timberland Production within City limits. Therefore, there is no zoned forest land, timberland, or timberland zoned Timberland Production within the Project site and surrounding areas. Further, according to Table 17.08.020 of Banning's Municipal Code, farming uses are prohibited in the City's LDR, MDR, and HDR-20 zones. Community gardens are a permitted use in the City's OS-R, zone; however, a community garden would not allow commercial tree production as defined in PRC section 12220(g).

Given the location and City's zoning designations, the Project site does not traverse through or adjacent to areas zoned for forest land, or Timberland Production, no impacts would occur.

Sources: GP; PRC 12220; PRC 4526; BMC

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No impact. There is no forest land in proximity to the Project site. Implementation of the Project would not result in the loss or conversion of forest land; thus, there would be no impact in this regard**.**

Sources: GP

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No impact. As discussed in Response IIa, there is no designated Farmland on or in proximity to the Project site. As stated in Response IId, there is no forest land within or adjacent to the Project site. As such, implementation of the proposed Project will not result in the conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use**.** Therefore, there will be no impacts.

Sources: FMMP; GP

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
III. AIR QUALITY Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Air Quality Discussion:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less than significant impact. The City of Banning is in the South Coast Air Basin (Basin). The South Coast Air Quality Management District (SCAQMD) prepares the Air Quality Management Plan (AQMP) for the Basin. The AQMD sets forth a comprehensive program that will lead the Basin into compliance with all federal and state air quality standards. (SCAQMD 2022, pp. ES-2 and 1-4.) The control measures and related emission reduction estimates included in the AQMP are based on emissions projections for a future development scenario derived from land use, population, and employment estimates defined in consultation with local governments. To do this, the AQMP utilizes the population and growth estimates compiled by the Southern California Association of Governments (SCAG) in their 2020 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). (SCAQMD 2022, pp. 4-51 – 4-52.) SCAG's population and employment projections for the City are based on the City's growth projections (SCAG RTP/SCS, p. 70.), which are outlined in the GP. Accordingly, if a project demonstrates compliance with local land use plans and/or population projections, then the AQMP would have taken into account such uses when it was developed, and the project would not conflict with implementation of such a plan.

The proposed Project consists of the construction and operation of infrastructure to provide non potable water supplies in the City. The proposed Project would not alter population projections and is an allowable use under the OS-PA designation of the BMC (BMC, 17.20.020), and is consistent with the City's existing land use designations. As such, the proposed Project would not conflict with or obstruct implementation of the AQMP. Therefore, impacts will be less than significant.

Sources: BMC; SCAG RTP/SCS; SCAQMD 2022

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality?

Less than significant impact. The portion of the Basin within which the proposed Project is located is designated as a non-attainment area for ozone, particulate matter less than 10 microns in diameter (PM-10), and particulate matter less than 2.5 microns in diameter (PM-2.5) under the State standards and for ozone and PM-2.5 under Federal standards. (CARB 2024) The SCAQMD considers the thresholds for project-specific impacts and cumulative impacts to be the same. (SCAQMD 2003.) Therefore, projects that exceed project-specific significance thresholds are considered by SCAQMD to be cumulatively considerable. Based on SCAQMD's regulatory jurisdiction over regional air quality, it is reasonable to rely on its thresholds to determine whether there is a cumulative air quality impact.

Air quality impacts can be described in a short- and long-term perspective. Short-term impacts occur during site grading and Project construction and consist of fugitive dust and other particulate matter, as well as exhaust emissions generated by construction-related vehicles. Long-term impacts occur once the Project is in operation. Operational emissions sources are limited because the booster station pumps are electric. The primary source of operational emissions is the routine visits by vehicles driven by maintenance personnel and are considered negligible; therefore, only short-term impacts were quantified.

The Project will be required to comply with existing SCAQMD rules for the reduction of fugitive dust emissions. SCAQMD Rule 403 establishes these procedures. Compliance with this rule is achieved through application of standard best management practices in construction and operation activities, such as application of water or chemical stabilizers to disturbed soils, managing haul road dust by application of water, covering haul vehicles, restricting vehicle speeds on unpaved roads to 15 mph, sweeping loose dirt from paved site access roadways, cessation of construction activity when winds exceed 25 mph and establishing a permanent, stabilizing ground cover on finished sites. In addition, projects that disturb 50 or more acres or more of soil or move 5,000 cubic yards of materials per day are required to submit a Fugitive Dust Control Plan or a Large Operation Notification Form to SCAQMD. Based on the size of this Project's footprint (approximately 0.48 acres) a Fugitive Dust Control Plan or a Large Operation Notification Form would not be required.

An Air Quality/Greenhouse Gas analysis (AQ/GHG Analysis) was prepared for the Project by Albert A. Webb Associates dated January 2, 2024 (WEBB(a)) and is included in Appendix A to this Initial Study. Short-term emissions from Project construction were evaluated using the California Emissions Estimator Model (CalEEMod) version 2022.1. The results of this analysis are summarized in **Table A –Estimated Maximum Daily Construction Emissions**, below.

Table A – Estimated Maximum Daily Construction Emissions

Activity	Peak Daily Emissions (lb/day)					
	VOC	NO_X	CO	SO_2	PM-10	PM-2.5
SCAQMD Daily Construction Thresholds	**75**	**100**	**550**	**150**	**150**	**55**
2024	**1.60**	**14.70**	**15.90**	**0.03**	**2.39**	**1.43**
2025	1.50	13.70	15.80	0.03	0.84	0.55
Maximum[1]	**1.60**	**14.70**	**15.90**	**0.03**	**2.39**	**1.43**
Exceeds Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

Source: WEBB(a), Table 2 – Unmitigated Estimated Maximum Daily Construction Emissions
Note: [1] See the detailed model output reports attached herewith. Numbers are the maximum of summer or winter emissions in a given year and may not match due to rounding within the model.

As shown in **Table A** above, the emissions from construction of the Project are below the SCAQMD daily construction thresholds for all criteria pollutants. As such, the Project will not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment and the impacts will be less than significant. No mitigation is required.

Sources: CARB 2024; SCAQMD 2003; WEBB(a); Project Description

c) Expose sensitive receptors to substantial pollutant concentrations?

Less than significant impact. A sensitive receptor is a person in the population who is particularly susceptible to health effects due to exposure to an air contaminant including children, the elderly, and persons with pre-existing respiratory and/or cardiovascular illness. SCAQMD defines a "sensitive receptor" as a land use or facility such as residences, schools, child care centers, athletic facilities, playgrounds, retirement homes, and convalescent homes where these persons are typically located. (SCAQMD 1993.)

The nearest sensitive receptors are residential properties adjacent to and west of the Project site. Residential uses are also located north and northwest of the Project site, across Lincoln Street. (WEBB(a), p. 5.)

According to the LST methodology, only on-site emissions need to be analyzed. Emissions associated with vendor and worker trips are mobile source emissions that occur off site. The emissions analyzed under the LST methodology are NO_2, CO, PM-10, and PM-2.5. SCAQMD has provided LST lookup tables to allow users to readily determine if the daily emissions for proposed construction or operational activities could result in significant localized air quality impacts for projects five acres or smaller. Based on SCAQMD guidance, the Project will disturb approximately one acre per day during grading. Therefore, the one-acre LST was used to compare the on-site emissions estimated by CalEEMod. (WEBB(a), pp. 4-5.)

The LST thresholds are estimated using the maximum daily disturbed area (in acres) and the distance of the Project to the nearest sensitive receptors (in meters). The closest receptor distance on the LST look-up tables is 25 meters. According to LST methodology, projects with boundaries closer than 25 meters to the nearest receptor should use the LSTs for receptors located at 25 meters. Therefore, a receptor distance of 25 meters (82 feet) was used to ensure a conservative analysis. (WEBB(a), p. 5.) The results are summarized below.

Table B – LST Results for Daily Construction Emissions

Activity	Peak Daily Emissions (lb/day)			
	NO_X	CO	PM-10	PM-2.5
LST for 1-acre at 25 meters	**103**	**1,000**	**6**	**4**
Grading-2024	12.80	12.30	**2.27**	**1.40**
Booster Station Construction-2024	**6.79**	**6.93**	0.26	0.24
Booster Station Construction -2025	6.31	6.88	0.23	0.21
Tank Construction-2024	**7.38**	**7.78**	0.31	0.28
Tank Construction-2025	6.84	7.72	0.27	0.25
Tank Coating-2025	3.04	2.81	0.11	0.11
Paving-2025	3.58	4.97	0.17	0.15
Maximum[1]	**14.17**	**14.71**	**2.27**	**1.40**
Exceeds Threshold?	**No**	**No**	**No**	**No**

Source: WEBB(a), Table 3 – LST Results for Daily Construction Emissions.
Note: [1]. Maximum emissions are the greater of either each activity along or the sum of Booster Station Construction and Tank Construction in 2024 or 2025 as these activities overlap. Maximum emissions are shown in bold.

Emissions from construction of the Project will be below the LST established by SCAQMD for the Project. Therefore, localized construction impacts will be less than significant.

Regarding the Project's long-term localized impacts, LSTs only apply to the operational phase if a project includes stationary sources or on-site mobile equipment generating on-site emissions. The proposed Project does not include such uses. The long-term emissions from the Project, as discussed previously in Response IIIb, are primarily from the pumps and in the form of mobile source emissions, with no stationary sources of emissions present. The new booster station pumps will be electric powered. The booster station will also have a diesel-powered emergency generator. Because the emergency generator will only be used during emergency power outages and routine testing, emissions would be negligible. The City of Banning will be required to obtain an SCAQMD permit to install and operate the emergency generator. The SCAQMD permitting process would ensure that the Project meets regulatory requirements through the application review process and by placing specific operating conditions on the permit such as operating hour limits. Therefore, no long-term LST analysis is needed and localized operational emissions would be less than significant.

Based on the preceding analysis, the proposed Project will not expose sensitive receptors to substantial pollutant concentrations. Therefore, impacts are considered less than significant. No mitigation is required.

Sources: SCAQMD 1993; WEBB(a); Project Description

d) Result in other emissions (such as those leading to odors) affecting a substantial number of people?

Less than significant impact. The Project presents the potential for generation of other emissions such as odors in the form of diesel exhaust during construction in the immediate vicinity of the Project site. Odors generated during construction will be short-term and will not result in a long-term odorous impact to the surrounding area. After completion of the proposed improvements, only infrequent maintenance will be required.

The California Air Resources Board (CARB) has developed an Air Quality and Land Use Handbook to outline common sources of odor complaints, including: sewage treatment plants, landfills, recycling facilities, and petroleum refineries. (CARB 2005, p. 2-2.) The Project proposes a non-potable water reservoir and booster station which is not included on CARB's list of uses that are known to generate odors. No other emissions are anticipated to result from the Project that could adversely affect substantial numbers of people. Therefore, impacts are less than significant.

Source: CARB 2005

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
IV. BIOLOGICAL RESOURCES Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☒	☐	☐

Biological Resource Discussion:

The analysis this section is based on the findings in the *Biological Technical Report and MSHCP Consistency Analysis,* January 19, 2024 *(*hereinafter referred to as the *BTR)*, which was prepared by Albert A. Webb Associates (WEBB(b)). This document is included as Appendix B of this Initial Study. Webb conducted literature reviews and searches of the California Department of Fish and Wildlife's (CDFW's) California Natural Diversity Data Base (CNDDB), the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Plants of California, U.S Geological Survey, Soil Survey data, Western Riverside MSHCP, U.S Fish and Wildlife (USFWS) Information for Planning and Consultation, National Wetlands Inventory, and USGS National Hydrography Dataset. In addition to the literature review and database searches, a reconnaissance-level field assessment of the proposed Project footprint was conducted including a 100-foor survey buffer, herein defined as the biological study area (BSA). The BSA plus Project footprint totals 4.53 acres. (WEBB(b), pp. 6-7.)

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Less than significant with mitigation incorporated. According to the *BTR*, the Project site is currently characterized as disturbed and undeveloped, with no existing structures and is composed of the following four vegetation communities: Urban/Developed lands, Disturbed habitat, Riversidian Alluvial Fan Sage Scrub, and Unvegetated Channel. Implementation of the proposed Project will result in permanent and temporary impacts to two of these four communities, as shown below in **Table C – Vegetation Communities Present on the Project Site**. (WEBB(b), p. 15.)

Table C - Vegetation Communities Present on the Project Site

Vegetation Community	Description	Present within Project footprint	Total (acres)
Urban/Developed (URB/DEV)	Areas that have undergone construction or significant physical alterations, to an extent that native vegetation is no longer supported.	Present	1.88
Disturbed Habitat (DH)	Areas that have not been developed but have experienced physical disturbances caused by human activities. These areas still retain a soil substrate and are primarily covered by non-native species.	Present	2.56
Riversidian Alluvial Fan Sage Scrub (RAFSS)	Usually occurs on alluvial fans in southern California, particularly in Riverside and San Diego counties. This variant of sage scrub is adapted to the unique conditions found on alluvial fans, which typically have well-drained, rocky soils.	Not present located in the Montgomery Creek	0.06
Unvegetated Channel (UVC)	Sandy, gravelly, or rocky area along waterways or flood channels where vegetation does not typically grow on a permanent basis	Not present located in the Montgomery Creek	0.03
Total			4.53

Permanent and temporary impacts to vegetation communities and land cover types as a result of Project implementation are quantified and summarized in **Table D**.

Table D - Summary of Impacts to Vegetation Communities and Land Cover Types

Vegetation Community / Land Cover Type	Permanent (acre)	Temporary (acre)	Total
Urban/Developed (URB/DEV)	0.09	0.01	0.1
Disturbed Habitat (DH)	0.39	0.90	1.29
Total Project Footprint	0.48	0.91	1.39

Source: WEBB(b), Table 3

Neither of these vegetation habitat types are considered sensitive. Permanent impacts total 0.48 acre and temporary impacts total 0.91 acre within these land cover types. (WEBB(b), p. 19.)

Special Status Sensitive Vegetation Communities

RAFSS is classified as a sensitive vegetation community; therefore, any potential impacts to this community would necessitate mitigation measures. Although RAFSS are present in Montgomery Creek, which is within the BSA but not within the Project footprint, no impacts are anticipated on this community as a result of Project implementation. (WEBB(b), p. 18.) To ensure the RAFSS associated with Montgomery Creek are avoided during construction activities, mitigation measure **MM BIO-1**, which requires the installation of temporary exclusionary construction fencing, shall be implemented to minimize the risk of accidental impacts to the RAFSS within the BSA. (WEBB(b), p. 28.)

> **MM BIO-1 Temporary Exclusionary/Construction Fencing.** To protect Montgomery Creek sensitive habitats (RAFSS) and the riverine habitat which are adjacent to the Project footprint, within the BSA, temporary exclusionary construction fencing will be installed at the Project footprint boundary where they are adjacent to Montgomery Creek with the Project Biologist present to ensure the fencing is placed in the correct areas of the site (see Figure 6 – Exclusionary Fencing of Appendix B). The purpose of fencing shall be to prevent disturbances to adjacent sensitive habitats and to avoid the spread of debris from the construction zone into adjacent areas.

Special Status Plant Species

No special-status plant species were observed during the general habitat assessment. Most of the BSA and all of the impact footprint is composed of disturbed lands that lack suitable habitat for special-status plants. Therefore, with implementation of mitigation measure **MM BIO-1**, no direct or indirect impact to special-status plant species are expected. (WEBB(b), pp.18, 21.)

Special Status Wildlife Species

No special-status wildlife species were observed during the habitat assessment and no special-status wildlife species are expected to occur. Given the disturbed nature of the Project site and associated habitat types no direct or indirect impacts to special status wildlife species are expected. (WEBB(b), pp. 18, 21.)

The Project site does not contain suitable nesting habitat for bird species protected under the federal Migratory Bird Treaty Act (MBTA) and the Fish and Game Code. Suitable habitat such as trees and bushes are

not present within the Project footprint. Ground nesters are unlikely due to the disturbed vegetation and frequency of mowing. Therefore, no impacts to nesting birds are anticipated to occur. (WEBB(b), pp. 18, 22.)

The BSA does not contain suitable habitat such as vernal pools for fairy shrimp or riparian birds. The BSA is not located within a survey area for Narrow Endemic Species. (WEBB(b), p. 24.)

The Project site is located within the boundaries of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The City of Banning is a permittee to the MSHCP and therefore the Project must not conflict with the plan. As discussed in Response IVf, the BSA is not located within MSHCP survey areas for Narrow Endemic Plant Species, Criteria Area Plant Species, amphibians, burrowing owl, or mammals. There are approximately 0.06 acres of RAFSS within Montgomery Creek, which is within the BSA but outside of the Project footprint. This is considered a riverine resource per the MSHCP. Project implementation would not result in any direct impacts to the RAFSS habitat. Indirect impacts to the RAFSS habitat in Montgomery Creek would be avoided through implementation of Best Management Practices (BMPs) listed in MSHCP Volume 1, Appendix C.

Thus, with implementation of **MM BIO-1** and compliance with MSHCP BMPs, the proposed Project will not have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. Therefore, impacts will be less than significant with mitigation.

Sources: WEBB(b)

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Riparian/riverine areas are lands which contain habitat dominated by trees, shrubs, persistent emergents, or emergent mosses and lichens, which occur close to or which depend upon soil moisture from a nearby fresh water source; or areas with fresh water flow during all or a portion of the year (WEBB(b), p. 23.)

Less than significant impact with mitigation incorporated. According to the MSHCP Consistency Analysis of the *BTR,* the Project site does not support soils or plants suitable to support vernal pools, nor were vernal pools identified during site investigation. No vernal pools or other suitable fairy shrimp were found. Additionally, no suitable habitat for riparian bird species was found. Therefore, no direct or indirect impacts are expected to occur in relation to vernal pools or fairy shrimp.

Riparian/riverine areas are located within the Project's BSA. Montgomery Creek, an ephemeral channel exhibiting steeply incised banks, traverses the eastern portion of the BSA. This feature is considered an MSHCP riverine resource. Within this reach, Montgomery Creek exhibits eroded banks with vertical spans surpassing 25 feet, while active flood plain maintains an average width of approximately 4 feet. The Creek's southern ingress into the BSA is facilitated by two 3-foot corrugated steel culverts originating beneath West Lincoln Road. The Creek intersects the BSA, the Creek is absent from the Project footprint and therefore no direct impacts are anticipated to occur. (WEBB(b), p. 17.) With implementation of mitigation measure **MM BIO-1**,

which requires the installation of exclusionary fencing and compliance with the BMPs listed in MSHCP Volume 1, Appendix C, indirect impacts to the riverine resource in Montgomery Creek will be less than significant with mitigation.

Sources: WEBB(b)

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less than significant impact with mitigation incorporated. The site investigations conducted found no evidence of wetlands. Therefore, no fairy shrimp habitat, or riparian bird habitat is located within the Project footprint or the BSA. (WEBB(b), pp. 17, 24.)

As discussed in Response IVb., Project implementation will not have any direct impacts to wetland features. Montogomery Creek is located within the BSA but is not within the Project footprint. Therefore, indirect impacts may occur if construction activities stray outside of the Project footprint. In order to protect the sensitive habitat from accidental disturbance, implementation of mitigation measure **MM BIO-1** and compliance with the BMPs listed in MSHCP Volume 1, Appendix C will reduce impacts regarding state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means to less than significant.

Source: WEBB(b)

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Wildlife corridors are linear features that join large spans of natural open space that enable the movement of animals throughout the landscape. Habitat linkages are areas that provide connectivity between habitat patches as well as opportunities for foraging, reproduction, and dispersal habitat for plants and animals. Habitat linkages help minimize the effects of habitat fragmentation as they function as steppingstones for wildlife dispersal. (WEBB(b), p. 19.)

No impact. The Project site is not located within designated wildlife corridors or habitat linkages identified in the South Coast Missing Linkages analysis conducted by South Coast Wildlands (2008). The proposed Project site does not have any adjacency or on-site connection to existing MSHCP Conservation Areas or lands designated for conservation purposes. There are no native wildlife nursery sites within proximity to the Project site. (WEBB(b), p. 22.)

Because the Project is not located in or adjacent to an MSHCP Conservation Area and no MSHCP linkages are identified in the Project area. There would be no impacts related to the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. (WEBB(b), p. 22.)

Source: WEBB(b)

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than significant impact. City of Banning Municipal Code Section 17.32.060 addresses the removal or destruction of trees; however, this section of the municipal code is not applicable to capital projects. Further, according to the site investigation conducted by Webb, no tress or bushes were present within the Project footprint. Therefore, Project implementation would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance and impacts are less than significant.

Sources: Project Description; BMC; WEBB(b)

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Less than significant impact with mitigation incorporated. According to the MSHCP Consistency Analysis within the *BTR*, the Project site does not lie within and is not adjacent to any MSHCP Conservation Areas. Although the Project does not have a requirement to set aside land for an MSCHP Conservation Area, the City is a Permittee to the MSHCP and therefore must ensure that all projects comply with MSHCP Sections 6.1.2 (Protection of Species within Riparian/Riverine Areas and Vernal Pools), 6.1.3 (Protection of Narrow Endemic Plant Species), 6.1.4 (Urban Wildlands Interface), 6.3.2 (Additional Survey Needs and Procedures), Appendix C (Standard Best Management Practices), and 7.5.3 (Construction Guidelines).

As discussed in Response IVb, Project implementation will not directly or indirectly impact riparian/riverine resources. Montgomery Creek is not within the Project footprint, but is within the BSA. Because no impacts are expected to Montgomery Creek, no Determination of Biologically Equivalent or Superior Preservation (DBESP) or specific mitigation is necessary. As discussed in Response IVa, no fairy shrimp habitat, vernal pools, or riparian bird habitat was identified on the Project site. Therefore, the proposed Project will not conflict with MSHCP Section 6.1.2. (WEBB(b), p. 24.)

Section 6.1.3 requires assessments of sites in a designated survey area for narrow endemic plants to be completed. As discussed in Response IVa, the Project footprint and BSA are not located within a Narrow Endemic Plant Species Survey Area (NEPSSA). Therefore, the proposed Project will not conflict with MSHCP Section 6.1.3. (WEBB(b), p. 24.)

Section 6.1.4 outlines the minimization of indirect effects associated with locating development in proximity to a MSHCP Conservation Area. The Project site is not located in proximity to a MSHCP Conservation Area. As such, the Project is not in conflict with the MSHCP Section 6.1.4. (WEBB(b), p. 24.)

MSHCP Section 6.3.2 requires additional surveys for certain species depending upon the location of a given project. The Project site is not located within an MSHCP-designated criteria area species survey area for plants amphibians, burrowing owl, or mammals; therefore, no surveys are needed for these species. Therefore, the Project will not conflict with MSHCP Section 6.3.2. (WEBB(b), p. 24.)

The MSHCP lists standard best management practices (Appendix C) that will minimize potential impacts to sensitive habitats in the vicinity of a project. The guidelines relate to water pollution and erosion control, equipment storage, fueling, and staging, dust control, exotic plant control and timing of construction. The Project applicant, in this case the City, is required to implement measures from Appendix C. The Project is not located in the Criteria Area or PQP Lands, so Section 7.5.3 guidelines are not applicable. Implementation of mitigation measure **MM BIO-1** will address potential indirect construction impacts. Therefore, with mitigation the proposed Project is consistent with MSHCP Appendix C and Section 7.5.3.

For the reasons set forth above, implementation of the proposed Project will not conflict with the provisions of an adopted conservation plan and impacts will be less than significant with mitigation.

Sources: WEBB(b)

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
V. CULTURAL RESOURCES Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☒	☐
b. Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?	☐	☒	☐	☐
c. Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☐	☒

Cultural Resource Discussion:

The analysis this section is based on the findings in the *Cultural Resource Investigation for the Banning NP-2 Booster Pump Sation and Reservoir Project, City of Banning, Riverside County*, which was prepared by Applied EarthWorks (AE) and is included as Appendix C of this Initial Study (hereinafter referred to as the *CRI*). As part of the *CRI*, AE conducted archaeological literature and records searches on August 9, 2023 at the Eastern Information Center (EIC) of the California Historical Resources Information Center (CHRIS), located at the University of California, Riverside. The EIC is the official cultural resource records repositories for Riverside County. AE reviewed maps and records on file at the EIC for previously identified cultural resources in or within a 0.5-mile radius around the Project site and existing cultural resources reports pertaining to the vicinity. The Native American Heritage Commission was contacted by AE on June 22, 2023, for a review of the Sacred Lands File (SLF). The SLF search was negative. AE archaeologists conducted an intensive pedestrian survey of the Project site to observe and note the condition of the Project site on August 23, 2023. The survey was completed in 15-meter transects oriented north-south, moving eastward through the Project site. Approximately 90 percent of the Project area was accessible during the survey. (AE(a), pp. 13, 18.)

The EIC records show that eight (8) previous cultural resource studies have been conducted and documented with the 0.5-mile search radius. Three of these studies specifically involved portions of the Project site, as such, 100 percent of the Project site has been previously studied. (AE(a), p. 13.)

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

Less than significant impact. Determination of National Register of Historic Property (NRHP) eligibility for cultural resources is made according to the following criteria of evaluation (36 CFR 60.4):

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

A. that are associated with events that have made a significant contribution to the broad patterns of our history;

B. that are associated with the lives of persons significant in our past;

C. that embody the distinctive characteristics of a type, period, method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack distinction; or

D. that has yielded, or is likely to yield, information important to prehistory or history.

A property must meet one or more of these specific criteria to qualify as a good representative of a significant historical theme or pattern. It must be associated with important historical events or persons (Criteria A and B); convey important technical, aesthetic, or environmental values (Criterion C); or have potential to provide important scientific or scholarly information (Criterion D). Unless a site is of exceptional importance, it is not eligible for listing in the NRHP until it is 50 years of age. (36 CFR 60.4., AE(a), p. 4.)

For purposes of CEQA, a historical resource is any object, building, structure, site, area, place, record, or manuscript listed in, or eligible for listing in the CRHR (California Public Resources Code [PRC] Section 21084.1). A resource is eligible for listing in the CRHR if it meets any of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. Is associated with the lives of persons important in our past.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
4. Has yielded, or may be likely to yield, information important in prehistory or history.

The California Code of Regulations (CCR) further provides that cultural resources of local significance are CRHR-eligible. (Title 14 CCR, Section 4852) (AE(a), pp. 4–5.)

The previous cultural resources investigations conducted within the Project site identified a total of 46 cultural resources have been identified; five archaeological resources that date to the historic period and 41 built-environment resources. The five archaeological resources that date to the historic period include: one water diversion system, one concrete foundation, one refuse scatter, one rubble deposit, and one concrete well box. The 44 built environment resources consist of historical houses and commercial buildings. (AE(a), pp. 14-15.) None of the previously recorded cultural resources are documented within the Project site and are not listed as eligible on the NRHP or CRHR.

In addition to the EIC research, AE also reviewed historical maps. Specifically, AE consulted the USGS topographic quadrangle maps: San Jacinto 1901 30 minute, Southern California 1901 30 minute, Banning 1943 15 minute, Beaumont 1953 7.5 minute, Banning 1956 15 minute, and Sana Ana 1965 30 minute, to assess land use and development within the Project site. All of the maps after 1901 exhibit several buildings outside of the Project site north and south of modern-day Lincoln Street. The Southern Pacific Railroad appears north of the Project site on all of the examined maps. The same structures appear on aerial photographs as early as 1966. No structures, roads, or other features of historical interest are shown within, or in the vicinity of, the Project site on any of the reviewed historical maps. (AE(a), p. 15.) Moreover, the Project site is highly disturbed

and appears to have been previously plowed, and used as a staging area in the past, indicating that significant previous ground disturbance has previously occurred. (AE(a), p. 18.)

Because the only three historic cultural resources documented within the Project site were not found during the pedestrian survey and were previously evaluated and recommended as ineligible for listing on the NRHP and CRHR, it is concluded that no historic properties (NRHP-eligible) or historical resources (CRHR-eligible) are present. Because the Project site has been previously disturbed by dirt pathways, plowing, and staging activity, there is a low likelihood that intact significant historical resources are buried. Additionally, geological data indicates no Ab (buried) horizons which would be conducive to preserving archaeological deposits are present. (AE(a), pp. ii, 18-19.) Thus, implementation of the proposed Project will not cause any adverse change in the significance of a historical resource pursuant to §15064.5. Therefore, impacts would be less than significant and no mitigation is required.

Sources: AE(a); GP

b) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?

Less than significant with mitigation incorporated. As discussed above, none of the 46 historical/archaeological resources were recorded within or immediately adjacent to the Project site. AE contacted the Native American Heritage Commission (NAHC) on June 22, 2023 for a review of the SLF. The objective of the SLF search was to determine if the NAHC had any knowledge of Native American cultural resources within the immediate vicinity of the Project site. The NAHC responded on July 19, 2023, stating that the SLF was completed with negative results. The NAHC requested AE contact Native American individuals and organizations to elicit information regarding cultural resource issues related to the proposed Project, if any.

AE sent out Project scoping letters via email and U.S. Postal Service to 11 individuals and organizations traditionally and culturally affiliated with the geographic region of the Project area on September 8, 2023. As of November 20, 2023, AE received two responses from The Agua Caliente Band of Cahuilla Indians and The Morongo Band of Mission Indians requesting a copies of records and site searches, shapefiles, and cultural resources inventory of the Project area by a qualified archaeologist before any development activities commence and to be contact immediately if any resources are discovered.

Geologic data indicate two soil series within the Project site: Greenfield and Ramona soils. These soil types typically retain water for three months out of the year during warm seasons, and foster sufficient plant growth. None of the soil series mapped in the Project site include buried A (Ab) horizons which are conducive to buried archaeological deposits. All other archaeological sensitivity indicators reflect low potential for buried archaeological resources. Past disturbances from dirt pathways, plowing, and staging activities have disturbed the Project site. The records search conducted as part of the *CRI* did not identify any documented prehistoric resources within a 0.5-mile radius of the Project site. Finally, the field archaeologists that conducted the pedestrian surveys for the *CRI*, did not encounter any archaeological deposits or features within the Project site. (AE(a), pp. 5, 13, 20.)

The lack of reported prehistoric archaeological remains with the Project study area suggests that the property is not highly sensitive for prehistoric archaeological resources. Therefore, the Project site contains a relatively low potential to encounter intact, subsurface archaeological deposits. (AE(a), p. 20.) Although the potential to encounter intact and significant buried archaeological deposits is unlikely, the Project shall implement mitigation measure **MM CR-1** to reduce impacts to unknown archaeological resources to a less than significant level. Therefore, impacts would be less than significant with mitigation incorporated.

> **MM CR-1: Inadvertent Discovery**. In the event cultural resources are discovered during Project construction, all ground disturbance activities within 100 feet of the discovered cultural resource shall be halted until a qualified archaeologist (meeting the Secretary of the Interior Standards) can visit the site of discovery, assess the significance and integrity of the find, and determine the appropriate treatment (documentation, recovery, avoidance, etc.) and disposition of the cultural resource. Further ground disturbance shall not resume within the area of the discovery until the appropriate treatment has been accomplished. Work on the other portions of the Project outside of the buffered area may continue. Any such discoveries and subsequent evaluation and treatment, shall be documented and submitted to the EIC for archival purposes.

Source: AE(a)

c) Disturb any human remains, including those interred outside of dedicated cemeteries?

Less than significant impact. The proposed Project site is not located on any known cemetery and human remains are not expected to be disturbed during Project construction. However, if human remains are encountered during Project construction, the steps and procedures specified in the California Health and Safety Code § 7050.5, State CEQA Guidelines § 15064.5(d), and California Public Resource Code § 5097.98, in accordance with PRC § 5097.98, must be implemented. In accordance with PRC § 5097.98, the Riverside County Coroner must be notified within 24 hours of the discovery of potentially human remains. The Coroner must then determine within two working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she must contact the NAHC by phone within 24 hours, in accordance with PRC § 5097.98. The NAHC then designates a Most Likely Descendant (MLD) with respect to the human remains within 48 hours of notification. The MLD will then have the opportunity to recommend to the Project proponent, in this instance the City Public Works Department, means for treating or disposing of, with appropriate dignity, the human remains and associated grave goods within 24 hours of notification. Therefore, through regulatory compliance impacts will be less than significant.

Sources: HSC 7050.5; PRC 5097.98

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
VI. ENERGY Would the project:				
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

Energy Discussion:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less than significant impact. As an infrastructure project, the majority of impacts will be short-term. As described in the AQ/GHG Analysis prepared (WEBB(a)) and included as Appendix A of this Initial Study, the Project's short-term construction would last approximately 12 months. Project construction would require the use of construction equipment for grading and paving, as well as construction workers and vendors traveling to and from the Project site. Construction equipment requires diesel as the fuel source and construction worker and vendor trips use both gasoline and diesel fuel. Project-related fuel consumption was estimated in Energy Tables (WEBB(c)), which are included as Appendix D to this Initial Study. Construction of the Project is estimated to use approximately 20,310 gallons of diesel fuel and 1,777 gallons of gasoline.

Fuel consumption from on-site heavy-duty construction equipment during construction would be temporary in nature and uses a limited number of equipment, which would represent a negligible demand on energy resources. Construction equipment is also required to comply with regulations limiting idling to five minutes or less (13 CCR § 2449(d)(3)). Furthermore, there are no unusual Project site characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in other parts of the state. For comparison, the State of California consumed 14 billion gallons of gasoline and 3 billion gallons of diesel fuel in 2023, which is the most recent published data. (CAL-A.) Thus, the fuel usage during Project construction would account for a negligible percent of the existing gasoline and diesel fuel related energy consumption in the State of California. Furthermore, it is expected that construction-related fuel consumption associated with the Project would not be any more inefficient, wasteful, or unnecessary than at other construction sites in the region.

Energy used during operation of the Project would primarily result from electricity usage from the proposed booster station pumps. Based on the estimated pump sizing, the estimated electricity consumption is approximately 11,332 megawatt-hours (MWh) per year (WEBB(a), p. 6). This represents a negligible demand on City of Banning Electric Utility, which produced approximately 151.55 gigawatt-hours (one gigawatt-hour is 1,000 MWh) in 2022 (CEC) and therefore would not operate in a manner that is wasteful or inefficient.

For these reasons, the Project would not result in a potentially significant impact due to wasteful, inefficient, or unnecessary consumption of energy during Project construction or operation. Impacts will be less than significant. No mitigation is required.

Sources: WEBB(a); WEBB(c); CAL-A; CEC; Project Description

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. As discussed above in Response VIa, implementation of the Project will not result in inefficient, unnecessary, or wasteful consumption. The proposed Project would be required to comply with state and federal energy conservation measures related to construction and operations, as noted above. As such, impacts to obstructing a state or local plan for renewable energy or energy efficiency during construction or operation will be less than significant.

Source: Project Description

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
VII. GEOLOGY AND SOILS Would the project:				
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii. Strong seismic ground shaking?	☐	☐	☒	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv. Landslides?	☐	☐	☒	☐
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

Geology and Soils Discussion:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

The discussion to this response is based on findings and recommendations from the *Supplemental Geotechnical Investigation* which was prepared by Geocon West, Inc. and is included as Appendix E.1 of this Initial Study (hereinafter referred to as the *SGI*). The *SGI* includes the results of subsurface investigation with borings to maximum depths of 50 ½ feet below the existing ground surface and laboratory tests; preliminary seismic evaluation and recommendations for new pavements, earthwork, utility trench backfill, lateral design, drainage and moisture protection, and additional field work and laboratory testing. (Geocon, Appendix A, pp. 3, 5–16.)

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Less than significant impact. The Project site is not located within a State of California Fault Hazard Zone or a Riverside County Fault Hazard Zone. The closest fault to the Project site is located along the San Gorgonio Pass, which is approximately 4,900 feet north of the booster pump station. The Project site is not located on any known active earthquake fault trace; therefore, the potential for ground rupture due to active faulting on the Project site is considered to be low. (Geocon, p. 4.)

Additionally, due to the nature of the proposed Project it does not pose a substantial risk of loss, injury, or death as it does not propose any habitable structures and will be designed and constructed in accordance with the City's standard specifications and the recommendations of the *SGI.* Therefore, potential substantial adverse impacts resulting from the rupture of a known earthquake fault are considered less than significant.

Sources: GP; GP DEIR; Geocon

ii) Strong seismic ground shaking?

Less than significant impact. Given its physical and geologic location, the Banning area, like most regions in Southern California, is susceptible to potential intense seismic ground shaking that could affect the safety and welfare of the general community. (GP DEIR, p. III-74.) A preliminary seismic evaluation was conducted as part of the Project's *SGI* using information from the San Andreas, San Gorgonio Pass, and San Jacinto faults. Based on the results of the preliminary seismic evaluation, field exploration, and laboratory testing, the *SGI* includes recommendations for design and construction of the proposed Project. As recommended by *SGI*, the booster station building will be a masonry block building supported by conventional shallow foundations with a slab-on grade floor. The reservoir tank will be a bolted steel tank with steel reinforcement bars constructed on a shallow perimeter ring and slab foundation system. Flexible couplings and seismic shut-off switches are amongst other design and construction elements that will be implemented. Since the Project will be designed and constructed in accordance with applicable City standards and incorporate the recommendations of the *SGI*, potential substantial adverse impacts resulting from strong seismic ground-shaking will be less than significant.

Source: GP DEIR, Geocon

iii) Seismic-related ground failure, including liquefaction?

Less than significant impact. Liquefaction occurs when shallow, fine to medium-grained sediments saturated with water are subjected to strong seismic ground shaking. It generally occurs when the underlying water table is 50 feet or less below the surface. According to the City's GP, the Project site is located in an area with moderate liquefaction susceptibility (GP, Exhibit V-4; GP DEIR, Exhibit III-14, Geocon, p. 6.).

According to the Project's *SGI*, the Project site is located within areas mapped as having a "moderate" potential for liquefaction. (Geocon, p. 6.) The subsurface investigation conducted as part of the Project's *SGI* did not encounter shallow groundwater during the investigation. Historical well data at the site of the pump station is reported to be 735 feet deep, screened from 460-680 feet and have a water depth of 425 feet. (Geocon, p. 4.) Due to the lack of shallow groundwater and the dense nature of alluvial soils, neither liquefaction nor seismic "dry-sand" settlement is a design consideration for the site. Moreover, the nature of the Project will not expose people to substantial risk from seismic-related ground failure including liquefaction, since there are no habitable structures proposed. Further, the Project will incorporate and implement the recommendations from the Project's *SGI* in addition to standard engineering and construction protocols to address ground failure/liquefaction. Therefore, Project impacts will be less than significant.

Sources: Geocon; GP; GP DEIR

iv) Landslides?

Less than significant impact. The proposed Project site is not located adjacent to any areas with low, moderate, or high risk of seismically induced settlement and slope instability and no known landslides have occurred in the Project vicinity. (GP, Exhibit V-2; GP DEIR, Exhibit III-15, Geocon, p. 7.) No topographical features that could potentially create landslides are located within the immediate vicinity of the Project site. Therefore, impacts will be less than significant.

Sources: GP; GP DEIR, Geocon

b) Result in substantial soil erosion or the loss of topsoil?

Less than significant impact. Construction of the proposed Project will entail grading, excavation, and construction in unpaved areas, may lead to localized erosion as wind and water carry loose soils offsite. The proposed grading of the Project site is not expected to include the construction of significant cut or fill slopes. (Geocon, p. 7.) Compliance with current regulations and implementation of a State-required Storm Water Pollution Prevention Plan (SWPPP) that incorporates effective erosion and sediment control measures would reduce these impacts to less than significant.

Source: Project Description, GP, GP-DEIR, Geocon

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Less than significant impact. Impacts related to landslides are addressed in Response VIa.iv, above; impacts related to liquefaction are addressed in Response VIa.iii, above; both were found to have less than significant impacts. The following analysis addresses impacts related to unstable soils, as a result of lateral spreading, subsidence, or collapse.

Lateral spreading refers to the lateral movement of gently to steeply sloping saturated soil deposits caused by earthquake-induced liquefaction. As discussed in Response VIa.iii, above, the Project site is mapped in an

area of moderate liquefaction susceptibility; however, due to the lack of shallow groundwater and the dense nature of alluvial soils, neither liquefaction nor seismic "dry-sand" settlement is a design consideration for the site. Nonetheless, during an earthquake lateral spreading could occur. Subsidence in the Banning area is closely associated with groundwater levels and the most populated part of the City occurs in an area with geologic conditions vulnerable to ground subsidence. In particular, the alluvial sediments within the groundwater basins from which the City's water is withdrawn are subject to subsidence if rapid groundwater extraction occurs in response to increased water demands as a result of population growth or prolonged drought. (GP DEIR, p. III-69.) Structures sensitive to slight changes in elevation, such as canals, sewers and drainage improvements are generally sensitive to the effects of subsidence and may be damaged if subsidence occurs. (GP DEIR, p III-80). As discussed in Response VIa.iii, the shallowest groundwater in the Project area is 243 to 271 feet below ground surface. (Geocon, p. 4.)

A substantial portion of the City's valley and canyon areas are underlain by potentially compressible and/or collapsible soils consisting of young sediments with low density that will settle under the added weight of fill embankments or buildings. (GP DEIR, p. III-81.) The Project will be designed and constructed in accordance with applicable City standards and incorporate the recommendations of the *SGI*, and will incorporate engineering and construction protocols to address, among other things, lateral spreading and collapse, Therefore, Project impacts will be less than significant.

Sources: Geocon; GP DEIR

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Less than significant impact. Expansive soils are those that contain significant amount of clay particles that have a high shrink (dry) and swell (wet) potential. The upward pressures induced by the swelling of expansive soils under moist condition can have harmful effect upon structures. In the City, expansive soils are primarily associated with areas underlain by older fan deposits containing argillic (clay-rich) soil profiles, which are in the moderately expansive range. Since the low-lying areas of the City are underlain by alluvial fan sediments that are composed primarily of granular soils, the expansion potential ranges from very low to moderately low. (GP DEIR, p. III-69.)

The *SGI* found that the geologic material within the Project area consisted of Pleistocene-age Young Alluvial fan (Qf), and Older Alluvial fan (Qof) deposits. (Geocon, p. 3.) Laboratory testing of site soils indicated these soils are "non-expansive" with an Expansion Index of 7 and 11 which is classified as "very low". These are granular soils and, as indicated in the GP DEIR, the potential for expansion ranges from very low to moderately low. Since the Project will be designed and constructed in accordance with applicable City standards and incorporate the recommendations of the *SGI*, potential substantial direct or indirect risks from expansive soil will be less than significant.

Sources: Geocon; GP DEIR

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No impact. The Project does not include wastewater or tying into existing infrastructure for disposal of wastewater and no septic tanks or alternative wastewater disposal systems will be required. Therefore, no impact will occur.

Source: Project Description

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The discussion to this response is based on findings and recommendations from the *Paleontological Resource Assessment for the Banning NP-2 Booster Pump Station and Reservoir Project City of Banning, Riverside County, California,* (hereinafter referred to as the Paleontological Assessment) prepared by Applied EarthWorks (AE), December 2023. The Paleontological Assessment is included as Appendix E.2 of this Initial Study. The Paleontological Assessment was prepared by AE paleontology staff who meet the Society of Vertebrate Paleontology qualification standards following guidelines developed by the County of Riverside to determine the likelihood of the presence of paleontological resources at the Project site.

Following the County's established process, baseline information is used to assign the paleontological sensitivity of a geologic unit(s) (or members thereof) to one of five categories - N/A, Low, Undetermined, High A (Ha), and High B (Hb) potential. Geologic units are "sensitive" for paleontological resources and have a High paleontological resource potential if they are known to contain significant fossils anywhere in their extent, even if outside the Project site. High A (Ha) sensitivity is based on the occurrence of fossils that may be present at the ground surface of the Project site, while High B (Hb) sensitivity is based on the occurrence of fossils at or below 4 feet of depth, which may be impacted during construction activities. (AE(b), p. 8.) AE found that the west and southwest portions of the Project area as well as in the center to southeast corner have a high potential of preserving significant paleontological resources. AE's desktop studies and field survey indicate the Project area has High A, High B, and Low sensitivity for paleontological resources (AE(b), pp. 19-20.)

Less than significant with mitigation incorporated. Geology at the Project site is characterized by middle to late Pleistocene old alluvial fan deposits, early to middle Holocene young alluvial fan deposits, and late Holocene alluvial wash deposits. Pleistocene-age alluvial deposits are mapped in the west to southwest and central to southeast portions of the Project area, and are known to be potentially fossiliferous. Early-middle age Holocene alluvial deposits are mapped from the northwest corner through the south-central portion, those less than 5,000 years old, are typically too young for the fossilization process to occur. Late Holocene-age alluvial deposits are mapped along the eastern boundary of the Project area within Montgomery Creek, these deposits are too young for fossilization but may overlie older Holocene- and Pleistocene-age alluvial deposits. The older deposits have yielded significant fossils throughout Southern California from the coastal areas to the inland valleys. (AE(b), pp. 11-13.)

AE conducted a record search of paleontological resources at Project site. No specimens or localities are listed on the Project site; however numerous localities are within 10 miles of the Project site which include subsurface geologic units likely found in the Project site at unknown depths. There is a high likelihood of fossil preservation underlying the Project site. This finding supports the Project site's mapping as High A (Ha) and

High B (Hb), as the surficial Holocene-age alluvial deposits overlie very shallow Pleistocene deposits with recorded vertebrate fossils throughout Southern California. (AE(b), pp. 11-13, 17-19.) Since the proposed Project will entail excavations to depths greater than three feet, there is a high likelihood to encounter paleontological resources. Therefore, in order to reduce potential direct or indirect impacts to unique paleontological resources or sites or unique geologic features, mitigation measure **MM GEO-1,** which requires construction crews to receive Paleontological Worker Environmental Awareness Program (WEAP) training, mitigation measure **MM GEO-2**, which requires preparation of a paleontological resources monitoring plan, and mitigation measure **MM GEO-3**, which sets forth the process to follow in the event of a fossil discovery, shall be implemented. Therefore, the Project will have less than significant impacts with mitigation.

MM GEO-1: Paleontological Resources Workers Environmental Awareness Program (WEAP). To educate construction crews about the types of paleontological resources that may be encountered at the NP-2 Booster Pump Station and Reservoir Project, prior to the start of the construction the City of Banning shall retain a professional paleontologist (the "Project Paleontologist") to prepare a Paleontological Resources Workers Environmental Awareness Program (WEAP). The Paleontological Resources WEAP shall provide a description of the laws and ordinances protecting fossil resources, the types of fossil resources that may be encountered in the area, the role of the paleontological monitor, outline steps to follow in the event that a fossil discovery is made, and provide contact information for the Project Paleontologist. The Project Paleontologist or designee(s) shall present the Paleontological Resources WEAP to the construction contractor and each of the construction crews working on the Project during a preconstruction meeting. The Paleontological Resources WEAP shall be taped and presented to any construction crew members not present at the preconstruction meeting during which it was initially presented prior to such crew members working on the Project. This training may be conducted concurrent with other preconstruction training (e.g., biological resources, safety).

MM GEO-2: Paleontological Mitigation Monitoring. Prior to the commencement of ground-disturbing activities, the Project Paleontologist (retained under **MM GEO-1**) shall prepare and implement a Paleontological Resources Mitigation Monitoring Plan (PRMMP) for the Project. The PRMMP shall describe the monitoring required during excavations that extend into older Quaternary (Pleistocene) age sediments, and the location of areas deemed to have a high paleontological resource potential. Paleontological Monitoring shall entail the visual inspection of excavated or graded areas and trench sidewalls. If the Project Paleontologist determines full-time monitoring is no longer warranted, based on the geologic conditions at depth, the Project Paleontologist may recommend monitoring be reduced or ceased entirely.

MM GEO-3: Fossil Discoveries. In the event that a paleontological resource is discovered, the Project Paleontologist shall have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and, if appropriate, collected. If the resource is determined to be of scientific significance, the Project Paleontologist shall complete the following:

1. Salvage of Fossils. If fossils are discovered, all work in the immediate vicinity should be halted to allow the paleontological monitor, and/or Project Paleontologist to evaluate the discovery and determine if the fossil may be considered significant. If the fossils are determined to be potentially significant, the Project Paleontologist (or paleontological monitor) should recover them following standard field procedures for collecting paleontological as outlined in the PRMMP prepared per **MM GEO-1**. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the Project Paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.

2. Fossil Preparation and Curation. The PRMMP shall identify the museum that has agreed to accept fossils that may be discovered during project-related excavations. Upon completion of fieldwork, all significant fossils collected shall be prepared in a properly equipped laboratory to a point ready for curation. Preparation may include the removal of excess matrix from fossil materials and stabilizing or repairing specimens. During preparation and inventory, the fossil specimens will be identified to the lowest taxonomic level practical prior to curation at an accredited museum. The fossil specimens must be delivered to the accredited museum or repository no later than 90 days after all fieldwork is completed. The cost of curation will be assessed by the repository and will be the responsibility of the City of Banning.

3. Final Paleontological Mitigation Report. Upon completion of ground disturbing activity (and curation of fossils if necessary) for the Project, the Project Paleontologist shall prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report shall include discussion of the location, duration and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated.

Source: AE(b)

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
VIII. GREENHOUSE GAS EMISSIONS Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Greenhouse Gas Emissions Discussion:

Greenhouse gases (GHG) are not presented in lbs/day like criteria pollutants; they are typically evaluated on an annual basis using the metric system. Additionally, unlike the criteria pollutants, GHG do not have adopted significance thresholds associated with them at this time. Several agencies, at various levels, have proposed draft GHG significance thresholds for use in CEQA documents. SCAQMD has been working on GHG thresholds for development projects. The most recent draft proposal was in September 2010 and included significance thresholds for residential, commercial, and mixed-use projects at 3,500, 1,400, and 3,000 metric tonnes per year of carbon dioxide equivalents ($MTCO_2E$/yr), respectively. Alternatively, a lead agency has the option to use 3,000 $MTCO_2E$/yr as a threshold for all non-industrial projects. Although both options are recommended by SCAQMD, a lead agency is advised to use only one option and to use it consistently. In December 2008, the SCAQMD adopted a threshold of 10,000 $MTCO_2E$/yr for stationary source projects where SCAQMD is the lead agency. The SCAQMD significance thresholds evaluate construction emissions by amortizing them over an expected project life of 30 years. The analysis herein uses the threshold of 3,000 $MTCO_2E$/yr.

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than significant impact. The AQ/GHG Analysis prepared for the Project (WEBB(a)) estimated GHG emissions from fuel usage by construction equipment and construction-related activities, such as construction worker trips, for the Project.

Table E - Project Construction Equipment GHG Emissions

Year	Metric Tons per year (MT/yr)				
	Total CO_2	Total CH_4	Total N_2O	Total R	Total CO_2E
2024	116	0.00	0.00	0.02	117
2025	114	0.00	0.00	0.03	115
Total	**230**	**0.00**	**0.00**	**0.05**	**232**
				Amortized[1]	**7.73**

Source: WEBB(a), Table 4 - Project Construction Equipment GHG Emissions

Note: [1] Construction emissions were amortized over a 30-year period, as recommended by SCAQMD.

Evaluation of the table above indicates that an estimated 232 $MTCO_2E$ will occur from Project construction equipment over the course of the estimated 12-month construction period. The draft SCAQMD GHG threshold guidance document released in October 2008 recommends that construction emissions be amortized for a project lifetime of 30 years to ensure that GHG reduction measures address construction GHG emissions as part of the operational reduction strategies. Therefore, the total GHG emissions from Project construction were amortized and are included above.

Operational GHG emissions would primarily result from the electric pump at the booster station and infrequent visits by vehicles driven by maintenance personnel. Two pumps will be constructed (one for standby) and space for a third pump will be provided. GHG emissions from the operation of the electric pumps were evaluated in the AQ/GHG Gas Analysis prepared for the Project (WEBB(a)) and calculated using the annual electricity consumption from the booster station and the City of Banning's carbon intensity data. The electricity consumption is estimated to be 11,332 MWh per year and the resulting GHG emissions will be approximately 2,340 $MTCO_2E$ per year. There will also be limited lighting on the Project site. However, the GHG emissions from electricity usage will be negligible.

The Project's GHG emissions do not exceed the SCAQMD recommended screening level of 3,000 $MTCO_2E$/year. Due to the estimated amount of emissions from Project construction and booster station pump electricity usage during operations we well as nominal emissions from routine maintenance, site lighting and electricity use, the proposed Project will not generate GHG emissions that exceed the draft screening thresholds.

Therefore, the Project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, and therefore the Project impacts will be less than significant.

Sources: WEBB(a); Project Description

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than significant impact. As the proposed Project involves the construction of public utility improvements, it is not considered a significant source of operational GHG emissions. The Project will not result in any changes to the existing land use patterns within the Project area and its construction does not generate significant amounts of GHG (refer to Response VIIIa). Further, the Project will not obstruct implementation of any applicable plan, policy, or regulation for the reduction in GHG emissions. Impacts are considered to be less than significant.

Source: WEBB(a)

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
IX. HAZARDS AND HAZARDOUS MATERIALS Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☒	☐
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

Hazards and Hazardous Materials Discussion:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less than significant impact. Project construction will include the transport of fuels, lubricants, and various other liquids for operation of construction equipment. These materials will be transported to the Project site by equipment service trucks. In addition, workers will commute to the Project via private vehicles and will operate construction vehicles and equipment on the Project site and public streets. The booster station will be equipped with a portable diesel-fueled emergency generator that will only be used during emergencies and routine testing. A number of federal and state agencies prescribe strict regulations for the safe transportation of hazardous materials. Hazardous material transport, storage and response to upsets or accidents are primarily subject to federal regulation by the U.S. Department of Transportation, Office of Hazardous Materials Safety in accordance with Title 49 of the Code of Federal Regulations (CFR). California regulations applicable to hazardous material transport, storage, and response to upsets or accidents are codified in Title 13 (Motor Vehicles), Title 8 (Cal/OSHA), Title 22 (Management of Hazardous Waste), Title 26

(Toxics) of the California Code of Regulations (CCR), and the Chapter 6.95 of the Health and Safety Code (Hazardous Materials Release Response Plans and Inventory). These hazardous materials regulations were established at the state level to ensure compliance with federal regulations intended to reduce the risk to human health and the environment from the routine use of hazardous substances. Compliance with the measures is intended to significantly reduce a project's risk to the environment. To ensure that workers and others at the Project site and surrounding area are not exposed to unacceptable levels of risk associated with the use and handling of hazardous materials, the City and its construction contractor are required to implement existing hazardous materials regulations, with compliance monitored by state (e.g., OSHA in the workplace or DTSC for hazardous waste) and local jurisdictions. Compliance with existing safety standards related to the handling, use, and storage of hazardous materials, and compliance with the safety procedures mandated by applicable federal, state, and local laws and regulations (as noted above) would be required for the proposed Project. Compliance with all applicable laws and regulations regarding the transportation, use, storage, and response to upsets or accidents that may involve hazardous materials would reduce the likelihood and severity of upsets and accidents during transit and storage. Therefore, potential impacts in this regard would be less than significant. No mitigation is required.

Sources: Project Description; CCR 8; CCR 13; CCR 22; CCR 26; CFR; CHSC 6.95, BMC

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less than significant impact. As discussed in Response IXa above, there is a potential for hazardous materials and chemicals to be stored at the site for short periods of time prior to transport and distribution, which could cause a release. However, the storage and transport of these products would be regulated by federal, state, and local policies regarding storage and transportation of hazardous waste. Post construction, only infrequent and routine maintenance activities would occur, which would also be required to be regulated by federal, state, and local policies. Nonetheless, the Department of Toxic Substances EnviroStor Database identified two hazards material cleanup sites located approximately within a mile to the east of the Project site: Banning High School Expansion site (ID: 60001998) and Banning USD Proposed School (ID: 600002517). As of February 24, 2015 and October 22, 2018, respectively, DTSC determined that there is no further action. (DTSC-A, DTSC-B.) Therefore, impacts would be less than significant, and no mitigation is required.

Sources: Project Description; DTSC-A, DTSC-B

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less than significant impact. There are no existing or proposed schools within one-quarter mile of the Project site. As previously discussed in Response IXa, during Project construction hazardous materials and substances would be introduced to the Project site. Hazards materials and substances that could be found on the Project site would consist of; fuels, lubricants and other liquids required for operation of construction equipment. Nonetheless, these materials and substances would be limited to the Project site. Additionally, Project construction would comply with state and federal regulations governing the use and transport of hazardous materials. Therefore, the proposed Project will not expose nearby schools to hazardous materials, substances or waste and impacts would be than significant.

Source: GP

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No impact. The Project site, and adjacent areas are not listed on the Department of Toxic Substance Control's Cortese List, compiled pursuant to Government Code Section 65962.5. (DTSC-C.) Thus, because the proposed Project site and its adjacent areas are not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, the Project will not create a significant hazard to the public or the environment. Therefore, no impacts will occur.

Source: DTSC-C

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

Less than significant impact. The Banning Municipal Airport is located approximately two miles to the east of the Project site. Land use designations within the City have been arranged to accommodate for continued safe operation of the Banning Municipal Airport. (GP DEIR, p. III-62.) The Project site is not within the Banning Municipal Airport Land Use Compatibility Plan (ALUC). Additionally, the proposed Project is a booster station and reservoir identified in the City's Integrated Master Plan (IMP) and does not propose housing or job centers. Thus, the proposed Project will not result in a safety hazard for people working or residing in the Project area. Therefore, impacts will be less than significant.

Sources: ALUC; GP DEIR

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than significant impact. The City adopted the Multi-Hazard Functional Planning Guidance document in 1996. The document is organized into three-parts, which include: 1) the Banning Emergency Plan; 2) twelve functional Annexes that describe the emergency response organization; and 3) a listing of operational data such as resources, key personnel, and essential facilities and contacts. (GP, p. VI-42.) According to the City's GP, the City does not have established evacuation routes, although depending on the location and extent of emergency, major surface streets could be utilized to route traffic through the City. (GP, p. VI-45.) The Project is not proposed to need lane closure, therefore any utilization of Lincoln Street in an emergency would not affect the community or construction. Further, as an infrastructure project, implementation would not interfere with an adopted response plan or emergency evacuation plan. Therefore, Project impacts will be less than significant.

Source: GP

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Less than significant impact. The proposed Project site is located south of the City's Very High and High Fire Hazard Zones, within which relief is minimal and hardscape (concrete, asphalt, and structures) and landscaping vegetation predominate. (GP, Exhibit V-10.) The proposed Project is the construction and operation of a non-potable water storage reservoir and a booster pump station, which would not likely aid the spread of wildland fires. Further, since the Project does not include habitable structures, Project implementation would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. Therefore, Project impacts would be less than significant impact.

Source: GP

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
X. HYDROLOGY AND WATER QUALITY Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. Result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site;	☐	☐	☒	☐
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
iv. Impede or redirect flood flows?	☐	☐	☒	☐
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Hydrology and Water Quality Discussion:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less than significant impact. Construction of the Project may result in the discharge of sediment and other construction by-products to surface waters. The proposed Project will disturb more than one acre of land, therefore, a Storm Water Pollution Prevention Plan (SWPPP) is required to comply with the statewide Construction General Permit (CGP) issued by the State Water Resources Control Board (SWRCB) (Order No. 2012-0006-DWQ, NPDES No. CAS000002). The SWPPP must be developed by a Qualified SWPPP Developer (QSD) and implemented onsite for the duration of the Project by a Qualified SWPPP Practitioner (QSP). The focus of a construction SWPPP is to minimize soil disturbance, non-stormwater discharges, construction materials, and construction wastes during the construction phase of the Project to prevent discharge of polluted runoff from the construction site. Coverage under the CGP requires submittal of a Notice of Intent (NOI) and payment of fees and annual reporting to the State Water Resources Control Board (SWRCB). Staff from the RWQCB may inspect the construction site periodically to ensure compliance with the SWPPP.

Development of the Project site will add impervious surfaces associated with the reservoir, booster station, driveways, and other site improvements. During Project operation, the Project has minimal potential to introduce sources of water pollution from the frequent maintenance vehicle trips.

The Project will maintain the existing drainage pattern. A concrete drainage swale will surround the reservoir and convey storm water to the proposed storm drain pipeline east of the perimeter wall. The runoff from the booster station area will be collected in a pipeline and connect to the proposed storm drain pipeline east of the perimeter wall. Storm water discharged to the storm drain pipeline will be conveyed off-site where it would flow east to the municipal storm drain system at Lincoln Street. These future improvements in and of themselves will not contribute to a violation of water quality standards or waste discharge requirements. Through Project design and compliance with existing regulations related to water quality standards and waste discharge requirements, impacts will be less than significant.

Sources: Project Description; CGP

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less than significant impact. Groundwater basins are naturally recharged through the percolation of runoff, direct precipitation, subsurface inflow, and artificial recharge. The Banning Canyon area receives water from percolation of canyon flows through the gravelly soils of the canyon bottom. In addition, a stone ditch running southerly though the Banning Canyon provides intake areas to distribute water to spreading ditches, which interconnect with spreading ponds to enhance percolation. The San Gorgonio Subbasin is also recharged naturally with runoff from the adjacent San Jacinto and San Bernardino Mountain. (GP, p. IV-2.)

The Project site is not a groundwater recharge site. The Project entails the construction of a non-potable water storage reservoir and a booster pump, and does not propose the extraction of groundwater. Because Project implementation will not substantially deplete groundwater supplies or interfere with groundwater recharge, impacts are less than significant.

Sources: Project Description; GP

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) Result in substantial erosion or siltation on- or off-site?

Less than significant impact. The Project site is generally flat and receives routine weed abatement. The Project will disturb no more than 1.39 acres, which includes frontage road improvements (widening, curb and gutter) along the existing ROW of the southern portion of Lincoln Street at the new edge of pavement. The area within the construction footprint will be graded, compacted, and paved around the proposed reservoir and booster station. The Project site will be generally flat after construction is complete and the onsite storm water runoff will collect in a drainage swale that will be conveyed to the proposed storm drain pipeline where it would flow to the municipal storm drain outlet at Lincoln Street. Through Project design, and compliance with existing regulations and policies for the control of erosion, the Project does

not substantially alter the existing drainage patterns already existing in the area and would not result in substantial erosion or siltation on- or off-site. Therefore, impacts will be less than significant.

Source: Project Description

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?

Less than significant impact. The Project site is located within flood hazard zone "X" as designated by the Federal Emergency Management Agency's (FEMA's) Flood Insurance Rate Map (FIRM) No. 06065C0817G (Effective August 28, 2008). Flood hazard zone X includes "areas of 0.2 percent annual chance flood [500-year flood]; areas of 1 percent annual chance flood [100-year flood] with average depths of less than one foot or with drainage areas less than 1 square mile; and areas protected by levees from 1 percent annual chance flood [100-year flood]."

There are no watercourses or wetlands located on the Project site. Stormwater runoff on the Project site currently flows into existing drainages or percolates into the undeveloped dirt area. As discussed in Response Xc.i the overall drainage pattern of the site will remain unchanged. Through Project design, and compliance with existing regulations and policies for proper drainage, the Project does not substantially alter the existing drainage patterns already existing in the area and would not result in flooding on- or off-site. Therefore, impacts will be less than significant.

Sources: Project Description; CGP, FEMA

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less than significant impact. The proposed drainage system consists of a storm drain line located east of the Project site perimeter wall which will then convey storm water off-site flowing east to the municipal storm drain headwall at Lincoln Street. The proposed Project improvements will increase impervious surfaces on the site and is expected to result in a negligible increase in storm water runoff that will maintain the existing drainage pattern. All on-site storm water will be captured on site in accordance with State and Regional Water Quality Control Board requirements. A concrete drainage swale will surround the reservoir and convey storm water to the proposed storm drain pipeline. Runoff associated with the booster station will be collected in a four-inch pipeline and connect to the proposed storm drain line. Therefore, through Project design, the proposed Project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Project impacts will be less than significant.

Source: Project Description

iv) Impede or redirect flood flows?

Less than significant impact. The Project area is within Federal Emergency Management Agency Flood Insurance Rate Map (FIRM) Panel 06065C0817G, which indicates that the Project site is not within the

100-year flood hazard area. (FEMA.) As such, in the unlikely event that flood flows pass through the site, there is little to impede or redirect flows by substantial structures. Thus, the Project will not place structures within a 100-year flood hazard area or impede or redirect flood flows. Therefore, impacts will be less than significant.

Sources: Project Description; FEMA

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less than significant impact. As shown on FEMA Panel No. 06065C0817G, the proposed Project does not have any identified levees or dams within the Project boundary. Additionally, because the proposed Project is located within flood hazard zone X, as classified by FEMA, the Project is not in a Special Flood Hazard Area and the likelihood of flooding at the Project site is very limited. Regarding the release of pollutants, in the post-Project condition, pollutants that could be released from the Project in the event the roadway is inundated are gasoline, oil, grease, dirt, and trash/debris. Regarding flooding, as discussed in Response Xc)iv, the Project site is not within a 100-year flood hazard area. (FEMA.) Therefore, Project implementation would not result in an increased risk for the release of pollutants due to inundation.

Tsunamis are large waves that occur in coastal areas. The City is not located in a coastal area; therefore, there is no risk for the release of pollutants due to Project inundation by tsunami.

Seiches are seismically-induced oscillation or sloshing of water contained in enclosed bodies including lakes, ponds, reservoirs, and swimming pools. This hazard is dependent upon the frequency of seismic waves, distance and direction from the epicenter, and site-specific design criteria of the enclosed body of water. The reservoir will be designed in accordance with the American Water Works Association (AWWA) D103 standards, which sets guidelines for the construction of welded steel water tanks. Project design will consist of interior support columns and foundations. As such, the risk for the release of pollutants due to Project inundation by seiche would be less than significant.

For the reasons set forth in the preceding paragraphs, Project impacts regarding the release of pollutants due to inundation would be less than significant.

Sources: Project Description; GP, FEMA

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than significant impact. The Project site is located within the boundaries of the water quality control plan (Basin Plan) for the Colorado River Regional Water Quality Control Board (RWQCB). The Basin Plan is the primary document supporting the RWQCB's regulatory efforts. As previously described, the Project will implement the requirements of an effective SWPPP during construction pursuant to the CGP. Through implementation of a SWPPP during construction and the proposed storm drain infrastructure, Project implementation is consistent with the requirements of the Basin Plan and will not conflict with or obstruct its implementation.

The Project site is located within the boundaries of the Banning Storage Unit. Pursuant to the Sustainable Groundwater Management Act of 2014 (SGMA), the San Gorgonio Pass Subbasin Groundwater Sustainability Agency (GSA) has formed and prepared a Groundwater Sustainability Plan (GSP) dated January 2022 that includes the Banning Storage Unit. Because the GSP does not identify the Project site as part of future projects, compliance with existing regulations to protect water quality during construction and post-construction, the impacts to a sustainable groundwater plan are less than significant.

Sources: Project Description, SGMA, RWQCB GSP

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XI. LAND USE AND PLANNING Would the project:				
a. Physically divide an established community?	☐	☐	☒	☐
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Land Use and Planning Discussion:

a) Physically divide an established community?

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Less than significant impact. The physical division of an established community typically refers to the construction of a physical feature (such as a wall, interstate highway, or railroad tracks) or the removal of a means of access (such as a local road or bridge) that would impair mobility. The area to the north, west and northwest includes residential homes; the adjacent area to the south is vacant and undeveloped land; the adjacent area to the east is Montgomery Creek followed by vacant and undeveloped area; the area to the northeast is industrial buildings.

The Project is a part of the City's expansion of non-potable water systems identified in the City's Integrated Master Plan (IMP). The Project site is designated as OS-PA Open Space-Parks and as identified in BMC 17.20.020, Public Utility Facilities are a permitted use for this land use designation and zoning.

The Project will not physically divide an established community. Due to the Project being consistent with the General Plan Land Use Designations and the Project carrying out the implementation of a portion of the IMP. The Project will not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, impacts will be less than significant.

Source: Project Description, BMC

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XII. MINERAL RESOURCES Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☒	☐
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

Mineral Resources Discussion:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Less than significant impact. Sand and gravel, collectively referred to as aggregate, is the primary mineral resource that is actively being developed in the eastern portion of the City. Weathering, erosion, and other geological processes have deposited materials from the surrounding mountains and hills, forming an alluvial fan with significant deposits of these mineral resources. The Surface Mining and Reclamation Act (SMARA) was developed to assure the preservation of mineral resources while concurrently addressing the need for protecting the environment. Under the direction of SMARA, the State of California Department of Conservation, Division of Mines and Geology, released a report identifying regionally significant mineral deposits in an effort to conserve and develop them; and to help in anticipating aggregate production needs of the region. (GP, p. IV-82.)

Although the Project site is located within Mineral Resource (MRZ) Zone 3, which is an area that contains mineral deposits; the significance of these deposits cannot be evaluated from available data. (GP, Exhibit IV-8 and p. IV-83.) The City has specific areas designated as Industrial-Mineral Resources (I-MR) land use in the City's GP to allow for surface mining operations on lands designated by the City or State as having significant potential for mineral resources. (GP DEIR, Table I-18.) As shown on **Figure 4**, the Project site is not within one of these zones, and is therefore not targeted for of mineral resources mining by either the City or the State. Additionally, due to the existing residential development to the west and east of the Project site, it is unlikely that a mining operation could operate at the Project site. Therefore, Project impacts regarding the loss of availability of a known mineral resource that would be of value to the region and the residents of the state will be less than significant.

Sources: GP; GP DEIR

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No impact. An approximately 6.5-acre area of MRZ 2, where adequate information indicates that significant mineral deposits are present or that a high likelihood for their presence exists, is located in the eastern portion of the City along the alluvial fan of the San Gorgonio River that lies southeast of the Banning Bench, north and

south of Interstate 10. (GP Exhibit IV-8 and p. IV-83.) The Banning Quarry, operated by Robertson's Ready Mix, was the only aggregate producer within the MRZ-2 designated area of the City. (GP, p. IV-83.)

The proposed Project is not located within or adjacent to the Banning Quarry or any other locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Further, as described in Response XIIa, above, the Project site is not within the Industrial-Mineral Resources land use designation in the City's GP. Therefore, Project implementation will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan and there will be no impact in this regard.

Source: GP

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XIII. NOISE Would the project result in:				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b. Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Noise Discussion:

Temporary increases to ambient noise levels would occur during Project construction. Noise would derive from the use of various types of construction equipment such as compactors, cranes, excavators, generators and from a worker-related increase in traffic within the vicinity of the Project site. Sensitive receptors would include any residences, educational institutions and public parks located within 250 feet of the Project site. The nearest sensitive receptor (residence) to the Project site is located approximately 70 feet to the west.

Noise is generally defined as loud, unpleasant, unexpected or undesired sound typically associated with human activity and that interferes with or disrupts normal activities. Constant noise levels which varies with each area is called ambient noise. Human response to noise events is influenced by the type of noise, perceived importance of the noise and its appropriateness in the setting, time of day and type of activity during which the noise occurs and the sensitivity of the individual. The intensity of a sound's loudness is measured in decibels (dB). Studies have shown that the smallest perceptible change in sound level for a person with normal hearing sensitivity is approximately 3 dBA. A change of at least 5 dBA would be noticeable and would likely evoke a community reaction. A 10 dBA increase is subjectively heard as a doubling in loudness and would cause a community response. Since community noise fluctuates over a time, a single measure called Equivalent Sound Level (Leq) is used to describe time-varying character of community nose. The Leq is the energy-averaged A-weighted sound level during a measured time interval, and is equal to the level of a continuous steady sound containing the same total acoustical energy over the averaging time period as the actual time varying sound. The Community Noise Equivalent Level (CNEL) is a descriptor representing a 24-hour, time-weighted annual average noise level based on the "A-weighted" decibel. (GP, p. V-40-41.)

Exterior noise standard for sensitive land uses, such as residences, schools, hotels, motels, churches, and hospitals is 65 dBA CNEL. (GP FEIR Noise p. 6.)

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less than significant impact. During construction, temporary increases to ambient noise levels may occur as a result of the use of construction equipment such as cranes, tractors, loaders and from a worker-related increase in traffic within the vicinity of the Project site. During operation, the primary source of noise would be from the booster station pumps, which will be enclosed in a masonry block building that attenuates noise. Sensitive receptors that may be affected by Project generated noise during construction and operation include private residences near the proposed reservoir and booster station.

However, Title 8 (Health and Safety) of the BMC outlines regulations related to noise in Chapter 8.44 (Noise). According to Title 8, Chapter 8.44.085, sound emanating from capital improvement projects of a governmental agency is exempt from the provisions of Chapter 8.44. "Capital Improvement" is defined as major construction, acquisition, or maintenance/repair projects. Typical examples of major construction would include new street improvements, park development and construction of public buildings or structures, and treatment plants. Structures include lighting, sewer and water pipelines and other related utility structures including treatment plants, gas, electric and other infrastructure, landscaping and drainage facilities, and all other public infrastructure.

Since the proposed Project involves construction and operation of a non-potable water storage reservoir and booster pump station that is identified as a capital improvement project, the Project is exempt from any noise restrictions during construction. Any maintenance or repair of the reservoir and booster station once operational will also be exempt from noise restrictions. The Project will be required to comply with all applicable City noise standards and codes. Thus, the Project is not anticipated to be a significant new source of noise. Therefore, impacts will be less than significant.

Sources: Project Description; GP; BMC; BOC; Ord. 847

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less than significant impact. Construction has the potential to generate ground-borne vibration. In general, demolition of structures preceding construction generates the highest vibrations. The proposed Project site is currently vacant and does not necessitate demolition of any existing structures. Construction equipment such as vibratory compactors or rollers, pile drivers and pavement breakers can generate perceptible vibration during construction activities. Heavy trucks can also generate ground-borne vibrations that vary depending on vehicle type, weight and pavement conditions. Other than the typical construction equipment and methods needed to construct the Project components, no significant ground-borne vibration or noise is expected. Further, development of the proposed facilities will not involve the use of highly vibratory equipment within 25 feet of the Project property line adjacent to a sensitive receptor.

Since the Project construction methods are not anticipated to generate any significant sources of ground-borne vibration or noise above those that would normally be associated with construction, and any noise generated during construction will adhere to the Banning Municipal Code standards. Thus, the Project will not expose persons to or generate excessive ground-borne vibration or ground-borne noise levels. Therefore, impacts will be less than significant.

Source: BMC

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No impact. The nearest airport to the Project site is the Banning Municipal Airport, which is located approximately two miles east of the Project site. The Project site is located outside of the Airport Influence Boundary and the Airport Compatibility Zones of the Banning Municipal Airport Land Use Compatibility Plan. (ALUC.) The Project does not propose any habitable structures. Therefore, Project implementation will not result in the exposure of people to excessive noise levels sourced from airports and no impacts will occur in this regard.

Sources: ALUC; GP DEIR

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XIV. POPULATION AND HOUSING Would the project:				
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Population and Housing Discussion:

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less than significant impact. The proposed Project involves the construction and operation of a booster station and reservoir identified in the City's IMP to meet the current and planned future non-potable water demands. This Project is in response to the population growth planned for and envisioned in the GP. The Project does not include new homes, businesses, or other infrastructure, which would remove an impediment to growth. The Project will not substantially induce direct or indirect unplanned population growth that was not previously analyzed and disclosed in the City's GP EIR. Therefore, impacts are considered less than significant.

Source: Project Description, GP, GP DEIR

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No impact. The proposed Project site is a vacant undeveloped lot with no existing housing. Therefore, implementing the proposed Project will not displace existing people or housing, nor necessitate the construction of replacement housing elsewhere. Therefore, no impacts are anticipated.

Source: Project Description

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XV. PUBLIC SERVICES				
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	☐	☐	☐	☒
ii. Police protection?	☐	☐	☐	☒
iii. Schools?	☐	☐	☐	☒
iv. Parks?	☐	☐	☐	☒
v. Other public facilities?	☐	☐	☐	☒

Public Service Discussion:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

i) Fire protection?

No impact. Fire protection services are provided to the City through a contractual agreement with the Riverside County Fire Department, which in turn contracts with CalFire. The contract provides various fire related services, including emergency medical services, fire prevention, disaster preparedness, fire safety inspections, hazardous materials business plan programs and plan reviews. When an emergency call is received, the station that is physically closest to the emergency will respond, even if the emergency is located outside the station's official "jurisdiction." (GP, p. VI-35.)

Per the Riverside County Fire Department, there are two fire stations that serve the City: Fire Station 63, located at 49575 Orchard Road, and Fire Station 89, located at 172 North Murray Road (RCFD). Fire Station 20, located in the City of Beaumont at 1550 E. 6th Street, also responds to fire emergencies that occur in the City. Fire Station 20 is approximately 3 miles to the northwest of the Project site. The closest fire station in the City is Fire Station 89, approximately 1.7 miles to the northeast of the Project and would likely provide emergency response services to the Project site. The Riverside County Fire Department is rated as Class 4 by the Insurance Service Office (ISO), a private company, which rates fire departments throughout the country based on a scale of 1 to 10, with Class 1 being the highest possible score. The City aims for a ratio of above 0.70 fire personnel per 1,000 residents, which would be 58 firefighters at GP buildout. (GP DEIR, p. III-202.)

As discussed in Response XIV, the Project will not increase population. As such, implementation of the Project will not necessitate additional fire services and would not adversely impact service ratios, response times, or performance objectives. Therefore, the Project has no impact.

Sources: GP; GP DEIR; RCFD

ii. Police protection?

No impact. Police protection services within City limits are provided by the Banning Police Department (GP, p. VI-32). The Banning Police Department has 35 sworn officers and maintains a ratio of 1.4 sworn officers for every 1,000 residents. (GP DEIR, p. III-200.) The City's police station is located at 125 East Ramsey Street, approximately 1.7 miles east of the Project site.

As discussed in Response XIV, the Project will not increase population. As such, implementation of the Project will not necessitate additional police services and would not adversely impact service ratios, response times, or performance objectives. Therefore, the Project has no impact.

Sources: GP; GP DEIR

iii. Schools?

No impact. Most of the City is served by the Banning Unified School District, with a small area in the western portion of the City served by the Beaumont Unified School District. (GP, pp. VI-24 – VI-25.)

As discussed in Response XIV, the Project will not increase population. As such, implementation of the Project will not necessitate additional school services and would not adversely affect performance objectives. Therefore, the Project has no impact.

Source: GP

iv. Parks?

No impact. Parks and recreation services within the City are provided by the City Community Services Department. The Riverside County Regional Park and Open Space District also provides recreational facilities and services at County owned parks facilities within the City. (GP, p. III-83.)

As discussed in Response XIV, the Project will not increase population. As such, implementation of the Project will not necessitate additional park services. Therefore, the Project has no impact.

Source: GP

v. Other public facilities?

No impact. Other public facilities in the City include one U.S. Post Office, the Banning Municipal Airport, San Gorgonio Memorial Hospital, and several public utility facilities operated by the City Public Works Department.

As discussed in Response XIV, the Project will not increase population. As such, implementation of the Project will not necessitate other public facilities. Therefore, the Project has no impact.

Source: GP

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XVI. RECREATION				
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Recreation Discussion:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No impact. Parks and recreation services within the City are provided by the City Community Services Department. The Riverside County Regional Park and Open Space District also provides recreational facilities and services at County owned parks facilities within the City. (GP, p. III-83.) The Project involves the construction and operation of a non-potable water storage reservoir and a booster pump station identified in the City's Integrated Master Plan (IMP). As discussed in Response XIV, the Project will not increase population. As such, the Project would not necessitate additional park facilities. Therefore, no impacts are anticipated.

Sources: GP; Project Description

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No impact. The proposed Project involves the construction of a non-potable water storage reservoir and a booster pump station. As discussed in Response XIV, the Project will not increase population. As such additional park facilities will not be required. Therefore, no impacts are anticipated.

Source: Project Description

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XVII. TRANSPORTATION Would the project:				
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☒
b. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d. Result in inadequate emergency access?	☐	☐	☒	☐

Transportation and Traffic Discussion:

a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

No impact. Each county in California is required to develop a Congestion Management Program (CMP) that analyzes the links between land use, transportation, and air quality. The Riverside County Transportation Commission (RCTC) is the County of Riverside's Congestion Management Agency. The RCTC prepares and periodically updates the County's CMP to meet federal Congestion Management System guidelines and state CMP legislation. The most recent CMP is included within RCTC's Long Range Transportation Plan (LRTP), which was completed in December 2019. According to Appendix A of the LRTP, in the 2011 Riverside County Congestion Management Program, Interstate 10 and Highway 243 are the only roads in proximity to the Project site listed as part of the CMP System of Highways and Roadways. These roads are not directly adjacent to the Project site. Thus, the Project will not conflict with a CMP due to the distance between the Project site and these covered roadways have been accounted for in the GP. Construction of the Project may require temporary land closures along Lincoln Street. Road closure will not be required for maintenance or pedestrian facilities. No new traffic will be generated by the proposed Project.

The GP identifies that sidewalks, bike lanes, off-street trails and golf cart routes are especially important along major roadways in the community. There are currently no bikeways within the planning area. Several Class II and III bikeways have been proposed along City streets. However, development of a network of bikeways is constrained by the existing condition of street rights-of-way (GP, p II-65). The City of Banning provides transit service via operation of the Banning Connect transit system and has local routes in and serves Banning, Beaumont and Cabazon and is considered as part of the City's local transit network. Regional bus service is provided by the Riverside Transit Agency (RTA), with service to Hemet/San Jacinto (Route 31), Moreno Valley (Route 35), and Calimesa/Redlands (Route 36).

The Project site is not directly adjacent to Interstate 10 and Highway 243 or near any existing or future transit routes and would not conflict with CPM or transit plan. For these reasons implementation of the proposed Project will not conflict with any program, plan, ordinance, or policy addressing the circulation system,

including transit, roadway, bicycle, and pedestrian facilities; therefore, there would be no impacts in this regard.

Sources: GP; LRTP; PASS; RTA

b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

CEQA Guidelines section 15064.3(a) describes specific considerations for evaluating a project's transportation impacts and states "Generally, vehicle miles traveled is the most appropriate measure of transportation impacts." As stated in CEQA Guidelines section 15064.3(b)(2), "projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact."

Less than significant impact. Construction of the booster station and reservoir would temporarily increase traffic in the area as a result of construction-related vehicles. However, since water facilities are not trip generators and no new travel lanes are proposed with the street frontage improvements, there would be no net increase in vehicle miles traveled (VMT). Therefore, Project implementation would not conflict with or be inconsistent with CEQA Guidelines section 15064.3. subdivision (b). Impacts would be less than significant.

Sources: SB 743;

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less than significant impact. The Project proposes to widen the southern portion of Lincoln Street within existing right-of-way along the Project frontage and create a new paved driveway for access. Pavement width will vary from approximately two to eight feet wide. The existing pavement edge will be sawcut and the surface will be ground and overlaid with new pavement. A concrete curb will be installed at the new edge of pavement. All work will be performed consistent with City Public Works Standards. The Project does not include a substantially different land use to the area and will be compatible with adjacent uses. The Project will not increase hazards due to a design feature or incompatible use. Therefore, implementation of the proposed Project will result in less than significant impacts.

Sources: Project Description.

d) Result in inadequate emergency access?

Less than significant impact. Construction and operation of the proposed Project would not impact emergency access. Potential temporary lane closures along Lincoln Street may occur during Project construction. The Project will be designed with a new asphalt driveway near the western Project site boundary that will transition to a 20-foot-wide asphalt access road leading to the reservoir and booster station. Moreover, the Project's design will be reviewed by City Planning, Police, and Fire Department staff to ensure that there is sufficient emergency access provided. As the Project will be required to comply with the recommendations of applicable reviewers, it will not result in inadequate emergency access. Therefore, impacts will be less than significant.

Sources: Project Description; GP

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XVIII. TRIBAL CULTURAL RESOURCES Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resource Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resource Code section 5020.1(k), or	☐	☒	☐	☐
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

Tribal Cultural Resources Discussion:

a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resource Code section 5020.1(k)

b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Less than significant with mitigation incorporated. On November 13, 2024, the City of Banning transmitted notices for AB 52 consultation opportunities to Tribes identified on the NAHC distribution list concerning the proposed project. The City of Banning received replies from the Agua Caliente Band of Cahuilla Indians on November 21, 2023, and the Morongo Band of Mission Indians on December 14, 2023, requesting review of documents, and that the review of documents does not conclude consultation. Documents were transmitted via email to the Agua Caliente Band and the Morongo Band on February 6, 2024. At the time this document was released for public review and comment, the City has not concluded the AB 52 consultation process with either Tribe and will accept and respond to any comments that may be submitted by either of the Tribes during the 30-Day public review and comment period.

As discussed in Response Va Cultural Resources, the *CRI* (included as Appendix C) concluded there are no CRHR-eligible resources present on the Project site and since the Project site has been previously disturbed by dirt pathways, plowing, and staging activities, there is a low likelihood that intact significant historical resources are buried. (AE(a), p. 20.) Regarding inclusion on a local register of historical resources, there are six (6) historical sites in the central core of the City that are designated as Riverside County Landmarks. (GP DEIR, p. III-137.) These historical resources are not within or in proximity to the Project site. As also discussed

in Response Va, the results of the NAHC SLF did not indicate the presence of any sacred sites or locations or religious or ceremonial importance within the Project's APE.

Although no tribal cultural resources have yet to be identified during the Project's AB 52 consultation process, the Project will implement, mitigation measure **MM CR-1**, which requires the construction in the vicinity of any find to be halted until a qualified archaeologist makes a determination as to the significance of the find. For these reasons, Project implementation would not result in a substantial adverse change to any tribal cultural resources and impacts would be reduced to less than significant with mitigation incorporated.

Sources: AE(a); GP DEIR

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XIX. UTILITIES AND SERVICE SYSTEMS Would the project:				
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	☐	☐	☒	☐
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

Utilities and Service Systems Discussion:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less than significant impact. The Project entails the construction of new non-potable water facilities, a new underground electrical line to connect to an existing an existing electrical pole, installation of an electric vault and transformer and fiber optic service on the Project site, and on-site drainage facilities. The impacts of which are evaluated in this IS. The proposed Project is expected to maintain the existing storm water drainage pattern. All on-site storm water will be captured on site in accordance with State and Regional Water Quality Control Board requirements. The Project will not require natural gas, water, or wastewater services. No new or expanded utilities are proposed or required to serve the Project. As indicated in the analysis in this IS, because Project implementation will not require relocation or construction of new or expanded utility facilities that cause significant environmental effects, impacts are less than significant.

Sources: Project Description; GP DEIR

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

Less than significant impact. The City Public Works Department provides domestic water services to the City of Banning. The proposed Project is implementing a portion of the City's IMP, including a non-potable water

storage reservoir and booster station that will not create a demand for water. Water usage during construction activities will be only that which is necessary for construction. Therefore, impacts to water supplies will be less than significant.

Source: GP; UWMP

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

No impact. The City of Banning Public Works Department provides sanitary wastewater services to the City of Banning, including the Project site. (GP, p. VI-2.) The Project consists of a non-potable water storage reservoir and booster station and there is no Project component that would produce wastewater requiring treatment. Therefore, the Project has no impact.

Source: Project Description; GP

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less than significant impact. The proposed Project is a non-potable water storage reservoir and booster station and after construction is complete would not generate solid waste. Solid waste would be generated during Project construction; however, since the Project site is vacant no structures are anticipated to be demolished and construction waste is expected to be minimal.

Solid waste collection and disposal services are provided by Waste Management Inland Empire and trash collected from the City is disposed at the Lamb Canyon Sanitary Landfill, El Sobrante Landfill, and the Badlands Landfill. (GP DEIR, p. III-211.) According to CalRecycle databases, the Badlands Landfill will remain operational until 2059, Lamb Canyon Landfill until 2032, and El Sobrante Landfill until 2051. (CAL-R.) Given the number of landfills to which the solid waste could be redirected and their estimated closure dates, sufficient capacity is expected for the temporary increase of solid waste produced during construction as a result of Project implementation.

Thus, since the Project will only produce minimal construction waste and there are three landfills that could potentially accept construction generated solid waste, the Project will have a less than significant impact.

Source: CAL-R; GP DEIR

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

No impact. The collection and disposal of solid waste would conform to applicable federal, state, and local plans and regulations, including AB 939 (Integrated Waste Management Act) that require local jurisdictions divert at least 50% of all solid waste. Implementation of the Project would adhere to all federal, state and local regulations related to solid waste during construction and operation. Therefore, the proposed Project

would have no impact in terms of complying with federal, state, and local statutes and regulations related to solid waste.

Source: AB 939

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XX. WILDFIRE If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Wildfire Discussion:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

Less than significant impact. California Department of Forestry and Fire Protection (CalFire) adopted Fire Hazard Severity Zone (FHSZ) maps for State Responsibility Areas (SRA) and Local Responsibility Areas (LRA) in November 2007. According to CalFire's most recent FHSZ maps, the Project site is not located within a FHSZ SRA or LRA. The Project site is located within the City's High Fire Threat Zone, within which topographic relief is minimal and hardscape (concrete, asphalt, and structures) and landscaping vegetation predominate. (GP, Exhibit V-10.) The Project is not within or immediately adjacent to an SRA or LRA classified very high fire hazard severity zone (VHFHSZ). (CalFire.) As such, implementation of the proposed Project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.

Sources: GP; CalFire

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Less than significant impact. As discussed in the previous Response XXa, the Project site is not within or immediately adjacent to a SRA or LRA classified very high fire hazard severity zone (VHFHSZ). (CalFire.) The Project involves the construction and operation of a non-potable water storage reservoir and booster station. The Project site is generally flat and there are no slopes within surrounding areas. The proposed Project will not have habitable structures. The facility would only be visited by a few people for service and maintenance.

Therefore, implementation of the proposed Project would not expose Project occupants to pollutants from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors, as the Project site is not within a very high fire hazard severity zone. Impacts would be less than significant.

Source: CalFire

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Less than significant impact. As noted above in Response XXa, the Project site is not within or immediately adjacent to a SRA or LRA classified very high fire hazard severity zone (VHFHSZ). (CalFire.) The Project involves the construction and operation of a non-potable water storage reservoir and booster station, construction of underground electrical line on the Project site, and widening the portion of Lincoln Road in front of the Project site. The proposed Project would also comply with safety construction and operational regulations for all proposed infrastructure as required by OSHA and NESC. For these reasons, the implementation of the proposed Project would not exacerbate the level of fire risk or result in temporary or ongoing impacts to the environment. Impacts would be less than significant.

Source: CalFire

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Less than significant impact. As noted above in Response XXa, the Project site is not within or immediately adjacent to a SRA or LRA classified very high fire hazard severity zone (VHFHSZ). (CalFire.) The proposed Project does not include habitable structures, nor would it substantially alter existing drainage patterns. This proposed Project would be constructed in a relatively flat area. Therefore, impacts to exposing people or structures to significant risk including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes, are less than significant.

Source: CalFire

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XXI. MANDATORY FINDINGS OF SIGNIFICANCE				
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or an endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Mandatory Findings of Significance Discussion:

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or an endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less than significant with mitigation incorporated.

Potential to Degrade Quality of Environment: Implementation of the proposed Project would not have the potential to degrade the quality of the environment. As indicated in the foregoing analysis, either no impacts, less than significant impacts, or less than significant impacts with mitigation incorporated would occur with regard to each to the environmental issues analyzed in this Initial Study.

Potential to Impact Biological Resources: As discussed in Section IV Biological Resources, implementation of the proposed Project would not:

- substantially reduce the habitat of a fish or wildlife species;
- cause a fish or wildlife population to drop below self-sustaining levels; or
- threaten to eliminate a plant or animal community.

The results of the *BTR*, (included in Appendix B of this Initial Study), and the analysis in Section IV Biological Resources indicate that with implementation of mitigation measure **MM BIO-1**impacts to biological resources would be less than significant.

Potential to Eliminate Important Examples of the Major Periods of California History or Prehistory: As discussed in the response to Section V Cultural Resources, according to the *CRI*, there are no historic period built-environment resources present on the Project site. Although the potential to encounter intact and significant buried archaeological deposits are unlikely, with implementation of mitigation measure **MM CR-1**, potential impacts regarding the elimination of important examples of California History or Prehistory would be less than significant.

Sources: Above Environmental Checklist; AE(a); WEBB(b)

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Less than significant impact. The proposed Project is implementing the City's IMP and as such is consistent with local and regional plans. The Project's air quality emissions do not exceed established thresholds of significance. The Project adheres to all other City land use plans and policies, and would not increase VMT. The Project is not considered growth-inducing as defined by CEQA Guidelines Section 15126.2(d) and would not induce, either directly or indirectly, population and/or housing growth beyond what is envisioned by the Banning GP. Therefore, impacts would be less than significant.

Source: Above Environmental Checklist; WEBB(a)

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less than significant. Effects on human beings were evaluated as part of the aesthetics, air quality, cultural resources as it relates to human remains, geology and soils, GHGs, hazards and hazardous materials, hydrology and water quality, noise, population and housing, public services, recreation, transportation, and utilities and service systems sections in this Initial Study. All impacts would be less than significant.

Source: Above Environmental Checklist; AE(a); AE(b) Geocon; WEBB(a)

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Sections 65088.4, Gov. Code; Sections 210808(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino,* (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors,* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; P*rotect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109*; San Francisco Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656

EARLIER ANALYSES

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration as per California Code of Regulations section 1503 (c) (3) (D).

REFERENCES

The following documents were referred to as information sources during preparation of this document. They are available for public review at the locations abbreviated after each listing and spelled out at the end of this section.

Cited As:	Source:
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DTSC-A	California Department of Toxic Substances Control, *EnviroStor Database Banning High School Expansion*. (Available at https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=60001998, accessed November 16, 2023.)
DTSC-B	California Department of Toxic Substances Control, *EnviroStor Database Banning USD Proposed School*. (Available at https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=60002517, accessed November 16, 2023.)
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SCAQMD 2022	South Coast Air Quality Management District, *2022 Air Quality Management Plan*, December 2022. (Available at https://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2022-air-quality-management-plan/final-2022-aqmp/final-2022-aqmp.pdf?sfvrsn=16, accessed January 2024.)
USCB	United States Census Bureau, *Quick Facts Banning City, California,* July 1,2022. (Available at https://www.census.gov/quickfacts/banningcitycalifornia, accessed December 12, 2023
WEBB(a)	Albert A. Webb Associates, *Air Quality/Greenhouse Gas Analysis for the NP-2 Booster Station and Reservoir Project, January 2, 2024*. (Appendix A)

Cited As:	Source:
WEBB(b)	Albert A. Webb Associates, *Biological Technical Report and MSHCP Consistency Analysis City of Banning, Riverside County, California, January 19, 2024.* (Appendix B)
WEBB(c)	Albert A Webb Associates, *Energy Tables*. (Appendix D)

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Appendix A

Air Quality/Greenhouse Gas Impact Memo

ALBERT A. WEBB ASSOCIATES

Technical Memorandum

To: Arturo Vela, P.E., Director of Public Works

From: Eliza Laws, Senior Environmental Analyst
Noemi Avila, Assistant Environmental Analyst

Date: January 2, 2024

Re: Air Quality/Greenhouse Gas Analysis for the NP-2 Booster Station and Reservoir Project

The following air quality assessment was prepared to evaluate whether the expected criteria air pollutant emissions generated as a result of construction and operation of the proposed Project would cause exceedances of the South Coast Air Quality Management District's (SCAQMD) thresholds for air quality in the Project area. The greenhouse gas (GHG) assessment was prepared to evaluate whether the construction and operation of the proposed Project would exceed the SCAQMD draft GHG screening thresholds. This assessment was conducted within the context of the California Environmental Quality Act (CEQA, California Public Resources Code Sections 21000 et seq.). The methodology follows the *CEQA Air Quality Handbook* prepared by the SCAQMD for quantification of emissions and evaluation of potential impacts to air resources. As recommended by SCAQMD staff, the **Cal**ifornia **E**missions **E**stimator **Mod**el® version 2022.1 (CalEEMod) was used to quantify Project-related emissions.

The analysis herein evaluates the NP-2 Booster Station and Reservoir Project ("Project") located on an approximately 7.1-acre parcel south of West Lincoln Street, within the City of Banning, in Riverside County, California. The Project consists of grading, construction, operation, and maintenance of a new non-potable water storage reservoir with a capacity of approximately 60,910 gallons, associated appurtenances, on-site access road, and the construction and operation of a new booster pump station designed for the future ultimate flow of 2,500 gallons per minute (gpm). The booster station will be equipped with two electric pumps with space for a third future pump. Each pump will be rated at 75 horsepower.

▪ Regional Significance Thresholds

The thresholds contained in the *SCAQMD CEQA Air Quality Handbook*[1] (SCAQMD 1993) and posted in a supplemental table as mass daily thresholds on SCAQMD's website[2] are considered regional thresholds and are shown in **Table 1 – SCAQMD CEQA Daily Regional Significance Thresholds**, below. These regional thresholds were developed based on the SCAQMD's treatment of a major stationary source.

Table 1 – SCAQMD CEQA Daily Regional Significance Thresholds

Emission Threshold	Units	VOC	NO_X	CO	SO_X	PM-10	PM-2.5
Construction	lbs/day	75	100	550	150	150	55
Operation	lbs/day	55	55	550	150	150	55

[1] South Coast Air Quality Management District, *CEQA Air Quality Handbook*, November 1993. (Available at SCAQMD.)
[2] Air Quality Analysis Handbook (aqmd.gov)

Air quality impacts can be described in a short- and long-term perspective. Short-term impacts occur during site grading and Project construction and consist of fugitive dust and other particulate matter, as well as exhaust emissions generated by construction-related vehicles. Long-term air quality impacts occur once the Project is in operation. Operational emissions sources are limited because the booster station pumps are electric. The primary source of operational emissions is the routine visits by vehicles driven by maintenance personnel and are considered negligible.

The Project will be required to comply with existing SCAQMD rules for the reduction of fugitive dust emissions. SCAQMD Rule 403 establishes these procedures. Compliance with this rule is achieved through application of standard best management practices in construction and operation activities, such as the application of water or chemical stabilizers to disturbed soils, reducing haul road dust by application of water, covering haul vehicles, restricting vehicle speeds on unpaved roads to 15 mph, sweeping loose dirt from paved site access roadways, cessation of construction activity when winds exceed 25 mph and establishing a permanent, stabilizing ground cover on finished sites. In addition, projects that disturb 50 or more acres or more of soil, or move 5,000 cubic yards of materials per day are required to submit a Fugitive Dust Control Plan or a Large Operation Notification Form to SCAQMD. Based on the size of this Project's footprint (approximately 0.48 acres total), a Fugitive Dust Control Plan or a Large Operation Notification Form would not be required.

Short-Term Analysis

Short-term emissions from Project construction were evaluated using the CalEEMod program. The estimated construction period for the proposed Project is approximately 12 months, as identified below. The default parameters within CalEEMod were used, except as identified below, and these default values generally reflect a worst-case scenario, which means that Project emissions are expected to be equal to or less than the estimated emissions. In addition to the default values used (shown in the CalEEMod output Attachment to this memo), assumptions for the Project relevant to model inputs for short-term construction emission estimates used are:

- Construction is anticipated to begin no sooner than August 2024. The construction of the reservoir (tank) will overlap with the construction of the booster station. The modeled construction schedule for the Project is shown below:

Construction Activity	Start Date	End Date	Total Working Days
Grading	August 1, 2024	October 2, 2024	45 days
Booster Station Construction	October 3, 2024	January 22, 2025	80 days
Tank Construction	December 1, 2024	May 17, 2025	120 days
Tank Coating	May 18, 2025	July 19, 2025	45 days
Paving	July 20, 2025	August 1, 2025	10 days

- The off-road equipment to be used for each activity during the construction of the Project is shown below and based on City engineering estimates. The engine tier for each piece of equipment is calculated using CalEEMod defaults for the statewide fleet average emissions factors.

Construction Activity	Off-Road Equipment	Unit Amount	Hours per Day
Grading	Rubber Tired Dozers	1	8
	Tractor/Loader/Backhoes	2	8
Booster Station Construction	Concrete/Industrial Saw	1	8
	Crane	1	8
	Tractor/Loader/Backhoes	1	8

Construction Activity	Off-Road Equipment	Unit Amount	Hours per Day
Tank Construction	Cranes	1	8
	Forklift	1	8
	Tractor/Loader/Backhoes	1	8
	Welder	1	8
Tank Coating	Air Compressor	1	8
	Pump (Dehumidifier, 11hp)[1]	1	24
Paving	Pavers	1	8
	Rollers	1	8
	Tractor/Loader/Backhoes	1	8

Note: [1] The CalEEMod equipment list does not include a dehumidifier. The Pump was used as a proxy for the dehumidifier because it most closely resembles the dehumidifier. While the precise specifications for the dehumidifier are currently unknown, it is anticipated to be an industrial sized piece of equipment that is diesel fueled. The dehumidifier will only be required for a single day but will run for 24 hours. For modeling purposes, this equipment was assumed to operate the entire duration of this activity, which provides a worst-case scenario.

- To evaluate Project compliance with SCAQMD Rule 403 for fugitive dust control, the Project utilized the option of watering the Project site three times daily which achieves a control efficiency of 74 percent for PM-10 and PM-2.5 emissions. Two (2) one-way vendor trips per day were added to the Grading, Booster Station Construction, Tank Construction and Paving activities to account for water truck trips.

- Four (4) one-way vendor trips per day added to the Tank Construction, Booster Station Construction and Paving activities to account for material delivery and removal.

- Approximately 9,050 square feet was assumed to be paved for on-site and off-site street improvements.

- Architectural coating includes both the coating of the interior and exterior of the new tank being constructed. The surface area to be coated for both the interior and exterior tank surfaces was calculated and entered into CalEEMod to estimate the emissions from these activities.

- The Project site will require 317 cubic yards of soil import. Based on the CalEEMod default truck capacity of 16 cubic yards, approximately 64 total truck trips would occur during grading, or approximately 32 truckloads of soil would be delivered. The import site is approximately 1.5 miles from the Project site.

- The CalEEMod default for worker trips for Booster Station Construction, Tank Construction and Tank Coating were zero because typical building construction is not proposed. Therefore, worker trips for the Tank and Booster Station Construction and Tank Coating were estimated at a rate of 1.25 workers per piece of off-road equipment, which is the CalEEMod default rate for other construction activities (i.e., grading) contained in the User Guide Appendix C.

The results of this analysis are summarized below in **Table 2**.

Table 2 – Unmitigated Estimated Daily Construction Emissions

Activity	Peak Daily Emissions (lb/day)					
	VOC	NO_X	CO	SO_2	PM-10	PM-2.5
SCAQMD Daily Thresholds	**75**	**100**	**550**	**150**	**150**	**55**
2024	**1.60**	**14.70**	**15.90**	**0.03**	**2.39**	**1.43**
2025	1.50	13.70	15.80	0.03	0.84	0.55
Maximum	**1.60**	**14.70**	**15.90**	**0.03**	**2.39**	**1.43**
Exceeds Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

Notes: See the detailed model output reports attached herewith. Numbers are the maximum of summer or winter emissions in a given year and may not match due to rounding within the model.

As shown in **Table 2**, above, the emissions from construction of the Project are below the SCAQMD daily construction thresholds for all the criteria pollutants in 2024 and 2025.

Long-Term Analysis

Long-term air quality impacts occur once the Project is in operation. Operational emissions refer to a full range of activities that can or may generate pollutant emissions when a project is functioning in its intended use, and typically include vehicle emissions, area source emissions that include stationary combustion of natural gas used for space and water heating, landscape maintenance, use of consumer products, and energy use.

Operational emissions related to the proposed reservoir and booster station would be primarily from the electric pumps and from the routine visits by vehicles driven by maintenance personnel and are considered negligible because the electricity consumption does not result in direct on-site emissions and this Project will be part of the City's routine maintenance operations. As such, the proposed Project's facilities are not anticipated to increase the frequency of ongoing maintenance routines.

▪ Localized Significance Threshold Analysis

Background

As part of the SCAQMD's environmental justice program, attention has been focused on localized effects of air quality. Staff at SCAQMD has developed localized significance threshold (LST) methodology[3] that can be used by public agencies to determine whether or not a project may generate significant adverse localized air quality impacts (both short- and long-term). LSTs represent the maximum emissions from a project that will not cause or contribute to an exceedance of the state ambient air quality standard, and are developed based on the ambient concentrations of that pollutant for each source receptor area (SRA). The Project is located in SRA 29.

Short-Term Analysis

According to the LST methodology, only on-site emissions need to be analyzed. Emissions associated with vendor and worker trips are mobile source emissions that occur off site. The emissions analyzed under the LST methodology are NO_2, CO, PM-10, and PM-2.5. SCAQMD has provided LST lookup tables[4] to allow users to readily determine if the daily emissions for proposed construction or operational activities could result in significant localized air quality impacts for projects five acres or smaller. The LST tables can be used as a screening tool to determine if dispersion modeling would be necessary. If project-related emissions are below the LST table emissions, no further analysis is necessary.

[3] South Coast Air Quality Management District, *Final Localized Significance Threshold Methodology*, Revised July 2008. (Available at http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds, accessed January 2024.)

[4] http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds

The SCAQMD's Fact Sheet for Applying CalEEMod to Localized Significance Thresholds is used to determine the maximum site acreage that is actively disturbed.[5] Based on this SCAQMD guidance, the Project will disturb approximately one acre per day during grading. Therefore, the one-acre LST was used to compare the on-site emissions estimated by CalEEMod.

The LST thresholds are estimated using the maximum daily disturbed area (in acres) and the distance of the Project to the nearest sensitive receptors (in meters). The nearest sensitive receptors are residential properties adjacent to and west of the Project site. Residential uses are also located north and northwest of the Project site, across Lincoln Street. According to LST methodology, projects with boundaries closer than 25 meters to the nearest receptor should use the LSTs for receptors located at 25 meters. Therefore, a receptor distance of 25 meters (85 feet) was used to ensure a conservative analysis. The results are summarized below **Table 3**.

Table 3 – Unmitigated LST Results for Daily Construction Emissions

Pollutant	Peak Daily Emissions (lb/day)			
	NO_X	CO	PM-10	PM-2.5
LST for 1-acre at 25 meters	**103**	**1,000**	**6**	**4**
Grading-2024	12.80	12.30	**2.27**	**1.40**
Booster Station Construction-2024	**6.79**	**6.93**	0.26	0.24
Booster Station Construction -2025	6.31	6.88	0.23	0.21
Tank Construction-2024	**7.38**	**7.78**	0.31	0.28
Tank Construction-2025	6.84	7.72	0.27	0.25
Tank Coating-2025	3.04	2.81	0.11	0.11
Paving-2025	3.58	4.97	0.17	0.15
Maximum[1]	**14.17**	**14.71**	**2.27**	**1.40**
Exceeds Threshold?	**No**	**No**	**No**	**No**

Note: [1] Maximum emissions are the greater of either each activity along or the sum of Booster Station Construction and Tank Construction in 2024 or 2025 as these activities overlap. Maximum emissions are shown in bold.

As shown in **Table 3,** emissions from construction of the Project are below the LST established by SCAQMD.

Long-Term Analysis

The Project involves construction of a new non-potable water reservoir and booster station. The long-term emissions from the booster station, as discussed previously, are primarily from the pumps and in the form of mobile source emissions, with no stationary sources of emissions present. The new booster station pumps are electric powered. The booster station will also have a diesel-powered emergency generator. According to the LST methodology, LSTs only apply to the operational phase if a project includes stationary sources or on-site mobile equipment generating on-site emissions. Because the emergency generator will only be used during emergency power outages and routine testing, emissions would be negligible. The City of Banning will be required to obtain an SCAQMD permit to install and operate the emergency generator. The SCAQMD permitting process would ensure that the Project meets regulatory requirements through the application review process and by placing specific operating conditions on the permit such as operating hour limits. As such, no further analysis of the emergency generator was prepared.

[5] http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/caleemod-guidance.pdf?sfvrsn=2

▪ Greenhouse Gas Analysis

Greenhouse gases (GHG) are not presented in lbs/day like criteria pollutants; they are typically evaluated on an annual basis using the metric system. Several agencies, at various levels, have proposed draft GHG significance thresholds for use in CEQA documents. One of those agencies is the SCAQMD, which was working on GHG thresholds for development projects. In December 2008, the SCAQMD adopted a threshold of 10,000 metric tonnes per year of carbon dioxide equivalents ($MTCO_2E$/yr) for stationary source projects where SCAQMD is the lead agency. The most recent draft proposal was in September 2010[6] and included screening significance thresholds for residential, commercial, and mixed-use projects at 3,500, 1,400, and 3,000 $MTCO_2E$/yr, respectively. Alternatively, a lead agency has the option to use 3,000 $MTCO_2E$/yr as a threshold for all non-industrial projects. Although both options are recommended by SCAQMD, a lead agency is advised to use only one option and to use it consistently. The SCAQMD significance thresholds also evaluate construction emissions by amortizing them over an expected project life of 30 years.

Short-Term Analysis

Construction-Related Emissions

The CalEEMod model calculates GHG emissions from fuel usage by construction equipment and construction-related activities, like construction worker trips, for the Project. CalEEMod also calculates the indirect GHG emissions related to electricity consumption (CalEEMod Version 2022.1 User's Guide, p. 2). The CalEEMod output results for construction-related GHG emissions provide for CO_2, methane (CH_4), nitrous oxide (N_2O), refrigerants (R), and CO_2E[7] as shown on **Table 4**.

Table 4 – Project Construction Equipment GHG Emissions

Year	Metric Tons per year (MT/yr)				
	Total CO_2	Total CH_4	Total N_2O	Total R	Total CO_2E
2024	116	0.00	0.00	0.02	117
2025	114	0.00	0.00	0.03	115
Total	**230**	**0.00**	**0.00**	**0.05**	**232**
				Amortized[1]	**7.73**

Note: [1]Construction emissions were amortized over a 30-year period, as recommended by SCAQMD.

Results indicate that an estimated 232 $MTCO_2E$ will occur from Project construction equipment over the course of the estimated approximately 12-month construction period, which is approximately 7.73 $MTCO_2E$ amortized for a project lifetime of 30 years.

Long-Term Analysis

Energy-Related Emissions

GHG emissions from the operation of the electric pumps for the proposed booster station were calculated outside of CalEEMod using the estimated annual electricity consumption from the new booster station and the Banning Electric Utility [8]carbon intensity data from CalEEMod (455 pounds of CO_2E per megawatt-hour (MWh)). Two pumps will be constructed (one for standby) and space for a third pump will be provided. The total estimated energy consumption for three pumps is estimated to be approximately 11,332 MWh per year.[9] Therefore, the estimated GHG emissions from operation of the proposed booster station will be approximately 2,340 $MTCO_2E$ per year. There will also be limited lighting on the Project site. However, the GHG emissions from electricity usage will be negligible.

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[6] http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-main-presentation.pdf?sfvrsn=2

[7] CO_2E is the sum of CO_2 emissions estimated plus the sum of CH_4, N_2O and refrigerant emissions estimated multiplied by their respective global warming potential (GWP).

[8] CalEEMod's default statewide average carbon intensity was utilized because the Banning Electric Utility was not available.

[9] 11.332 MWh per year is an engineering estimate, which assumes that each pump operates at 3,777,408 kilowatts (kW) per year (six hours daily).

The proposed Project does not fit into the categories provided (industrial, commercial, and residential) in either the draft thresholds from SCAQMD. The Project's GHG emissions do not exceed the SCAQMD recommended screening level of 3,000 MTCO2E/year. Due to the estimated amount of emissions from Project construction and booster station pump electricity usage during operations we well as nominal emissions from routine maintenance, site lighting and electricity use, the proposed Project will not generate GHG emissions that exceed the draft screening thresholds.

▪ Conclusion

The conclusion of this analysis indicates that construction of the proposed Project will not exceed criteria pollutant thresholds established by SCAQMD on a regional or localized level. The Project will also not generate a substantial amount of GHG emissions. No mitigation is required.

Should you have any questions, please contact me at (951) 686-1070.

CalEEMod Output Files

Banning NP-2 Booster Station and Reservoir Detailed Report

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1. Basic Project Information

1.1. Basic Project Information

Data Field	Value
Project Name	Banning NP-2 Booster Station and Reservoir
Construction Start Date	8/1/2024
Lead Agency	—
Land Use Scale	Project/site
Analysis Level for Defaults	County
Windspeed (m/s)	2.50
Precipitation (days)	19.2
Location	33.92141057528512, -116.89859684921888
County	Riverside-South Coast
City	Banning
Air District	South Coast AQMD
Air Basin	South Coast
TAZ	5635
EDFZ	11
Electric Utility	City of Banning Electric Department
Gas Utility	Southern California Gas
App Version	2022.1.1.21

1.2. Land Use Types

Land Use Subtype	Size	Unit	Lot Acreage	Building Area (sq ft)	Landscape Area (sq ft)	Special Landscape Area (sq ft)	Population	Description
Parking Lot	9.05	1000sqft	0.21	0.00	—	—	—	—

Other Non-Asphalt Surfaces	11.8	1000sqft	0.27	0.00	—	—	—	—

1.3. User-Selected Emission Reduction Measures by Emissions Sector

No measures selected

2. Emissions Summary

2.1. Construction Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	1.59	1.33	12.9	12.9	0.02	0.57	1.82	2.39	0.52	0.90	1.43	—	2,135	2,135	0.09	0.05	1.04	2,147
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	1.91	1.60	14.7	15.9	0.03	0.58	1.82	2.39	0.53	0.90	1.43	—	3,770	3,770	0.15	0.09	0.05	3,801
Average Daily (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	0.41	0.38	3.30	3.41	0.01	0.14	0.26	0.40	0.13	0.12	0.25	—	700	700	0.03	0.02	0.16	705
Annual (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	0.08	0.07	0.60	0.62	< 0.005	0.02	0.05	0.07	0.02	0.02	0.04	—	116	116	< 0.005	< 0.005	0.03	117

2.2. Construction Emissions by Year, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Year	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e

Daily - Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2024	1.59	1.33	12.9	12.9	0.02	0.57	1.82	2.39	0.52	0.90	1.43	—	2,135	2,135	0.09	0.03	0.61	2,147
2025	0.95	1.03	7.09	8.56	0.02	0.27	0.18	0.46	0.25	0.04	0.30	—	1,965	1,965	0.08	0.05	1.04	1,982
Daily - Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2024	1.91	1.60	14.7	15.9	0.03	0.58	1.82	2.39	0.53	0.90	1.43	—	3,770	3,770	0.15	0.09	0.05	3,801
2025	1.79	1.50	13.7	15.8	0.03	0.51	0.33	0.84	0.47	0.08	0.55	—	3,760	3,760	0.15	0.09	0.05	3,791
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2024	0.41	0.35	3.30	3.41	0.01	0.14	0.26	0.40	0.13	0.12	0.25	—	700	700	0.03	0.01	0.13	705
2025	0.37	0.38	2.67	3.11	0.01	0.10	0.07	0.17	0.09	0.02	0.11	—	691	691	0.03	0.02	0.16	696
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2024	0.08	0.06	0.60	0.62	< 0.005	0.02	0.05	0.07	0.02	0.02	0.04	—	116	116	< 0.005	< 0.005	0.02	117
2025	0.07	0.07	0.49	0.57	< 0.005	0.02	0.01	0.03	0.02	< 0.005	0.02	—	114	114	< 0.005	< 0.005	0.03	115

3. Construction Emissions Details

3.1. Tank Construction (2024) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Off-Road Equipment	0.95	0.79	7.38	7.78	0.02	0.31	—	0.31	0.28	—	0.28	—	1,641	1,641	0.07	0.01	—	1,646
Dust From Material Movement	—	—	—	—	—	—	0.00	0.00	—	0.00	0.00	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.06	0.05	0.45	0.47	< 0.005	0.02	—	0.02	0.02	—	0.02	—	99.5	99.5	< 0.005	< 0.005	—	99.9
Dust From Material Movement	—	—	—	—	—	—	0.00	0.00	—	0.00	0.00	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.01	0.08	0.09	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	16.5	16.5	< 0.005	< 0.005	—	16.5
Dust From Material Movement	—	—	—	—	—	—	0.00	0.00	—	0.00	0.00	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.05	0.05	0.06	0.63	0.00	0.00	0.13	0.13	0.00	0.03	0.03	—	132	132	0.01	< 0.005	0.01	134

Vendor	0.01	0.01	0.22	0.07	< 0.005	< 0.005	0.05	0.05	< 0.005	0.01	0.02	—	186	186	< 0.005	0.03	0.01	195
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.04	0.00	0.00	0.01	0.01	0.00	< 0.005	< 0.005	—	8.13	8.13	< 0.005	< 0.005	0.01	8.24
Vendor	< 0.005	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	11.3	11.3	< 0.005	< 0.005	0.01	11.8
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.01	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	1.35	1.35	< 0.005	< 0.005	< 0.005	1.36
Vendor	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	1.87	1.87	< 0.005	< 0.005	< 0.005	1.96
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

3.3. Tank Construction (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.89	0.74	6.84	7.72	0.02	0.27	—	0.27	0.25	—	0.25	—	1,641	1,641	0.07	0.01	—	1,646
Dust From Material Movement	—	—	—	—	—	—	0.00	0.00	—	0.00	0.00	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Off-Road Equipment	0.89	0.74	6.84	7.72	0.02	0.27	—	0.27	0.25	—	0.25	—	1,641	1,641	0.07	0.01	—	1,646
Dust From Material Movement	—	—	—	—	—	—	0.00	0.00	—	0.00	0.00	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.24	0.20	1.83	2.07	< 0.005	0.07	—	0.07	0.07	—	0.07	—	440	440	0.02	< 0.005	—	441
Dust From Material Movement	—	—	—	—	—	—	0.00	0.00	—	0.00	0.00	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.04	0.04	0.33	0.38	< 0.005	0.01	—	0.01	0.01	—	0.01	—	72.8	72.8	< 0.005	< 0.005	—	73.1
Dust From Material Movement	—	—	—	—	—	—	0.00	0.00	—	0.00	0.00	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.05	0.04	0.04	0.77	0.00	0.00	0.13	0.13	0.00	0.03	0.03	—	141	141	0.01	< 0.005	0.52	143
Vendor	0.01	< 0.005	0.20	0.06	< 0.005	< 0.005	0.05	0.05	< 0.005	0.01	0.02	—	184	184	< 0.005	0.03	0.52	193
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.05	0.04	0.05	0.58	0.00	0.00	0.13	0.13	0.00	0.03	0.03	—	130	130	0.01	< 0.005	0.01	131
Vendor	0.01	< 0.005	0.21	0.06	< 0.005	< 0.005	0.05	0.05	< 0.005	0.01	0.02	—	184	184	< 0.005	0.03	0.01	192
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.01	0.01	0.01	0.17	0.00	0.00	0.03	0.03	0.00	0.01	0.01	—	35.2	35.2	< 0.005	< 0.005	0.06	35.7
Vendor	< 0.005	< 0.005	0.06	0.02	< 0.005	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	—	49.2	49.2	< 0.005	0.01	0.06	51.5
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.03	0.00	0.00	0.01	0.01	0.00	< 0.005	< 0.005	—	5.82	5.82	< 0.005	< 0.005	0.01	5.91
Vendor	< 0.005	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	8.15	8.15	< 0.005	< 0.005	0.01	8.53
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

3.5. Grading (2024) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	1.54	1.29	12.8	12.3	0.02	0.57	—	0.57	0.52	—	0.52	—	1,959	1,959	0.08	0.02	—	1,966
Dust From Material Movement	—	—	—	—	—	—	1.70	1.70	—	0.88	0.88	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	1.54	1.29	12.8	12.3	0.02	0.57	—	0.57	0.52	—	0.52	—	1,959	1,959	0.08	0.02	—	1,966
Dust From Material Movement	—	—	—	—	—	—	1.70	1.70	—	0.88	0.88	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.19	0.16	1.58	1.51	< 0.005	0.07	—	0.07	0.06	—	0.06	—	242	242	0.01	< 0.005	—	242
Dust From Material Movement	—	—	—	—	—	—	0.21	0.21	—	0.11	0.11	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.03	0.03	0.29	0.28	< 0.005	0.01	—	0.01	0.01	—	0.01	—	40.0	40.0	< 0.005	< 0.005	—	40.1
Dust From Material Movement	—	—	—	—	—	—	0.04	0.04	—	0.02	0.02	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.04	0.04	0.04	0.63	0.00	0.00	0.10	0.10	0.00	0.02	0.02	—	108	108	< 0.005	< 0.005	0.43	110

Vendor	< 0.005	< 0.005	0.07	0.02	< 0.005	< 0.005	0.02	0.02	< 0.005	< 0.005	0.01	—	62.1	62.1	< 0.005	0.01	0.17	65.1
Hauling	< 0.005	< 0.005	0.02	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	5.99	5.99	< 0.005	< 0.005	0.01	6.30
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.04	0.04	0.04	0.47	0.00	0.00	0.10	0.10	0.00	0.02	0.02	—	99.2	99.2	< 0.005	< 0.005	0.01	100
Vendor	< 0.005	< 0.005	0.07	0.02	< 0.005	< 0.005	0.02	0.02	< 0.005	< 0.005	0.01	—	62.1	62.1	< 0.005	0.01	< 0.005	65.0
Hauling	< 0.005	< 0.005	0.02	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	6.02	6.02	< 0.005	< 0.005	< 0.005	6.32
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.01	0.06	0.00	0.00	0.01	0.01	0.00	< 0.005	< 0.005	—	12.4	12.4	< 0.005	< 0.005	0.02	12.6
Vendor	< 0.005	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	7.66	7.66	< 0.005	< 0.005	0.01	8.01
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	0.74	0.74	< 0.005	< 0.005	< 0.005	0.78
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.01	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	2.05	2.05	< 0.005	< 0.005	< 0.005	2.08
Vendor	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	1.27	1.27	< 0.005	< 0.005	< 0.005	1.33
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	0.12	0.12	< 0.005	< 0.005	< 0.005	0.13

3.7. Booster Station Construction (2024) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.85	0.71	6.79	6.93	0.01	0.26	—	0.26	0.24	—	0.24	—	1,525	1,525	0.06	0.01	—	1,530

Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.15	0.13	1.20	1.22	< 0.005	0.05	—	0.05	0.04	—	0.04	—	269	269	0.01	< 0.005	—	270
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.03	0.02	0.22	0.22	< 0.005	0.01	—	0.01	0.01	—	0.01	—	44.5	44.5	< 0.005	< 0.005	—	44.6
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.04	0.04	0.04	0.47	0.00	0.00	0.10	0.10	0.00	0.02	0.02	—	99.2	99.2	< 0.005	< 0.005	0.01	100
Vendor	0.01	0.01	0.22	0.07	< 0.005	< 0.005	0.05	0.05	< 0.005	0.01	0.02	—	186	186	< 0.005	0.03	0.01	195
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.01	0.01	0.01	0.09	0.00	0.00	0.02	0.02	0.00	< 0.005	< 0.005	—	17.7	17.7	< 0.005	< 0.005	0.03	17.9
Vendor	< 0.005	< 0.005	0.04	0.01	< 0.005	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	—	32.8	32.8	< 0.005	< 0.005	0.04	34.3
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.02	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	2.93	2.93	< 0.005	< 0.005	0.01	2.97
Vendor	< 0.005	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	5.43	5.43	< 0.005	< 0.005	0.01	5.69
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.0

3.9. Booster Station Construction (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.80	0.67	6.31	6.88	0.01	0.23	—	0.23	0.21	—	0.21	—	1,525	1,525	0.06	0.01	—	1,530
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.03	0.03	0.27	0.30	< 0.005	0.01	—	0.01	0.01	—	0.01	—	65.7	65.7	< 0.005	< 0.005	—	65.9
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.01	0.05	0.05	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	10.9	10.9	< 0.005	< 0.005	—	10.9
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Worker	0.04	0.03	0.04	0.44	0.00	0.00	0.10	0.10	0.00	0.02	0.02	—	97.2	97.2	< 0.005	< 0.005	0.01	98.4
Vendor	0.01	< 0.005	0.21	0.06	< 0.005	< 0.005	0.05	0.05	< 0.005	0.01	0.02	—	184	184	< 0.005	0.03	0.01	192
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.02	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	4.24	4.24	< 0.005	< 0.005	0.01	4.30
Vendor	< 0.005	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	7.91	7.91	< 0.005	< 0.005	0.01	8.28
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	< 0.005	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	0.70	0.70	< 0.005	< 0.005	< 0.005	0.71
Vendor	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	1.31	1.31	< 0.005	< 0.005	< 0.005	1.37
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

3.11. Site Improvements (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.47	0.39	3.58	4.97	0.01	0.17	—	0.17	0.15	—	0.15	—	748	748	0.03	0.01	—	751
Paving	—	0.05	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Off-Road Equipment	0.01	0.01	0.10	0.14	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	20.5	20.5	< 0.005	< 0.005	—	20.6
Paving	—	< 0.005	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	< 0.005	0.02	0.02	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	3.39	3.39	< 0.005	< 0.005	—	3.40
Paving	—	< 0.005	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.04	0.03	0.03	0.58	0.00	0.00	0.10	0.10	0.00	0.02	0.02	—	106	106	< 0.005	< 0.005	0.39	107
Vendor	0.01	< 0.005	0.20	0.06	< 0.005	< 0.005	0.05	0.05	< 0.005	0.01	0.02	—	184	184	< 0.005	0.03	0.52	193
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.01	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	2.70	2.70	< 0.005	< 0.005	< 0.005	2.73
Vendor	< 0.005	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	5.03	5.03	< 0.005	< 0.005	0.01	5.27
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	< 0.005	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	0.45	0.45	< 0.005	< 0.005	< 0.005	0.45
Vendor	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	0.83	0.83	< 0.005	< 0.005	< 0.005	0.87
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

3.13. Tank Coating (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.51	0.42	3.04	2.81	0.01	0.11	—	0.11	0.11	—	0.11	—	423	423	0.02	< 0.005	—	424
Architectural Coatings	—	0.59	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.06	0.05	0.38	0.35	< 0.005	0.01	—	0.01	0.01	—	0.01	—	52.1	52.1	< 0.005	< 0.005	—	52.3
Architectural Coatings	—	0.07	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.01	0.07	0.06	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	8.63	8.63	< 0.005	< 0.005	—	8.66
Architectural Coatings	—	0.01	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.03	0.02	0.02	0.39	0.00	0.00	0.07	0.07	0.00	0.02	0.02	—	70.5	70.5	< 0.005	< 0.005	0.26	71.5
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.04	0.00	0.00	0.01	0.01	0.00	< 0.005	< 0.005	—	8.09	8.09	< 0.005	< 0.005	0.01	8.20
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.01	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	1.34	1.34	< 0.005	< 0.005	< 0.005	1.36
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

4. Operations Emissions Details

4.10. Soil Carbon Accumulation By Vegetation Type

4.10.1. Soil Carbon Accumulation By Vegetation Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.2. Above and Belowground Carbon Accumulation by Land Use Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.3. Avoided and Sequestered Emissions by Species - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

5. Activity Data

5.1. Construction Schedule

Phase Name	Phase Type	Start Date	End Date	Days Per Week	Work Days per Phase	Phase Description
Tank Construction	Site Preparation	12/1/2024	5/17/2025	5.00	120	Tank Construction
Grading	Grading	8/1/2024	10/2/2024	5.00	45.0	—
Booster Station Construction	Building Construction	10/3/2024	1/22/2025	5.00	80.0	—
Site Improvements	Paving	7/20/2025	8/1/2025	5.00	10.0	—
Tank Coating	Architectural Coating	5/18/2025	7/19/2025	5.00	45.0	—

5.2. Off-Road Equipment

5.2.1. Unmitigated

Phase Name	Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
Tank Construction	Cranes	Diesel	Average	1.00	8.00	367	0.29
Tank Construction	Tractors/Loaders/Backhoes	Diesel	Average	1.00	8.00	84.0	0.37
Tank Construction	Forklifts	Diesel	Average	1.00	8.00	82.0	0.20
Tank Construction	Welders	Diesel	Average	1.00	8.00	46.0	0.45
Grading	Rubber Tired Dozers	Diesel	Average	1.00	8.00	367	0.40
Grading	Tractors/Loaders/Backhoes	Diesel	Average	2.00	8.00	84.0	0.37

Booster Station Construction	Concrete/Industrial Saws	Diesel	Average	1.00	8.00	33.0	0.73
Booster Station Construction	Tractors/Loaders/Backhoes	Diesel	Average	1.00	8.00	84.0	0.37
Booster Station Construction	Cranes	Diesel	Average	1.00	8.00	367	0.29
Site Improvements	Tractors/Loaders/Backhoes	Diesel	Average	1.00	8.00	84.0	0.37
Site Improvements	Pavers	Diesel	Average	1.00	8.00	81.0	0.42
Site Improvements	Rollers	Diesel	Average	1.00	8.00	36.0	0.38
Tank Coating	Air Compressors	Diesel	Average	1.00	8.00	37.0	0.48
Tank Coating	Pumps	Diesel	Average	1.00	24.0	11.0	0.74

5.3. Construction Vehicles

5.3.1. Unmitigated

Phase Name	Trip Type	One-Way Trips per Day	Miles per Trip	Vehicle Mix
Tank Construction	—	—	—	—
Tank Construction	Worker	10.0	18.5	LDA,LDT1,LDT2
Tank Construction	Vendor	6.00	10.2	HHDT,MHDT
Tank Construction	Hauling	0.00	20.0	HHDT
Tank Construction	Onsite truck	—	—	HHDT
Grading	—	—	—	—
Grading	Worker	7.50	18.5	LDA,LDT1,LDT2
Grading	Vendor	2.00	10.2	HHDT,MHDT
Grading	Hauling	0.89	1.50	HHDT
Grading	Onsite truck	—	—	HHDT
Booster Station Construction	—	—	—	—
Booster Station Construction	Worker	7.50	18.5	LDA,LDT1,LDT2

Booster Station Construction	Vendor	6.00	10.2	HHDT,MHDT
Booster Station Construction	Hauling	0.00	20.0	HHDT
Booster Station Construction	Onsite truck	—	—	HHDT
Site Improvements	—	—	—	—
Site Improvements	Worker	7.50	18.5	LDA,LDT1,LDT2
Site Improvements	Vendor	6.00	10.2	HHDT,MHDT
Site Improvements	Hauling	0.00	20.0	HHDT
Site Improvements	Onsite truck	—	—	HHDT
Tank Coating	—	—	—	—
Tank Coating	Worker	5.00	18.5	LDA,LDT1,LDT2
Tank Coating	Vendor	0.00	10.2	HHDT,MHDT
Tank Coating	Hauling	0.00	20.0	HHDT
Tank Coating	Onsite truck	—	—	HHDT

5.4. Vehicles

5.4.1. Construction Vehicle Control Strategies

Non-applicable. No control strategies activated by user.

5.5. Architectural Coatings

Phase Name	Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)
Tank Coating	0.00	0.00	2,487	2,015	1,248

5.6. Dust Mitigation

5.6.1. Construction Earthmoving Activities

Phase Name	Material Imported (cy)	Material Exported (cy)	Acres Graded (acres)	Material Demolished (sq. ft.)	Acres Paved (acres)

Tank Construction	—	—	0.00	0.00	—
Grading	317	—	22.5	0.00	—
Site Improvements	0.00	0.00	0.00	0.00	0.48

5.6.2. Construction Earthmoving Control Strategies

Control Strategies Applied	Frequency (per day)	PM10 Reduction	PM2.5 Reduction
Water Exposed Area	3	74%	74%

5.7. Construction Paving

Land Use	Area Paved (acres)	% Asphalt
Parking Lot	0.21	100%
Other Non-Asphalt Surfaces	0.27	0%

5.8. Construction Electricity Consumption and Emissions Factors

kWh per Year and Emission Factor (lb/MWh)

Year	kWh per Year	CO2	CH4	N2O
2024	0.00	453	0.03	< 0.005
2025	0.00	453	0.03	< 0.005

5.18. Vegetation

5.18.1. Land Use Change

5.18.1.1. Unmitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1. Biomass Cover Type

5.18.1.1. Unmitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.2. Sequestration

5.18.2.1. Unmitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

6. Climate Risk Detailed Report

6.1. Climate Risk Summary

Cal-Adapt midcentury 2040–2059 average projections for four hazards are reported below for your project location. These are under Representation Concentration Pathway (RCP) 8.5 which assumes GHG emissions will continue to rise strongly through 2050 and then plateau around 2100.

Climate Hazard	Result for Project Location	Unit
Temperature and Extreme Heat	31.8	annual days of extreme heat
Extreme Precipitation	5.45	annual days with precipitation above 20 mm
Sea Level Rise	—	meters of inundation depth
Wildfire	23.6	annual hectares burned

Temperature and Extreme Heat data are for grid cell in which your project are located. The projection is based on the 98th historical percentile of daily maximum/minimum temperatures from observed historical data (32 climate model ensemble from Cal-Adapt, 2040–2059 average under RCP 8.5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.
Extreme Precipitation data are for the grid cell in which your project are located. The threshold of 20 mm is equivalent to about ¾ an inch of rain, which would be light to moderate rainfall if received over a full day or heavy rain if received over a period of 2 to 4 hours. Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.
Sea Level Rise data are for the grid cell in which your project are located. The projections are from Radke et al. (2017), as reported in Cal-Adapt (Radke et al., 2017, CEC-500-2017-008), and consider inundation location and depth for the San Francisco Bay, the Sacramento-San Joaquin River Delta and California coast resulting different increments of sea level rise coupled with extreme storm events. Users may select from four scenarios to view the range in potential inundation depth for the grid cell. The four scenarios are: No rise, 0.5 meter, 1.0 meter, 1.41 meters
Wildfire data are for the grid cell in which your project are located. The projections are from UC Davis, as reported in Cal-Adapt (2040–2059 average under RCP 8.5), and consider historical data of climate, vegetation, population density, and large (> 400 ha) fire history. Users may select from four model simulations to view the range in potential wildfire probabilities for the grid cell. The four simulations make different assumptions about expected rainfall and temperature are: Warmer/drier (HadGEM2-ES), Cooler/wetter (CNRM-CM5), Average conditions (CanESM2), Range of different rainfall and temperature possibilities (MIROC5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

6.2. Initial Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	4	0	0	N/A
Extreme Precipitation	N/A	N/A	N/A	N/A
Sea Level Rise	1	0	0	N/A
Wildfire	1	0	0	N/A
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	0	0	0	N/A

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.
The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.
The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores do not include implementation of climate risk reduction measures.

6.3. Adjusted Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	4	1	1	4
Extreme Precipitation	N/A	N/A	N/A	N/A
Sea Level Rise	1	1	1	2
Wildfire	1	1	1	2
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	1	1	1	2

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.

The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.
The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores include implementation of climate risk reduction measures.

6.4. Climate Risk Reduction Measures

7. Health and Equity Details

7.1. CalEnviroScreen 4.0 Scores

The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Exposure Indicators	—
AQ-Ozone	97.0
AQ-PM	45.3
AQ-DPM	53.7
Drinking Water	59.0
Lead Risk Housing	41.8
Pesticides	0.00
Toxic Releases	20.7
Traffic	79.7
Effect Indicators	—
CleanUp Sites	53.4
Groundwater	0.00
Haz Waste Facilities/Generators	81.5
Impaired Water Bodies	0.00
Solid Waste	25.7
Sensitive Population	—
Asthma	89.4
Cardio-vascular	98.2

Low Birth Weights	26.6
Socioeconomic Factor Indicators	—
Education	82.8
Housing	30.2
Linguistic	47.1
Poverty	87.6
Unemployment	77.8

7.2. Healthy Places Index Scores

The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Economic	—
Above Poverty	25.92069806
Employed	1.000898242
Median HI	28.89772873
Education	—
Bachelor's or higher	27.90966252
High school enrollment	100
Preschool enrollment	4.260233543
Transportation	—
Auto Access	44.50147568
Active commuting	21.84011292
Social	—
2-parent households	53.68920826
Voting	36.84075452
Neighborhood	—
Alcohol availability	73.73283716

Park access	22.95649942
Retail density	14.44886437
Supermarket access	40.24124214
Tree canopy	1.642499679
Housing	—
Homeownership	52.86795842
Housing habitability	69.62658796
Low-inc homeowner severe housing cost burden	47.17053766
Low-inc renter severe housing cost burden	91.21006031
Uncrowded housing	34.15886052
Health Outcomes	—
Insured adults	21.67329655
Arthritis	0.0
Asthma ER Admissions	8.2
High Blood Pressure	0.0
Cancer (excluding skin)	0.0
Asthma	0.0
Coronary Heart Disease	0.0
Chronic Obstructive Pulmonary Disease	0.0
Diagnosed Diabetes	0.0
Life Expectancy at Birth	33.4
Cognitively Disabled	30.7
Physically Disabled	12.7
Heart Attack ER Admissions	0.0
Mental Health Not Good	0.0
Chronic Kidney Disease	0.0
Obesity	0.0

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Pedestrian Injuries	88.4
Physical Health Not Good	0.0
Stroke	0.0
Health Risk Behaviors	—
Binge Drinking	0.0
Current Smoker	0.0
No Leisure Time for Physical Activity	0.0
Climate Change Exposures	—
Wildfire Risk	0.9
SLR Inundation Area	0.0
Children	56.6
Elderly	42.0
English Speaking	60.7
Foreign-born	38.6
Outdoor Workers	41.1
Climate Change Adaptive Capacity	—
Impervious Surface Cover	90.7
Traffic Density	62.4
Traffic Access	23.0
Other Indices	—
Hardship	63.7
Other Decision Support	—
2016 Voting	39.7

7.3. Overall Health & Equity Scores

Metric	Result for Project Census Tract
CalEnviroScreen 4.0 Score for Project Location (a)	72.0

Healthy Places Index Score for Project Location (b)	13.0
Project Located in a Designated Disadvantaged Community (Senate Bill 535)	No
Project Located in a Low-Income Community (Assembly Bill 1550)	Yes
Project Located in a Community Air Protection Program Community (Assembly Bill 617)	No

a: The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.
b: The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

7.4. Health & Equity Measures

No Health & Equity Measures selected.

7.5. Evaluation Scorecard

Health & Equity Evaluation Scorecard not completed.

7.6. Health & Equity Custom Measures

No Health & Equity Custom Measures created.

8. User Changes to Default Data

Screen	Justification
Construction: Construction Phases	Per City
Construction: Off-Road Equipment	Per City
Construction: Trips and VMT	Two (2) daily vendor trips added for water trucks during grading, booster station and tank construction, and paving activities. Four (4) daily truck trips are assumed for material delivery and removal during tank construction, booster station construction and paving. One-way trip length for soil hauling trucks is approximately 1.5 miles. Worker trips added for booster station construction, tank construction and tank coating because no defaults were generated by model. Worker trips estimated per CalEEMod User Guide Section 4.6.1 default for workers based on equipment list.
Construction: Architectural Coatings	Tank surface area to be painted estimated for based on CalEEMod User Guide for nonresidential use.

Appendix B

Biological Technical Report and MSHCP Consistency Analysis

BIOLOGICAL TECHNICAL REPORT and MSHCP CONSISTENCY ANALYSIS

For:

City of Banning

NP-2 Booster Pump Station and Reservoir Project

Prepared By:

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January 19, 2024

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EXECUTIVE SUMMARY

Albert A Webb Associates (WEBB) has prepared this Biological Technical Report (BTR) for the proposed NP-2 Booster Pump Station and Reservoir Project ("Project") as requested by the City of Banning Public Works Department (City) located in Riverside County, California.

The objective of this BTR is to provide an assessment of the existing biological conditions within the Project footprint (1.39 acres) and the surrounding biological study area (BSA; 100-foot survey buffer) for a total area of 4.53 acres. The BTR includes an analysis of the Project's potential impacts to common and sensitive biological resources and potentially jurisdictional water resources. This report serves as the necessary biological resources documentation for the City's review process under the California Environmental Quality Act (CEQA).

The BSA contains a total of four land cover types and vegetation communities, including Urban/Developed lands, Disturbed Habitat, Riversidean alluvial fan sage scrub (RAFSS), and Unvegetated Channel. Additionally, a steeply incised ephemeral channel called Montgomery Creek bisects the northeastern corner of the BSA but does not intersect with the Project footprint. The Project footprint contains only Urban/Developed land and Disturbed Habitat. No special-status biological resources were observed during the field assessment, and none are expected to occur in the Project footprint. Further, no potentially jurisdictional water resources are present in the Project footprint.

The Project proposes permanent impacts to 0.09-acre of Urban/Developed lands and 0.39-acre of Disturbed habitat. Temporary impacts will occur to 0.01-acre of Urban/Developed lands and 0.90-acre of Disturbed habitat.

The Project is located within the boundaries of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The City of Banning is a permittee to the MSHCP and the Project is consistent with the MSHCP.

Recommendations of this BTR include temporary construction fencing, construction Best Management Practices, and nesting bird and raptor avoidance measures.

1.0 INTRODUCTION

This Biological Technical Report (BTR) presents the findings of a study conducted by Albert A. Webb Associates (WEBB) for the NP-2 Booster Pump Station and Reservoir Project (Project) proposed by the City of Banning Public Works Department (City) located in Banning, Riverside County, California. The purpose of the BTR is to provide the City, resource agencies, and the public with current biological data required for the review of the project under the California Environmental Quality Act (CEQA), as well as to ensure compliance with federal, state, and local regulations for biological resources.

The BTR provides an overview of the Project site's existing biological conditions, including vegetation communities, and documents the plant and wildlife species observed or detected during surveys. It identifies sensitive resources within the Project area and highlights the potential presence of special-status species. Additionally, this BTR assesses the impacts of the Project and provides recommendations to address potential adverse effects on sensitive biological resources that may occur as a result of Project implementation.

1.1 PROJECT LOCATION

The proposed Project is located in the City of Banning, California, within the County of Riverside (Figure 1 - Regional Map; all figures are provided in Appendix A). The Project is located just south of West Lincoln Street, approximately 0.2 miles south of Interstate-10 and one mile east of Sunset Avenue (Figure 2- Project Vicinity). The Project site falls within Sections 8 of Township 3 South, Range 1 East, as depicted in the Beaumont 7.5-minute quadrangle map on Assessor Parcel Number (APN) 538-280-001 and totals 7.51 acres (Figure 3 – USGS Topo Map). Photos of the Project site are located in Appendix B.

1.2 PROJECT DESCRIPTION

The City is proposing to expand the non-potable water system through the construction and operation of a new non-potable water storage reservoir that is 24-feet in diameter and 21-feet tall with a capacity of approximately 60,910 gallons, associated appurtenances, on-site access road, and the construction and operation of a new booster pump station designed for the future ultimate flow of 2,500 gallons per minute (gpm). The total area of disturbance, including Project construction footprint and construction staging area is 1.39 acre. A 100-foot survey buffer was surveyed as part of this study making the total biological study area (BSA) 4.53 acres.

2.0 METHODS

2.1 Literature Review

Literature and authoritative database queries were performed to assist in determining the presence or potential occurrences of special-status plant and animal species on the Project site or vicinity of the Project site. The following resources were reviewed:

- U.S. Geological Survey (USGS) 7.5-minute topographic quadrangles (Beaumont, Cabazon, El Casco, Yucaipa, Forest Falls, San Gorgonio Mountain, Lake Fulmor, San Jacinto, Lakeview) (USGS 2023A)
- U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey (USDA 2023)
- Western Riverside Multiple Species Habitat Conservation Plan (MSHCP 2004)
- California Department of Fish Wildlife (CDFW) California Natural Diversity Database (CNDDB) (CNDDB 2023)
- the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Vascular Plants (CNPS 2023)
- U.S Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPAC 2023A)
- USFWS National Wetlands Inventory (USFWS 2023B)
- USGS National Hydrography Dataset (USGS 2023B)

2.2 General Biological Survey

On June 2nd, 2023, WEBB Senior Biologist Marshall Paymard, conducted a reconnaissance-level field assessment of the proposed Project footprint, including a 100-foot survey buffer, herein defined as the biological study area (BSA). The BSA plus Project footprint totals 4.53 acres. The field assessment was conducted on-foot to systematically assess and document the BSA for sensitive biota and their habitats, including other environmental attributes such as: topography, soil type, water features, and vegetation communities. Table 1 below provides the date, time, and average weather field conditions of the field assessment.

Table 1. General Biological Field Survey Conditions

Date/Time	Climatic Conditions
June 2nd 2023 / 0900-1200	Air Temperature: 64-66°F; Wind: 0-1 miles per hour (MPH); Cloud Cover: 10%

Vegetation Community and Land Cover Mapping

Vegetation communities and land cover types present in the BSA were mapped directly in the field on a 200-foot scale, aerial satellite imagery-based field map. Following completion of the

field assessment, all vegetation communities were digitized and quantified using ArcGIS Pro software. Vegetation communities were mapped according to Holland (1986).

Plants

Plant species observed during the field assessment of the BSA were identified by morphology and recorded in a standard field notebook. Plant species that could not be identified immediately in the field were identified in the laboratory using taxonomic keys. Latin and common names for plant species included in this report follow, The Jepson Manual: Vascular Plants of California (Baldwin et al. 2012).

Wildlife

Wildlife species detected during field assessments by sight, calls, tracks, scat, or other signs were recorded in a standard field notebook. General information regarding wildlife species present in the region was obtained Center of North American Herpetology (2023) for amphibians and reptiles, the American Ornithologists' Union (2023) for birds, the North American Butterfly Association (NABA 2023) for butterflies, and Bradley et al. (2014) for mammals.

Jurisdictional Non-Wetland Waters and Wetlands

Satellite aerial imagery and USGS topographic maps were reviewed prior to the field survey to detect any potential Waters of the United States, including wetlands, under the jurisdiction of the U.S. Army Corps of Engineers (USACE), pursuant to Section 404 of the federal Clean Water Act; Waters of the State under the jurisdiction of the California Regional Water Quality Control Board (RWQCB), pursuant to Section 401 of the federal Clean Water Act and the Porter–Cologne Act; and Streambeds under the jurisdiction of California Department of Fish and Wildlife (CDFW), pursuant to Section 1602 of the California Fish and Game Code. All potential jurisdictional resources, if present in the BSA, were mapped in the field and then digitized using ArcGIS Pro software.

2.3 Special-Status Biological Resources

Special-status biological resources are defined herein as follows: plant or animal species listed or proposed for listing as threatened or endangered under the Federal Endangered Species Act (FESA) or candidates for possible future listing as threatened or endangered under the ESA; plants and animals considered by CDFW to be rare, threatened, endangered, or a Species of Special Concern (SSC) in California, which includes plants and animals tracked by CNDDB, and plants tracked by the CNPS as California Rare Plant Rank (CRPR) 1, 2, 3, or 4; plants and animals considered locally significant in local or regional plans, policies, or ordinances; habitat areas or plant communities that are unique, are of relatively limited distribution, or are of particular value to wildlife; jurisdictional wetlands and non-wetland waters; and, wildlife corridors and habitat linkages.

A list of special-status plants and wildlife species evaluated for the BSA is provided as Appendix C to this report; the animal list is derivative of a nine-quad search performed in CNDDB (CNDDB 2023) and the plant list is derivative of a nine-quad search performed in CNDDB (2023) and CNPS (2023).

3.0 REGULATORY SETTING

3.1 Federal Regulations

Federal Endangered Species Act (FESA)

The FESA provides a program for the conservation of threatened and endangered plants and animals and the habitats in which they are found. The lead federal agencies for implementing FESA are the USFWS and the U.S National Oceanic and Atmospheric Administration (NOAA) Fisheries Service. Actions that jeopardize endangered or threatened species and the habitats upon which they rely are considered a “take” under the FESA. Section 9(a) of the FESA defines take as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.” “Harm” and “harass” are further defined in federal regulations and case law to include actions that adversely impair or disrupt a listed species’ behavioral patterns.

FESA Section 7 is called "Interagency Cooperation," and it is the mechanism by which Federal agencies ensure the actions they take, including those they fund or authorize, do not jeopardize the existence of any listed species. A Section 7 consultation (formal or informal) is required when there is a nexus between endangered species’ use of a site and there is an associated federal action for a proposed impact.

Under the provisions of FESA Section 10(a), permits may be issued for the incidental take of endangered or threatened species, accompanied by the preparation of a Habitat Conservation Plan (HCP), regardless of the presence of a federal nexus. The term "incidental" denotes taking that is secondary to, and not the primary purpose of, a lawful activity. To obtain Section 10(a) permits, an HCP must be submitted, demonstrating how the taking will be minimized and ensuring the species' survival. For instance, the MSHCP serves as a regional HCP developed in accordance with FESA Section 10(a), allowing for the take of listed species, provided the project is in compliance with the MSHCP.

The USFWS designates critical habitat for endangered and threatened species. Critical habitat is the specific areas within the geographic area, occupied by the species at the time it was listed, that contain the physical or biological features that are essential to the conservation of endangered and threatened species and that may need special management or protection. Critical habitat may also include areas that were not inhabited by the species at the time of listing but are crucial to its conservation. Critical habitat designations affect only Federal agency actions or federally funded or permitted activities. Critical habitat designations do not affect activities by private landowners if there is no Federal “nexus”, or no Federal funding or authorization associated with a project. Federal agencies are required to avoid “destruction” or “adverse modification” of designated critical habitat.

Migratory Bird Treaty Act (MBTA)

The Migratory Bird Treaty Act (MBTA) prohibits the take of protected migratory bird species without prior authorization by the USFWS. Additionally, Executive Order 13186, "Responsibilities of Federal Agencies to Protect Migratory Birds," requires that any project with federal involvement address impacts of federal actions on migratory birds with the purpose of promoting conservation of migratory bird populations (66 FR 3853–3856). The list of migratory bird species protected by the law is primarily based on bird families and species included in the four international treaties (Canada 1916, Mexico 1936, Japan 1972, and Russia 1976). In the Code of Federal Regulations one can locate this list under Title 50 Part 10.13 (10.13 list). The 10.13 list was updated in 2020, incorporating the most current scientific information on taxonomy and natural distribution.

A migratory bird species is included on the list if it meets one or more of the following:

- It occurs in the United States or U.S. territories as the result of natural biological or ecological processes and is currently, or was previously listed as, a species or part of a family protected by one of the four international treaties or their amendments.
- Revised taxonomy results in it being newly split from a species that was previously on the list, and the new species occurs in the United States or U.S. territories as the result of natural biological or ecological processes.
- New evidence exists for its natural occurrence in the United States or U.S. territories resulting from natural distributional changes and the species occurs in a protected family.

The Migratory Bird Treaty Reform Act of 2004 (MBTRA) amended the MBTA by stating the MBTA applies only to migratory bird species that are native to the United States or U.S. territories, and that a native migratory bird species is one that is present as a result of natural biological or ecological processes (USFWS 2023C). The MBTRA requires the USFWS to publish a list of all non-native, human-introduced bird species to which the MBTA does not apply, and an updated list was published in 2020. The 2020 update identifies species belonging to biological families referred to in treaties the MBTA implements but are not protected because their presence in the United States or U.S. territories is solely the result of intentional or unintentional human-assisted introductions (USFWSC 2023).

In general, the MBTA is used to place restrictions on disturbance of active bird nests during the nesting season (generally February 1 to August 31). In addition, the USFWS commonly places restrictions on disturbances allowed near active raptor nests. Currently, birds are considered to be nesting under the MBTA when there are eggs or chicks, which are dependent are on the nest.

Clean Water Act

Section 404 of the Clean Water Act (CWA) establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development, water resource

projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects (EPA 2023). Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g., certain farming and forestry activities).

Proposed activities are regulated through a permit review process. An individual permit is required for potentially significant impacts. Individual permits are reviewed by the U.S. Army Corps of Engineers or an approved State/Tribal 404(g) Program which evaluates applications under a public interest review, as well as the environmental criteria set forth in the CWA Section 404(b)(1) Guidelines, regulations promulgated by EPA (EPA 2023).

For most discharges that will have only minimal adverse effects, a general permit may be suitable. General permits are issued on a nationwide, regional, or state basis for particular categories of activities. The general permit process eliminates individual review and allows certain activities to proceed with little or no delay, provided that the general or specific conditions for the general permit are met. For example, minor road activities, utility line backfill, and bedding are activities that can be considered for a general permit (EPA 2023).

3.2 State Regulations

California Endangered Species Act (CESA)

Originally enacted in 1970, CESA was repealed and replaced by an updated version in 1984 and amended in 1997. Plant and animal species may be designated threatened or endangered under CESA after a formal listing process by the California Fish and Game Commission (CDFW 2023). Approximately 250 species are currently listed under CESA. A CESA-listed species, or any part or product of the plant or animal, may not be imported into the state, exported out of the state, “taken” (i.e., killed), possessed, purchased, or sold without proper authorization. CESA Section 2053 requires that state agencies may not approve projects that will jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat essential to the continued existence of those species if there are reasonable and prudent alternatives available consistent with conserving the species or its habitat which would prevent jeopardy (CDFW 2023). The CESA authorizes that private entities may “take” plant or wildlife species listed as endangered or threatened under the FESA and CESA, pursuant to a federal Incidental Take Permit if the CDFW certifies that the incidental take is consistent with CESA (CFG Code Section 2080.1[a]). For state-only listed species, Section 2081 of CFG Code authorizes the CDFW to issue an Incidental Take Permit for state listed threatened and endangered species if specific criteria are met. “Take” is defined in Section 86 of the California Fish and Game Code as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” The California ESA allows for take incidental to otherwise lawful development projects.

California Environmental Quality Act (CEQA)

The California Environmental Quality Act (CEQA) serves to: inform governmental decision makers and the public about the potential significant environmental effects of proposed

activities; identify ways that environmental damage can be avoided or significantly reduced; prevent significant, avoidable damage to the environment by requiring feasible project alternatives and mitigation measures; and disclose to the public the reasons for a governmental approval despite the project causing significant environmental effects. Moreover, CEQA affords protections to threatened and endangered species that are not listed on the federal or state list of protected species, and may consider some species as, rare or endangered if the species can be shown to meet certain specified criteria. CEQA Guidelines Section 15380(b)(1) defines endangered animals or plants as species or subspecies whose "survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors" (14 CCR 15000 et seq.). A rare animal or plant is defined in CEQA Guidelines Section 15380(b)(2) as a species that, although not presently threatened with extinction, exists "in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens; or …the species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered 'threatened' as that term is used in the Federal Endangered Species Act." Additionally, an animal or plant may be presumed to be endangered, rare, or threatened if it meets the criteria for listing, as defined further in CEQA Guidelines Section 15380(c). CEQA also requires identification of a project's potentially significant impacts on riparian habitats (such as wetlands, bays, estuaries, and marshes) and other sensitive natural communities, including habitats occupied by endangered, rare, and threatened species.

Native Plant Protection Act

The Native Plant Protection Act (NPPA) was enacted in 1977 and allows the Fish and Game Commission to designate native plants as rare or endangered. There are 64 species, subspecies, and varieties of plants that are protected as rare under the NPPA. The NPPA prohibits take of endangered or rare native plants, unless authorized by CDFW via a permit or other agreement pursuant to the applicable regulations, or under certain other limited circumstances. The CESA of 1984 (Fish and Game Code Section 2050-2116) provided further protection for rare and endangered plant species, but the NPPA remains part of the California Fish and Game Code (California Fish and Game Code §§ 1900-1913).

Fully Protected Species

The State of California first began to designate species as "fully protected" prior to the creation of the FESA and the CESA. The designation and protection of fully protected species is established by FGC sections 3511, 4700, 5050, and 5515. Except in very limited circumstances such as pursuant to necessary scientific research, including efforts to recover a species, or an approved Natural Community Conservation Plan (NCCP), fully protected species may not be taken or possessed.

California Fish and Game Code

The California Fish and Game Code regulates the taking of birds, mammals, fish, amphibians, and reptiles, as well as natural resources such as wetlands and waters of the state. According

to Section 3503, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto. Section 3513 states that is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA. CDFW currently defines an active nest as one that is under construction or in use and includes existing nests that are being modified. For example, if a hawk is adding to, or maintaining an existing stick nest in a tree, then the nest is deemed active and protected under these Fish and Game Code Sections.

In Section 1602 of the Fish and Game Code, the CDFW regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake that supports fish or wildlife. A Streambed Alteration Agreement is required for impacts to jurisdictional wetlands in accordance with Section 1602 of the California Fish and Game Code.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (the Act) is a California state law that was enacted in 1969 to protect and manage the state's water resources. The intent of the Porter–Cologne Water Quality Control Act is to protect water quality and the beneficial uses of water, and it applies to both surface water and groundwater. The Act establishes a framework for regulating discharges of pollutants into the state's waters and provides for the issuance of permits to regulate discharges. Under this Act, the State Water Resources Control Board (SWRCB) develops statewide water quality plans, and the Regional Water Quality Control Boards (RWQCB) develop basin plans that identify beneficial uses, water quality objectives, and implementation plans. The RWQCBs have the primary responsibility to implement the provisions of both statewide and basin plans.

Projects with impacts to jurisdictional waters must demonstrate compliance with the goals of the Act by developing Stormwater Pollution Prevention Plans, Standard Urban Storm Water Mitigation Plans, and other measures to obtain a CWA Section 401 certification.

Under the Porter-Cologne Act, the SWRCB and the RWQCBs have the authority to:

- Regulate the discharge of pollutants into the state's waters.
- Establish water quality objectives and standards for surface waters.
- Develop and implement programs to protect and improve water quality.
- Conduct investigations and take enforcement actions to prevent violations of water quality standards and regulations.
- Regulate the use of groundwater to prevent contamination of surface waters.
- Regulate activities that may impact the quality of the state's waters, such as land use activities and mining operations.

3.3 Local Regulations

The Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) is a long-term conservation plan designed to protect and manage a diverse array of plant and animal species and their habitats in western Riverside County, California. The City of Banning is Permittee to the MSHCP. The MSHCP was developed through a collaborative effort between federal, state, and local agencies, along with conservation groups, landowners, and other stakeholders. The plan covers an area of over 1.26 million acres and provides for the conservation and management of over 146 plant and animal species. The MSHCP includes several conservation measures, such as habitat restoration, enhancement, and creation, as well as the preservation of key wildlife corridors and the acquisition of conservation easements and fee title interests. The MSHCP also includes provisions for monitoring and adaptive management to ensure that the conservation measures are effective in achieving their intended goals.

, Because the City is a Permittee to the MSHCP, the Project must not conflictwith the local adopted habitat conservation plans, such as the MSHCP. An MSHCP Consistency Analysis is provided in Section 6 of this report.

4.0 RESULTS

4.1 Land Uses

The majority of the BSA is characterized by a disturbed and undeveloped vacant lot. In the western boundary of the BSA, there are single-family homes and in the eastern section of the BSA, is Montgomery Creek, a steeply incised channel is present. The northern part of the BSA consists of West Lincoln Street and additional single-family homes (Figure 2).

4.2 Soils

The NRCS Web Soil Survey (USDA 2023) identifies four soil map units in the BSA (Figure 4-USDA Soils). The soils present in the BSA are as follows:

- RaB2 Ramona sandy loam, 2 to 5 percent slopes, eroded
- GyC2 Greenfield sandy loam, 2 to 8 percent slopes, eroded
- TeG Terrace escarpments
- RaC2 Ramona sandy loam, 5 to 8 percent slopes, eroded

4.3 Vegetation and Land Cover Types

The BSA contains a total of four land cover types and vegetation communities; including, Urban/Developed lands, Disturbed habitat, Riversidian Alluvial Fan Sage Scrub, and Unvegetated Channel (Figure 5-Vegetation Communities and Land Cover Types). These land cover types and vegetation communities are summarized in Table 2 and discussed below. (Representative photos are provided in Appendix B).

Table 2. Vegetation Communities and Land Cover Types in BSA

Vegetation Community/ Land Cover Type	Total (acres)
Urban/Developed (URB/DEV)	1.88
Disturbed Habitat (DH)	2.56
Riversidian Alluvial Fan Sage Scrub (RAFSS)	0.06
Unvegetated Channel (UVC)	0.03
Total	**4.53**

Urban/Developed Lands (DEV)

According to Holland (1986), urban/developed lands refer to areas that have undergone construction or significant physical alterations, to an extent that native vegetation is no longer supported. These lands are typically characterized by the presence of permanent or semi-

permanent structures, pavement, hardscape, and landscaped areas featuring various ornamental plants.

Urban/developed lands occupy approximately 1.88-acres in the BSA. These lands are characterized by single-family residences, a paved roadway (i.e., West Lincoln Street), and ornamental plantings.

Disturbed Habitat (DH)

Disturbed Habitat refers to areas that have not been developed but have experienced physical disturbances caused by human activities. These areas still retain a soil substrate and are primarily covered by non-native species (Holland 1986).

A total of 2.56-acres of Disturbed Habitat dominates the BSA. Disturbed Habitat within the BSA is characterized by bare and gravel grounds with an herbaceous cover dominated by non-native species, such as, foxtail brome (*Bromus rubens*), dove weed (*Croton setiger*), horse weed (*Erigeron canadensis*) short-pod mustard (*Hirschfeldia incana*), foxtail barley (*Hordeum murinum*), and *Erodium spp*. Areas mapped as Disturbed Habitat within the BSA show evidence of repeated mowing.

Riversidian Alluvial Fan Sage Scrub (RAFSS)

Riversidian alluvial fan sage scrub (RAFSS) usually occurs on alluvial fans in southern California, particularly in Riverside and San Diego counties. This variant of sage scrub is adapted to the unique conditions found on alluvial fans, which typically have well-drained, rocky soils.

A total of 0.06-acre of RAFSS occurs in the BSA within the banks of Montogomery Creek and none is present in the Project footprint. This community is dominated by California buckwheat, California sage brush, and an occasional single scale broom (*Lepidospartum squamatum*).

Unvegetated Channel (UVC)

Unvegetated channel refers to a sandy, gravelly, or rocky area along waterways or flood channels where vegetation does not typically grow on a permanent basis. The presence of variable water lines inhibits the establishment and growth of vegetation, although some weedy grass species may be found along the outer edges of the channel. Vegetation cover in these areas is usually less than 10% (Holland 1986).

A total of 0.03-acre of unvegetated channel occurs in the BSA as the bed of Montgomery Creek and none occurs in the Project footprint.

4.4 Common Plants

Common plant species observed in the BSA were typical of disturbed habitat and included: foxtail brome, dove weed, horse weed, short-pod mustard, foxtail barley, *Erodium spp*., and occasional patches of California buckwheat and California sagebrush.

4.5 Common Wildlife

Common wildlife species observed in the BSA during the field assessment include, American crow (*Corvus brachyrhynchos*), mourning dove (*Zenaida macroura*), western fence lizard (*Sceloporus occidentalis*), house finch (*Haemorhous mexicanus*), and song sparrow (*Melospiza melodia*).

4.6 Jurisdictional Non-Wetland Waters and Wetlands

Montgomery Creek (Creek), an ephemeral channel exhibiting steeply incised banks, traverses the eastern portion of the BSA (Figure-5). This feature is considered an MSHCP riverine resource which is also discussed in Section 6.3.1 of this report. Within this reach, the Creek exhibits eroded banks with vertical spans surpassing 25 feet, while active flood plain maintains an average width of approximately 4 feet. The Creek's southern ingress into the BSA is facilitated by two 3-foot corrugated steel culverts originating beneath West Lincoln Road. The Creek intersects the BSA, however it should be noted that the Creek is absent from the Project footprint and therefore no impacts are anticipated to this feature.

4.7 Special-Status Biological Resources

4.7.1 Sensitive Vegetation Communities

The CDFW assesses the rarity of vegetation communities, also known as natural communities, using the NatureServe's Heritage Methodology. This methodology evaluates communities at both the global level, encompassing their full natural range within and outside of California, and the state level, focusing specifically on their occurrence within California. Each community is assigned a single rank, denoted as G (global) and S (state), on a scale of 1 to 5. A rank of 1 indicates a community that is very rare and threatened, while a rank of 5 signifies a community that is demonstrably secure.

When a vegetation community receives a Rarity Ranking of S1 (critically imperiled), S2 (imperiled), or S3 (vulnerable), the CDFW considers it a sensitive natural community. These sensitive communities are to be addressed during the environmental review process of CEQA and its equivalent regulations.

Vegetation community descriptions used by the CDFW follow the National Vegetation Classification System (NVCS) using the Manual of California Vegetation (MCV), 2nd Edition (Sawyer et al. 2009). The MCV classifies vegetation communities based on floristic and structural details that are represented as alliances and associations. Vegetation communities mapped within the BSA, and described within this report, follow the descriptions and classifications as defined in Holland (1986). However, all Holland (1986) classifications used in this report were translated to the comparable classification unit under MCV to determine the sensitivity of the vegetation community being analyzed. If a natural community described under Holland (1986) did not have an appropriate direct translation within MCV, then professional judgement was used by the biologist to find the best corresponding association or alliance that would not jeopardize the conservation value of the vegetation community being analyzed.

RAFSS is classified as a sensitive vegetation community with a state ranking of S3 and a global ranking of G3. Due to its sensitivity, any potential impacts to this community would necessitate mitigation measures. However, no impacts are anticipated on this community as a result of the Project implementation.

4.7.2 Special-Status Plant Species

Special status plant species are defined herein as, plants listed or proposed for listing as threatened or endangered under the FESA or candidates for possible future listing as threatened or endangered under the FESA; plants considered by CDFW to be "rare, threatened or endangered in California", which includes plants tracked by the CNDDB and the CNPS as CRPR 1 or 2; plants that may warrant consideration on the basis of declining trends, recent taxonomic information, or other factors, which may include plants tracked by the CNDDB and CNPS as CRPR 3 or 4; and plants considered locally significant or plants that are not rare from a statewide perspective but are rare or uncommon in a local context such as within a county or region, or as designated in local or regional plans (e.g., MSHCP), policies, or ordinances.

No special-status plant species were observed during the general habitat assessment. Most of the BSA and all of the impact footprint is composed of disturbed lands that lack suitable habitat for special-status plants.

4.7.3 Special-Status Wildlife Species

Special-status wildlife species are defined herein as, animal species listed or proposed for listing as threatened or endangered under the FESA or candidates for possible future listing as threatened or endangered under the FESA; animals considered by CDFW to be "rare, threatened, endangered, or a SSC in California", which includes animals tracked by the CNDDB; and, animals considered locally significant in local or regional plans, policies, or ordinances.

No special-status wildlife species were observed during the habitat assessment and no special-status wildlife species are expected to occur.

4.8 Nesting Birds

The Project footprint does not contain vegetation that could provide suitable nesting habitat for bird species protected under the MBTA and the Fish and Game Code. There are no trees or bushes within the Project footprint. Ground nesters are unlikely on the Project because of the regular frequency of mowing that occurs on the Project footprint. Limited suitable vegetation for foraging is within the Creek but are few in number and spread out. Because of the regular frequency of mowing and lack of brush or trees, nesting birds are not expected to occur in the BSA.

4.9 Wildlife Corridors and Habitat Linkages

Wildlife corridors are linear features that join large spans of natural open space that enable the movement of animals throughout the landscape. Habitat linkages are areas that provide connectivity between habitat patches as well as opportunities for foraging, reproduction, and dispersal habitat for plants and animals. Habitat linkages help minimize the effects of habitat fragmentation as they function as steppingstones for wildlife dispersal.

The Project site is not located within designated wildlife corridors or habitat linkages identified in the South Coast Missing Linkages analysis conducted by South Coast Wildlands (2008). The proposed Project is located within the disturbed lands that are adjacent to a predominantly urban landscape. Because the Project is not located in or adjacent to an MSHCP Conservation area and no MSHCP linkages are identified in the Project area.

5.0 IMPACTS ANALYSIS

The purpose of the impact analysis presented in this report is to identify potential direct and indirect impacts that may arise from the implementation of the Project. The analysis has been conducted in accordance with the requirements of CEQA and the MSHCP.

Pursuant to the CEQA Guidelines, three types of impacts or effects are defined:

Direct impacts, also known as primary effects, are actions caused by the Project that occur at the same time and place. These impacts involve the loss, modification, or disturbance of habitats, directly affecting the flora and fauna within those habitats. Additionally, direct impacts encompass the destruction of individual plants or animals. Permanent impacts are direct impacts.

Indirect impacts, also referred to as secondary effects, are reasonably foreseeable and caused by the Project but occur at different times or locations. The CEQA Guidelines describe indirect impacts as follows: "An indirect physical change in the environment is a physical change... which is not immediately related to the project, but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect change in the environment" (Section 15064 (d)(2)). Examples of indirect impacts include increased ambient levels of noise or light, predation by domestic pets, competition with exotic plants and animals, introduction of toxins (including pesticides), and human disturbances such as hiking, off-road vehicle use, or unauthorized dumping.

Cumulative impacts or effects refer to the combined effects of two or more individual impacts that, when considered together, are substantial or contribute to the amplification of other environmental impacts. Cumulative impacts can arise from multiple effects of the same Project or from several different projects. They can result from individually minor but collectively significant actions occurring over a period of time.

The impact analysis in this report examines these three types of impacts to provide a comprehensive understanding of the potential consequences associated with the Project. Permanent and temporary impacts to vegetation communities and land cover types as a result of Project implementation are quantified and summarized in Table 3 (Figure 5).

Table 3. Summary of Impacts to Vegetation Communities and Land Cover Types

Vegetation Community / Land Cover Type	Permanent (acre)	Temporary (acre)	Total
Urban/Developed (URB/DEV)	0.09	0.01	0.1
Disturbed Habitat (DH)	0.39	0.90	1.29
Total Project Footprint	**0.48**	**0.91**	**1.39**

5.1 Impacts to Vegetation Communities and Land Cover Types

5.1.1 Direct Impacts

As shown in Table 3, the Project footprint supports two of the four land cover types and vegetation communities within the BSA: Urban/Developed lands and Disturbed Habitat. Neither of these vegetation habitat types are considered sensitive. Permanent impacts total 0.48 acre and temporary impacts total 0.91 acre within these land cover types.

5.1.2 Indirect Impacts

No indirect impacts outside of the Project footprint, within the BSA, are anticipated to occur to sensitive vegetation communities. Although approximately 0.06-acre of RAFSS related to Montgomery Creek occurs in the BSA, the project permanent and temporary impact areas do not affect the RAFSS.

To ensure construction activities avoid the RAFSS associated with Montgomery Creek, recommendation **BIO-1** (Temporary Exclusionary/Construction Fencing) is provided in Section 7 of this report. This measure will minimize the risk of accidental impacts to the RAFFS within the BSA.

5.2 Impacts to Special-Status Plant Species

5.2.1 Direct Impacts

As shown in Table 3, Project impacts affect Urban/Developed lands and Disturbed Habitat, which do not provide suitable habitat for special-status plants. In addition, no special-status plants were identified during the biological assessment or focused wildlife surveys conducted within the Project footprint. Therefore, no direct impacts are expected to occur to special-status plant species because of Project implementation.5.2.2 Indirect Impacts

No special-status plants occur in the Project within the Project BSA. As such, no indirect impacts are anticipated to occur to special-status plants.

5.3 Impacts to Special-Status Wildlife Species

5.3.1 Direct Impacts

No special-status wildlife species were observed during the habitat assessment and no special-status wildlife species are expected to occur given the disturbed nature of the site and associated habitat types. Therefore, no direct impacts to special status wildlife are expected to occur.

5.3.2 Indirect Impacts

No special-status wildlife species were observed during the habitat assessment and no special-status wildlife species are expected to occur within the BSA. Therefore, no indirect impacts are expected to occur to special status wildlife species.

5.4 Impacts to Jurisdictional Non-Wetland Waters and Wetlands

5.4.1 Direct Impacts

No potentially jurisdictional waters occur in the Project footprint. Therefore, no direct impacts are anticipated.

5.4.2 Indirect Impacts

Montgomery Creek occurs in the BSA. Therefore, indirect impacts to Montgomery Creek could occur as a result of Project implementation if Project activities stray outside the Project footprint and the appropriate measures are not taken. As such, Recommendations **BIO-1** (Temporary Exclusionary/Construction Fencing) and **BIO-2** (Construction Best Management Practices) are included in Section 7.0 to avoid indirect impacts to Montgomery Creek.

5.5 Impacts to Wildlife Corridors and Habitat Linkages

5.5.1 Direct Impacts

No wildlife corridors or linkages occur within the Project footprint or BSA. As such, no direct impacts or interferences are anticipated to occur to wildlife corridors and habitat linkages.

5.5.2 Indirect Impacts

No wildlife corridors or linkages occur within the BSA. As such, no indirect impacts or indirect interferences are anticipated to occur to wildlife corridors and habitat linkages.

5.6 Impacts to Nesting Birds

No suitable habitat for nesting birds is located within the BSA, including the Project footprint. Ground nesters are not expected in the Project footprint because of frequent mowing. There is limited suitable habitat for foraging birds within the Creek. Because Project impacts are limited to the Project footprint and the quality of vegetation is scarce in the Creek and more suitable for foraging then nesting, no impacts to nesting birds are anticipated to occur.

5.7 Cumulative Impacts

It is anticipated that the proposed Project will not result in cumulative impacts on the biological resources within the Project area or the surrounding region. This conclusion is based on several factors. Firstly, the Project is situated within an already established semi-urban environment where urban and developed lands dominate. Secondly, the impacts associated with the Project will occur in existing disturbed lands. Therefore, the overall cumulative effects on the biological resources are expected to be minimal.

6.0 REGIONAL RESOURCE PLANNING / MSHCP CONSISTENCY ANALYSIS

To check consistency of the proposed Project with the MSHCP, a consistency analysis was conducted as part of this BTR. Shapefiles obtained from the Riverside County Mapping Portal (Riverside 2023) were downloaded and integrated into GIS to determine if the Project site falls within the MSHCP Criteria Area, Public/Quasi Public Lands (PQP Lands), or intersects with any required biota survey areas, including Sub Area Plan boundaries.

6.1 Reserve Assembly Analysis

The Project is a Public Project (Permittee-sponsored) and does not occur in the Criteria Area; therefore, a Reserve Assembly Analysis is not required. The Project will not conflict with Section 3.0 of the MSCHP.

6.2 Public Quasi-Public Lands in Reserve Assembly Analysis

The proposed Project does not occur in, or adjacent to, PQP Lands. No direct or indirect impacts will occur to PQP lands.

6.3 Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools (MSHCP Section 6.1.2)

6.3.1 Riparian / Riverine

Riparian/riverine areas are lands which contain habitat dominated by trees, shrubs, persistent emergents, or emergent mosses and lichens, which occur close to or which depend upon soil moisture from a nearby fresh water source; or areas with fresh water flow during all or a portion of the year (MSHCP 2004).

Results: Riparian/riverine resources were assessed during the biological assessment in the Project footprint and BSA, as described in Section 2.2 of this report. No riparian/riverine resources are present in the Project impact footprint and therefore no direct impacts to MSHCP riparian habitat are anticipated. However, riverine resources (i.e., Montgomery Creek with 0.06-acre of RAFSS) do occur in the Project BSA outside of the direct impact footprint and could be subject to indirect impacts if Project activities stray outside the Project footprint. No riparian habitat is within the Project footprint and BSA. Recommendations **BIO-1** and **BIO-2** are included in Section 7.0 to avoid indirect impacts to riparian/riverine resources. Therefore, because no impacts directly or indirectly are proposed to Montgomery Creek which is the area of the BSA that has riverine resources, no DBESP or mitigation is necessary.

6.3.2 Vernal Pools

Vernal pools are seasonal wetlands that occur in depression areas that have wetlands indicators of all three parameters (i.e., soils, vegetation, and hydrology) during the wetter portion of the growing season but normally lack wetlands indicators of hydrology and/or

vegetation during the drier portion of the growing season. Obligate hydrophytes and facultative wetland plant species are normally dominant during the wetter portion of the growing season, while upland species (annuals) may be dominant during the drier portion of the growing season.

Results: The project site does not support soils or plants suitable to support vernal pools. Additionally, no areas of seasonal ponding identified during aerial photo reviews, nor vernal pools were identified in the Project footprint or the BSA during the site investigation. Therefore, no direct or indirect impacts are expected to occur.

6.3.3 Fairy Shrimp

No vernal pools or other suitable fairy shrimp habitat (i.e., ponding or suitable soils) were found in the Project footprint or BSA during the site investigation and historical aerial reviews. Therefore, fairy shrimp surveys were not conducted as part of the Project evaluation due to the absence of suitable habitat. No impacts to listed fairy shrimp species are expected to occur.

6.3.4 Riparian Birds

No suitable habitat is present for riparian bird species (i.e., least Bell's vireo, southwestern willow flycatcher, or yellow-billed cuckoo) in the Project footprint or BSA. Therefore, no direct or indirect impacts are expected to occur to riparian birds.

6.4 Narrow Endemic Plant Species (MSHCP Section 6.1.3)

The Project footprint and BSA are not located in a Narrow Endemic Plant Species Survey Area. Therefore, the Project would not conflict with Section 6.1.3 of the MSHCP.

6.5 Additional Survey Needs and Procedures (MSHCP Section 6.3.2)

6.5.1 Criteria Area Plant Species

The proposed Project footprint and BSA is not located in a Section 6.3.2 mapped survey area for Criteria Area Plant species. Therefore, the Project would not conflict with Section 6.3.2 of the MSHCP.

6.5.2 Amphibians

The proposed Project footprint and BSA is not located in a survey area for amphibians. Therefore, the Project would not conflict with Section 6.3.2 of the MSHCP, addressing amphibians.

6.5.3 Burrowing Owl

The proposed Project footprint and BSA is not located in a survey area for burrowing owl. Therefore, the Project would not conflict with Section 6.3.2 of the MSHCP.

6.5.4 Mammals

The proposed Project footprint and BSA is not located in a survey area for mammals. Therefore, the Project would not conflict with Section 6.3.2 of the MSHCP.

6.6 Information on Other Species

6.6.1 Delhi Sands Flower Loving Fly

The proposed Project is not located within an area with mapped Delhi soils. No suitable habitat is present for this species within the BSA or Project footprint. Therefore, the Project would not conflict with Section 6.3.2 of the MSHCP, addressing the Delhi sands flower-loving fly.

6.6.2 Coastal California Gnatcatcher

The BSA contains RAFSS; however, the Project footprint does not contain RAFSS, therefore suitable habitat for coastal California gnatcatcher will not be directly or indirectly impacted and the Project would not conflict with Section 6.3.2 of the MSHCP.

6.6.3 Species Not Adequately Covered

No suitable habitat for the MSHCP Table 9-3 species (a total of 28 species) is present on the Project site, and none of the species were observed on the Project footprint or BSA during the field investigation. Therefore, the Project would not directly or indirectly impact species not adequately covered listed in Table 9-3.

6.7 Guidelines Pertaining to the Urban/Wildlands Interface (MSHCP Section 6.1.4)

The proposed Project does not have any adjacency or on-site connection to existing MSHCP Conservation areas or lands designated for conservation purposes. The Project will not conflict with Section 6.1.4 of the MSHCP.

6.8 Construction Guidelines (MSHCP Section 7.5.3)

The Project is not located in the Criteria Area or PQP Lands, therefore the construction guidelines of Section 7.5.3 are not applicable.

6.9 Best Management Practices (MSHCP Volume I, Appendix C)

The Best Management Practices (BMPs) listed in MSHCP Volume 1, Appendix C and replicated below, are applicable to all projects.

1. A condition shall be placed on grading permits requiring a qualified biologist to conduct a training session for project personnel prior to grading. The training shall include a description of the species of concern and its habitats, the general provisions of the Endangered Species Act (Act) and the MSHCP, the need to adhere to the provisions of

the Act and the MSHCP, the penalties associated with violating the provisions of the Act, the general measures that are being implemented to conserve the species of concern as they relate to the project, and the access routes to and project site boundaries within which the project activities must be accomplished.

2. Water pollution and erosion control plans shall be developed and implemented in accordance with RWQCB requirements.

3. The footprint of disturbance shall be minimized to the maximum extent feasible. Access to sites shall be via pre-existing access routes to the greatest extent possible.

4. The upstream and downstream limits of projects disturbance plus lateral limits of disturbance on either side of the stream shall be clearly defined and marked in the field and reviewed by the biologist prior to initiation of work.

5. Projects should be designed to avoid the placement of equipment and personnel within the stream channel or on sand and gravel bars, banks, and adjacent upland habitats used by target species of concern.

6. Projects that cannot be conducted without placing equipment or personnel in sensitive habitats should be timed to avoid the breeding season of riparian identified in MSHCP Global Species Objective No. 7.

7. When stream flows must be diverted, the diversions shall be conducted using sandbags or other methods requiring minimal instream impacts. Silt fencing of other sediment trapping materials shall be installed at the downstream end of construction activity to minimize the transport of sediments offsite. Settling ponds where sediment is collected shall be cleaned out in a manner that prevents the sediment from reentering the stream. Care shall be exercised when removing silt fences, as feasible, to prevent debris or sediment from returning to the stream.

8. Equipment storage, fueling, and staging areas shall be located on upland sites with minimal risks of direct drainage into riparian areas or other sensitive habitats. These designated areas shall be located in such a manner as to prevent any runoff from entering sensitive habitat. Necessary precautions shall be taken to prevent the release of cement or other toxic substances into surface waters. Project related spills of hazardous materials shall be reported to appropriate entities including but not limited to applicable jurisdictional city, FWS, and CDFG, RWQCB and shall be cleaned up immediately and contaminated soils removed to approved disposal areas.

9. Erodible fill material shall not be deposited into water courses. Brush, loose soils, or other similar debris material shall not be stockpiled within the stream channel or on its banks.

10. The qualified project biologist shall monitor construction activities for the duration of the project to ensure that practicable measures are being employed to avoid incidental disturbance of habitat and species of concern outside the project footprint.

11. The removal of native vegetation shall be avoided and minimized to the maximum extent practicable. Temporary impacts shall be returned to pre-existing contours and revegetated with appropriate native species.

12. Exotic species that prey upon or displace target species of concern should be permanently removed from the site to the extent feasible.

13. To avoid attracting predators of the species of concern, the project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site(s).

14. Construction employees shall strictly limit their activities, vehicles, equipment, and construction materials to the proposed project footprint and designated staging areas and routes of travel. The construction area(s) shall be the minimal area necessary to complete the project and shall be specified in the construction plans. Construction limits will be fenced with orange snow screen. Exclusion fencing should be maintained until the completion of all construction activities. Employees shall be instructed that their activities are restricted to the construction areas.

15. The Permittee shall have the right to access and inspect any sites of approved projects including any restoration/enhancement area for compliance with project approval conditions including these BMPs.

7.0 RECOMMENDATIONS

BIO-1 Temporary Exclusionary/Construction Fencing

To protect Montgomery Creek sensitive habitats (RAFSS) and the riverine habitat which are adjacent to the Project footprint, within the BSA, temporary exclusionary construction fencing will be installed at the Project footprint boundary where they are adjacent to Montgomery Creek with the Project Biologist present to ensure the fencing is placed in the correct areas of the site (see Figure 6 – Exclusionary Fencing of this report). The purpose of fencing shall be to prevent disturbances to adjacent sensitive habitats and to avoid the spread of debris from the construction zone into adjacent areas.

BIO-2 Construction Best Management Practices

Implement appropriate Best Management Practices (BMPs) to control erosion, manage stormwater runoff, and minimize the release of pollutants. Examples of BMPs include sediment and erosion control measures, including fiber rolls and silt fencing placed around off-site aquatic features in a manner to deter sediment deposition and potential pollutant run-off.

Implement measures to prevent the discharge of pollutants into storm drains or nearby water bodies. This may include proper storage and handling of construction materials, spill prevention and response procedures, and regular site clean-up.

Provide training to construction personnel in BMP implementation, and the importance of preventing pollution. Ensure all employees are aware of their responsibilities in implementing BMPs for stormwater protection.

Establish procedures for monitoring the effectiveness of the SWPP plan, including regular inspections, and reporting any incidents or deviations from the plan. Make necessary adjustments to the plan as needed.

8.0 REFERENCES

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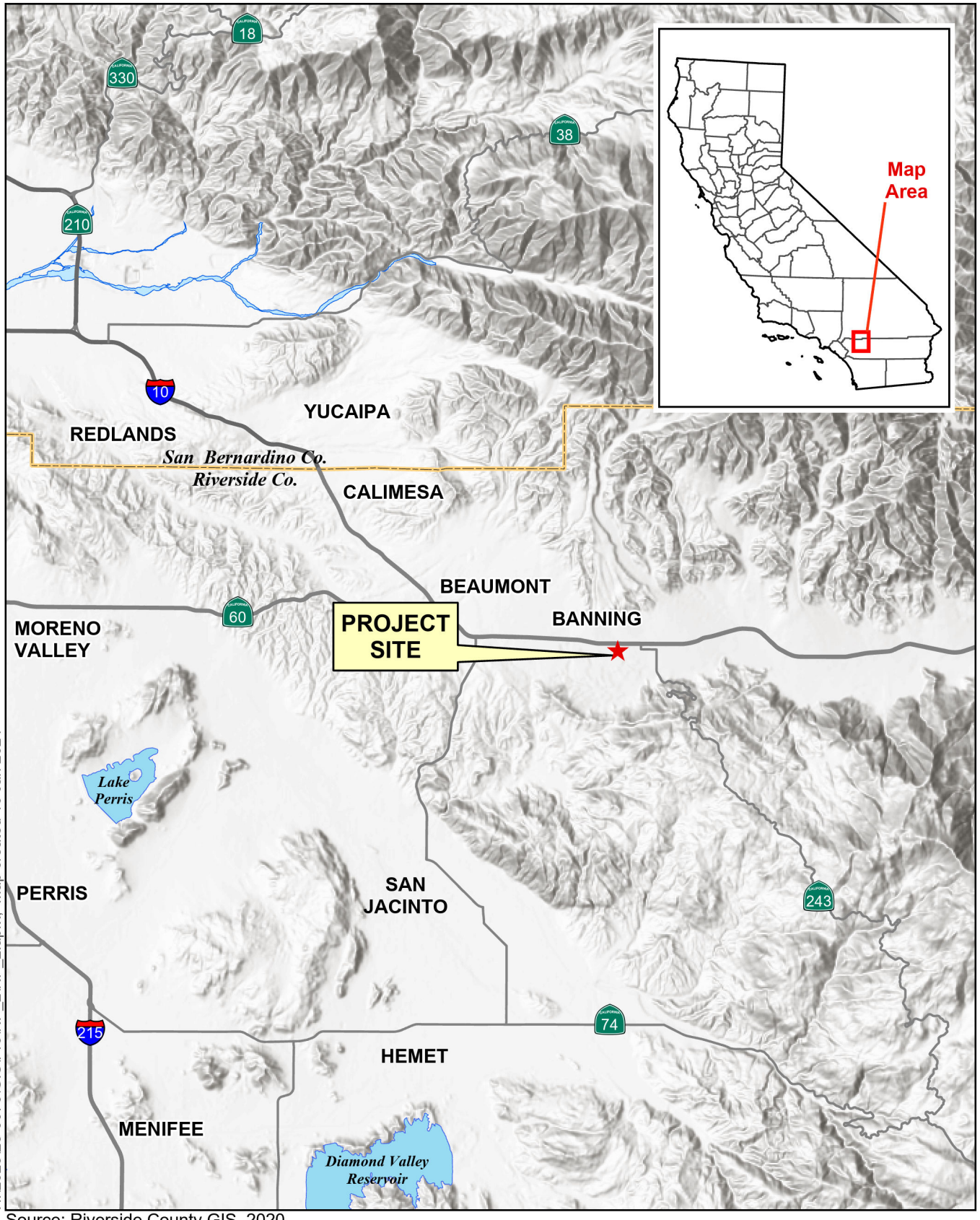
APPENDIX A



Source: Riverside County GIS, 2020

0 2 4 6 Miles

Figure 1 - Regional Map

NP-2 Booster Pump Station and Reservoir Project

ALBERT A. WEBB ASSOCIATES

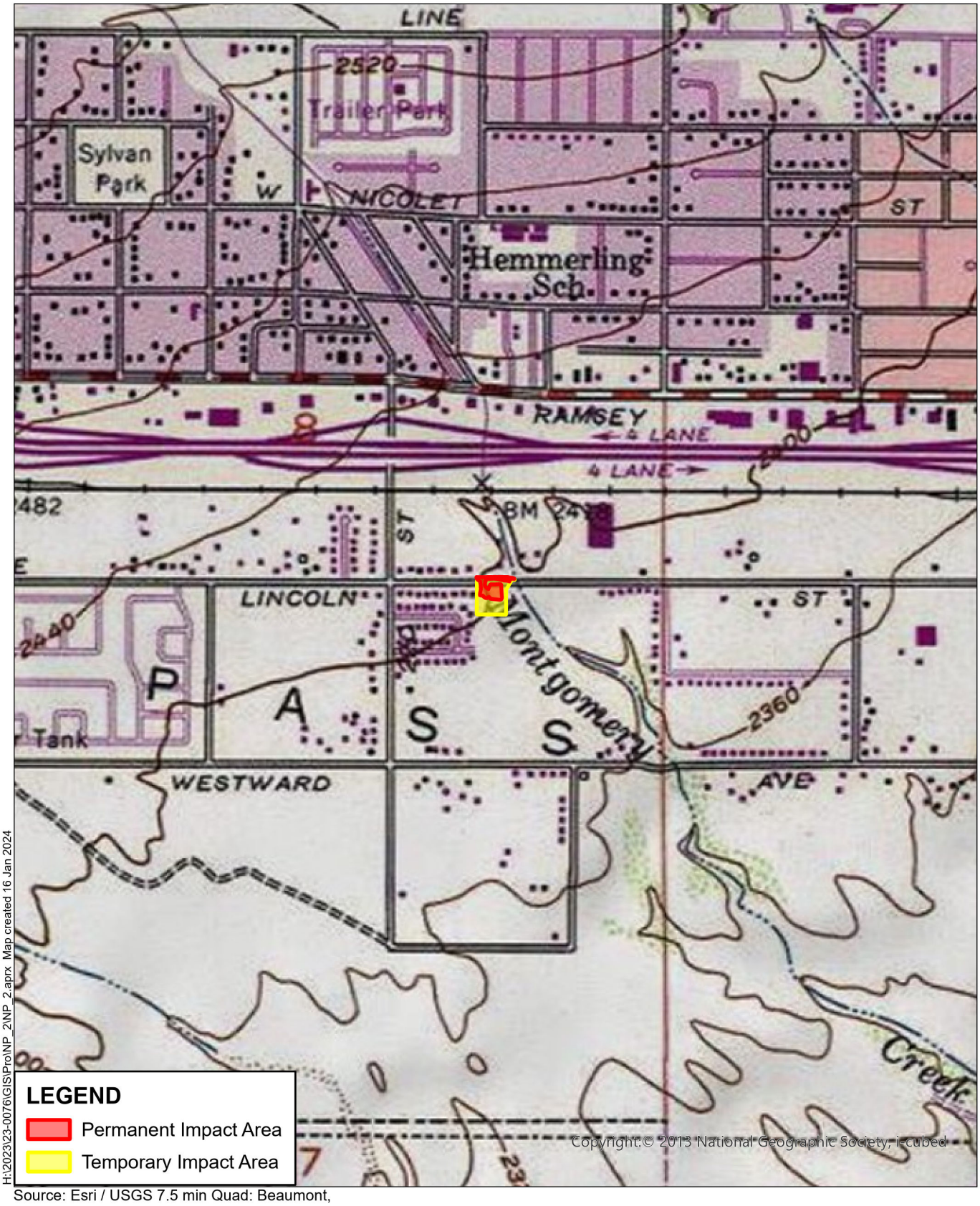
Source: Esri imagery, 2024.

Figure 2 - Vicinity Map

NP-2 Booster Pump Station and Reservoir Project

0 500 1,000 1,500 Feet

ALBERT A. WEBB ASSOCIATES



H:\2023\23-0076\GIS\Pro\NP_2NP_2.aprx Map created 16 Jan 2024

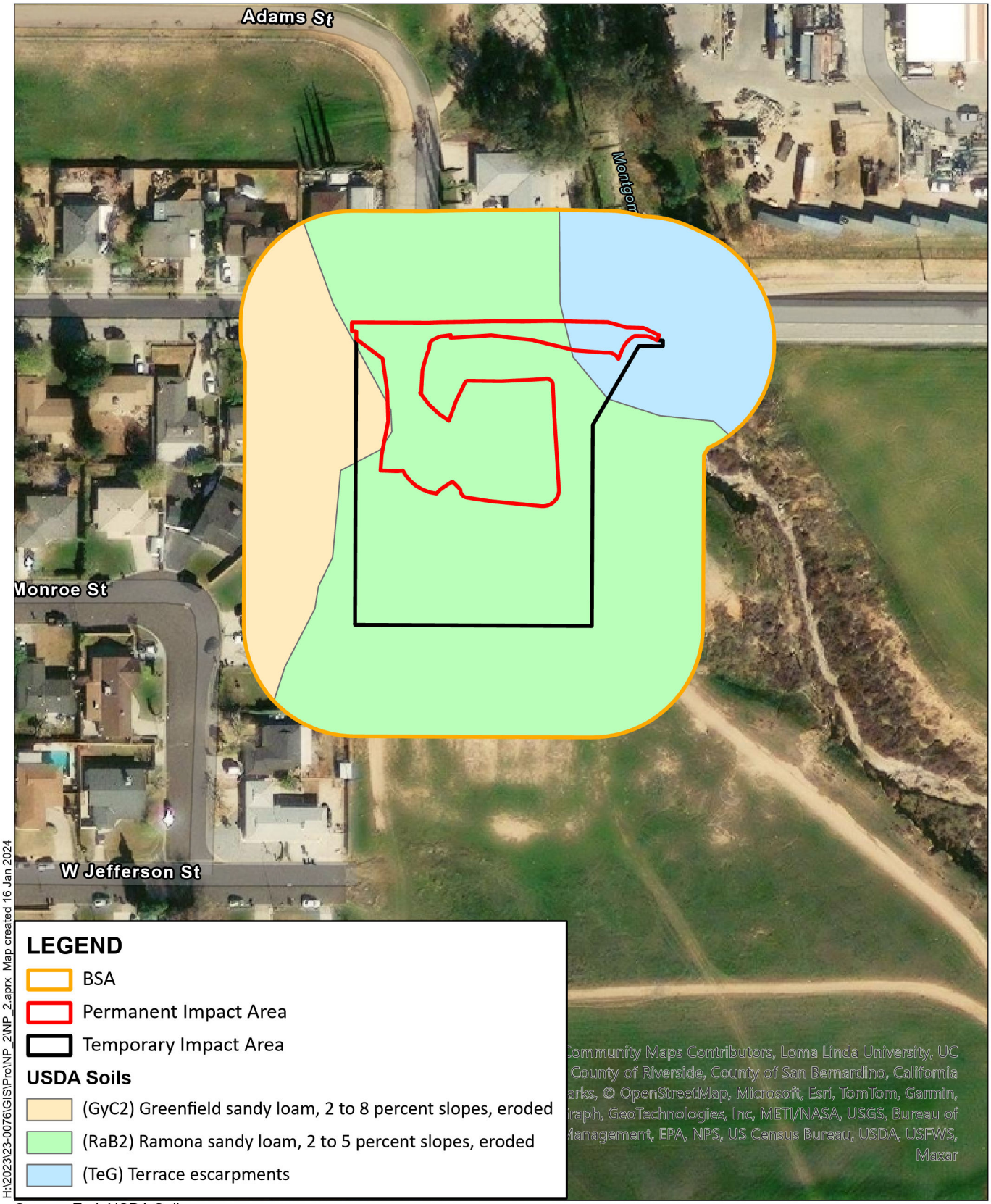
Source: Esri / USGS 7.5 min Quad: Beaumont,
Township: 3, Section: 8, Range: 1.

0 500 1,000 1,500 Feet

Figure 3 - USGS Map

NP-2 Booster Pump Station and Reservoir Project

ALBERT A. WEBB ASSOCIATES



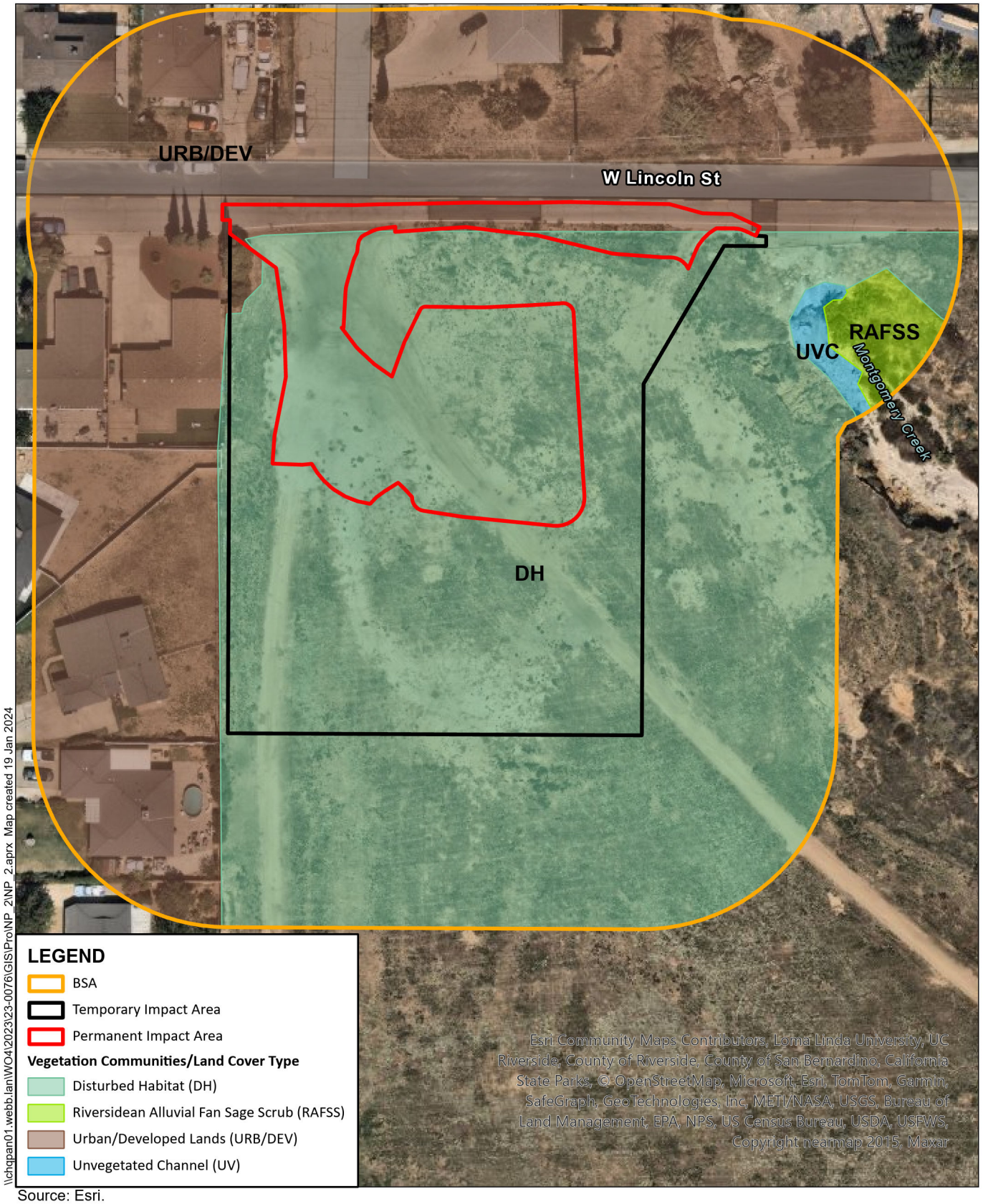
Source: Esri, USDA Soils.

0 100 200 300 Feet

Figure 4 - Soils Map

NP-2 Booster Pump Station and Reservoir Project

ALBERT A. WEBB ASSOCIATES



Source: Esri.

Figure 5 - Vegetation Communities and Land Cover Types

NP-2 Booster Pump Station and Reservoir Project

0 50 100 150 Feet

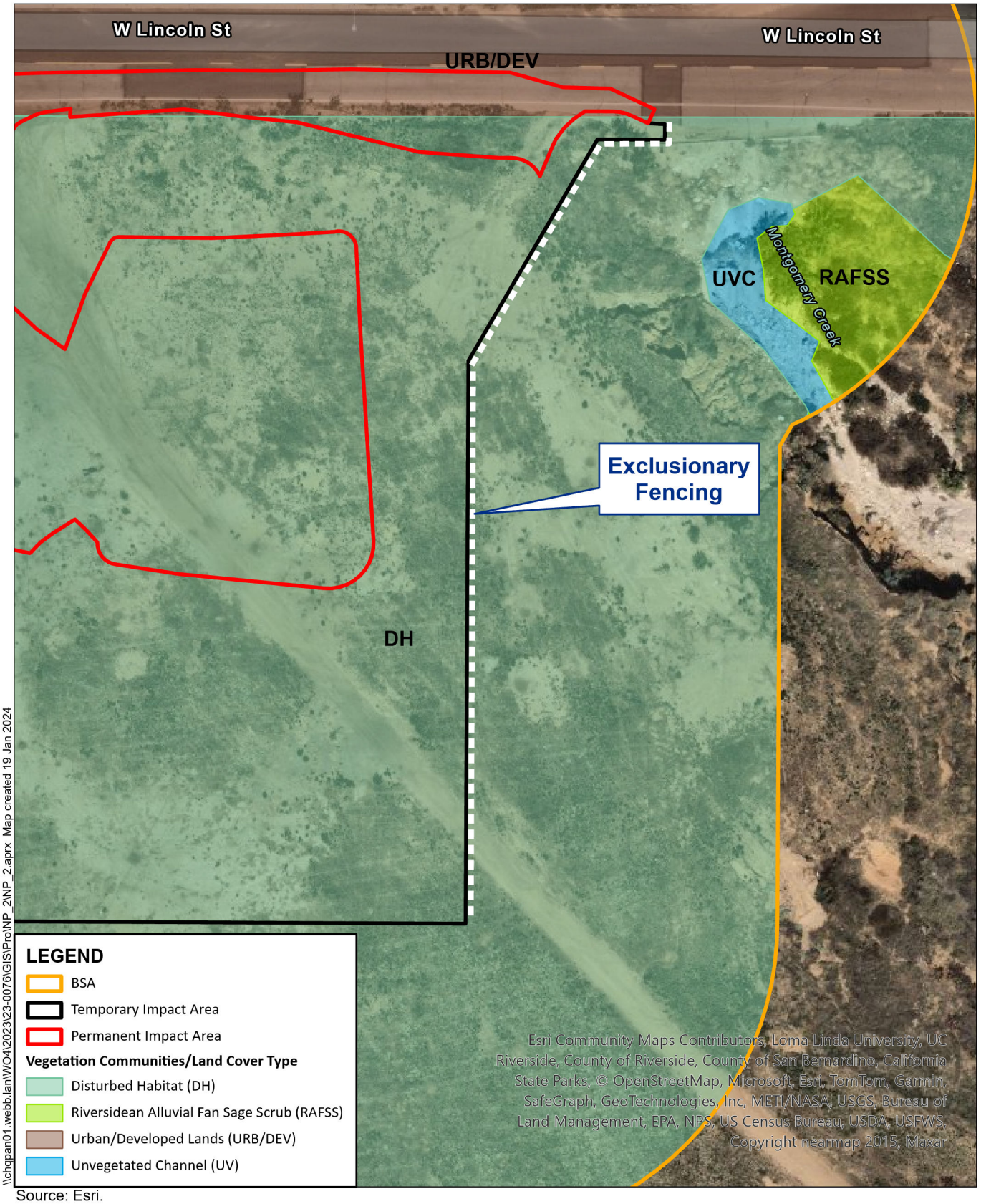
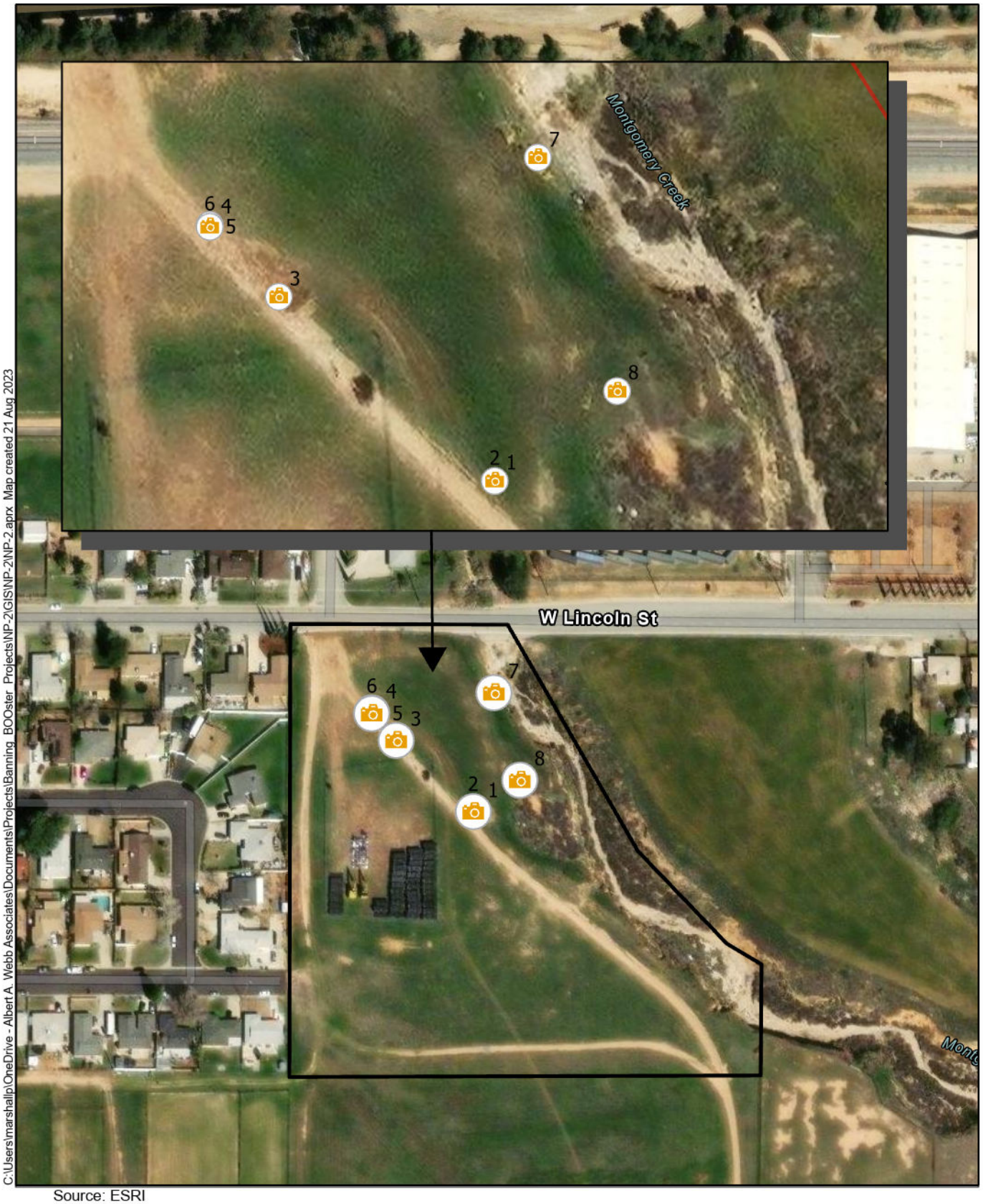


Figure 6 - Exclusionary Fencing

NP-2 Booster Pump Station and Reservoir Project

APPENDIX B



Source: ESRI

not to scale

Appendix B-Photograph Index

NP-2 Booster Pump Station and Reservoir Project

ALBERT A. WEBB ASSOCIATES

Albert A. Webb Associates PHOTOGRAPHIC RECORD	
Client: City of Banning	**Job Number:** 2023-0076
Site Name: NP-2 Booster Pump Station and Reservoir Project	**Location:** Banning CA
Photographer: Marshall Paymard	**Date:** June 2, 2023

Photograph No. 1

Photo 1: Facing northwest in disturbed habitat.

Photograph No. 2

Photo 2: Facing west in disturbed habitat.

Albert A. Webb Associates PHOTOGRAPHIC RECORD	
Client: City of Banning	**Job Number:** 2023-0076
Site Name: NP-2 Booster Pump Station and Reservoir Project	**Location:** Banning CA
Photographer: Marshall Paymard	**Date:** June 2, 2023

Photograph No. 3

Photo 3: Facing west. View of disturbed habitat and urban/developed.

Photograph No. 4

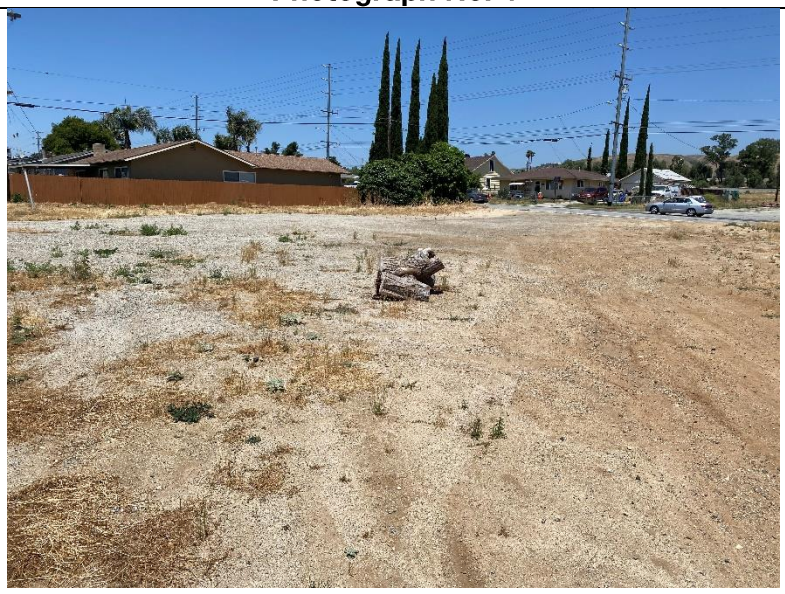


Photo 4: Facing northwest. View of disturbed habitat and urban/developed.

Albert A. Webb Associates PHOTOGRAPHIC RECORD	
Client: City of Banning	**Job Number:** 2023-0076
Site Name: NP-2 Booster Pump Station and Reservoir Project	**Location:** Banning CA
Photographer: Marshall Paymard	**Date:** June 2, 2023

Photograph No. 5

Photo 5: Facing south west. View of disturbed habitat and urban/developed.

Photograph No. 6

Photo 6: Facing east. View of disturbed habitat and urban/developed

Albert A. Webb Associates PHOTOGRAPHIC RECORD	
Client: City of Banning	**Job Number:** 2023-0076
Site Name: NP-2 Booster Pump Station and Reservoir Project	**Location:** Banning CA
Photographer: Marshall Paymard	**Date:** June 2, 2023

Photograph No. 7

Photo 7: Facing south. View of disturbed habitat channel bank

Photograph No. 8

Photo 8: Facing south. View of Riversidean sage scrub and channel.

APPENDIX C

Scientific Name / Common Name	CRPR / CESA / FESA	Blooming Period/ Elevation Range (AMSL; In Feet)	Habitat/ Microhabitat	Occurrence
Abronia villosa var. aurita/ chaparral sand-verbena	1B.1/None/None	(Jan)Mar-Sep/ 245-5250	Chaparral, Coastal scrub, Desert dunes. Sandy	Not expected to occur. No suitable habitat present.
Acanthoscyphus parishii var. cienegensis/ Cienega Seca oxytheca	1B.3/None/None	(May)Jun-Sep/ 6905-8040	Joshua tree "woodland", Pinyon and juniper woodland, Upper montane coniferous forest (granitic, sandy).	Not expected to occur. No suitable habitat present.
Allium marvinii/ Yucaipa onion	1B.2/None/None	Apr-May/ 2495-3495	Chaparral (clay, openings).	Not expected to occur. No suitable habitat present.
Antennaria marginata/ white-margined everlasting	2B.3/None/None	May-Aug/ 6955-11000	Lower montane coniferous forest, Upper montane coniferous forest.	Not expected to occur. No suitable habitat present.
Arenaria lanuginosa var. saxosa/ rock sandwort	2B.3/None/None	Jul-Aug/ 4775-8530	Subalpine coniferous forest, Upper montane coniferous forest. Mesic, Sandy	Not expected to occur. No suitable habitat present.
Astragalus hornii var. hornii/ Horn's milk-vetch	1B.1/None/None	May-Oct/ 195-2790	Meadows and seeps, Playas. Alkaline, Lake Margins	Not expected to occur. No suitable habitat present.
Astragalus lentiginosus var. borreganus/ Borrego milk-vetch	4.3/None/None	Feb-May/ 100-2935	Mojavean desert scrub, Sonoran desert scrub. Sandy	Not expected to occur. No suitable habitat present.
Astragalus lentiginosus var. coachellae/ Coachella Valley milk-vetch	1B.2/None/FE	Feb-May/ 130-2150	Desert dunes, Sonoran desert scrub (sandy).	Not expected to occur. No suitable habitat present.
Astragalus pachypus var. jaegeri/ Jaeger's milk-vetch	1B.1/None/None	Dec-Jun/ 1200-3200	Chaparral, Cismontane woodland, Coastal scrub, Valley and foothill grassland. Rocky (sometimes), Sandy (sometimes)	Not expected to occur. No suitable habitat present.
Atriplex coronata var. notatior/ San Jacinto Valley crownscale	1B.1/None/FE	Apr-Aug/ 455-1640	Playas, Valley and foothill grassland (mesic), Vernal pools. Alkaline	Not expected to occur. No suitable habitat present.
Atriplex parishii/ Parish's brittlescale	1B.1/None/None	Jun-Oct/ 80-6235	Chenopod scrub, Playas, Vernal pools. Alkaline	Not expected to occur. No suitable habitat present.

Scientific Name / Common Name	CRPR / CESA / FESA	Blooming Period/ Elevation Range (AMSL; In Feet)	Habitat/ Microhabitat	Occurrence
Atriplex serenana var. davidsonii/ Davidson's saltscale	1B.2/None/None	Apr-Oct/ 35-655	Coastal bluff scrub, Coastal scrub. Alkaline	Not expected to occur. No suitable habitat present.
Boechera parishii/ Parish's rockcress	1B.2/None/None	Apr-May/ 5805-9810	Pebble (Pavement) plain, Pinyon and juniper woodland, Upper montane coniferous forest. Carbonate (sometimes), Rocky	Not expected to occur. No suitable habitat present.
Boechera peirsonii/ San Bernardino rockcress	1B.2/None/None	Mar-Aug/ 8860-10500	Subalpine coniferous forest (rocky).	Not expected to occur. No suitable habitat present.
Botrychium crenulatum/ scalloped moonwort	2B.2/None/None	Jun-Sep/ 4160-10760	Bogs and fens, Lower montane coniferous forest, Marshes and swamps (freshwater), Meadows and seeps, Upper montane coniferous forest.	Not expected to occur. No suitable habitat present.
Brodiaea filifolia/ thread-leaved brodiaea	1B.1/CE/FT	Mar-Jun/ 80-3675	Chaparral (openings), Cismontane woodland, Coastal scrub, Playas, Valley and foothill grassland, Vernal pools. Clay (often)	Not expected to occur. No suitable habitat present.
Calochortus palmeri var. palmeri/ Palmer's mariposa-lily	1B.2/None/None	Apr-Jul/ 2330-7840	Chaparral, Lower montane coniferous forest, Meadows and seeps. Mesic	Not expected to occur. No suitable habitat present.
Calochortus plummerae/ Plummer's mariposa-lily	4.2/None/None	May-Jul/ 330-5580	Chaparral, Cismontane woodland, Coastal scrub, Lower montane coniferous forest, Valley and foothill grassland. Granitic, Rocky	Not expected to occur. No suitable habitat present.
Castilleja lasiorhyncha/ San Bernardino Mountains owl's-clover	1B.2/None/None	May-Aug/ 4265-7840	Chaparral, Meadows and seeps, Pebble (Pavement) plain, Riparian woodland, Upper montane coniferous forest. Mesic	Not expected to occur. No suitable habitat present.

Scientific Name / Common Name	CRPR / CESA / FESA	Blooming Period/ Elevation Range (AMSL; In Feet)	Habitat/ Microhabitat	Occurrence
Castilleja montigena/ Heckard's paintbrush	4.3/None/None	May-Aug/ 6400-9185	Lower montane coniferous forest, Pinyon and juniper woodland, Upper montane coniferous forest.	Not expected to occur. No suitable habitat present.
Caulanthus simulans/ Payson's jewelflower	4.2/None/None	(Feb)Mar-May (Jun)/ 295-7220	Chaparral, Coastal scrub. Granitic, Sandy	Not expected to occur. No suitable habitat present.
Centromadia pungens ssp. laevis/ smooth tarplant	1B.1/None/None	Apr-Sep/ 0-2100	Chenopod scrub, Meadows and seeps, Playas, Riparian woodland, Valley and foothill grassland. Alkaline	Not expected to occur. No suitable habitat present.
Chorizanthe leptotheca/ Peninsular spineflower	4.2/None/None	May-Aug/ 985-6235	Chaparral, Coastal scrub, Lower montane coniferous forest. Granitic	Not expected to occur. No suitable habitat present.
Chorizanthe parryi var. parryi/ Parry's spineflower	1B.1/None/None	Apr-Jun/ 900-4005	Chaparral, Cismontane woodland, Coastal scrub, Valley and foothill grassland. Openings, Rocky (sometimes), Sandy (sometimes)	Not expected to occur. No suitable habitat present.
Chorizanthe xanti var. leucotheca/ white-bracted spineflower	1B.2/None/None	Apr-Jun/ 985-3935	Coastal scrub (alluvial fans), Mojavean desert scrub, Pinyon and juniper woodland. Gravelly (sometimes), Sandy (sometimes)	Not expected to occur. No suitable habitat present.
Deinandra mohavensis/ Mojave tarplant	1B.3/CE/None	(Jan-May) Jun-Oct/ 2100-5250	Chaparral, Coastal scrub, Riparian scrub. Mesic	Not expected to occur. No suitable habitat present.
Deinandra paniculata/ paniculate tarplant	4.2/None/None	(Mar)Apr-Nov/ 80-3085	Coastal scrub, Valley and foothill grassland, Vernal pools. Sandy (sometimes), Vernally Mesic (usually)	Not expected to occur. No suitable habitat present.
Delphinium parishii ssp. subglobosum/ Colorado Desert larkspur	4.3/None/None	Mar-Jun/ 1970-5905	Chaparral, Cismontane woodland, Pinyon and juniper woodland, Sonoran desert scrub.	Not expected to occur. No suitable habitat present.

Scientific Name / Common Name	CRPR / CESA / FESA	Blooming Period/ Elevation Range (AMSL; In Feet)	Habitat/ Microhabitat	Occurrence
Delphinium parryi ssp. purpureum/ Mt. Pinos larkspur	4.3/None/None	May-Jun/ 3280-8530	Chaparral, Mojavean desert scrub, Pinyon and juniper woodland.	Not expected to occur. No suitable habitat present.
Diplacus clevelandii/ Cleveland's bush monkeyflower	4.2/None/None	Apr-Jul/ 1475-6560	Chaparral, Cismontane woodland, Lower montane coniferous forest. Disturbed areas (often), Gabbroic, Openings, Rocky	Not expected to occur. No suitable habitat present.
Diplacus johnstonii/ Johnston's monkeyflower	4.3/None/None	May-Aug/ 3200-9580	Lower montane coniferous forest (disturbed areas, gravelly, roadsides, rocky, scree).	Not expected to occur. No suitable habitat present.
Dodecahema leptoceras/ slender-horned spineflower	1B.1/CE/FE	Apr-Jun/ 655-2495	Chaparral, Cismontane woodland, Coastal scrub (alluvial fans). Sandy	Not expected to occur. No suitable habitat present.
Eriastrum densifolium ssp. sanctorum/ Santa Ana River woollystar	1B.1/CE/FE	Apr-Sep/ 300-2000	Chaparral, Coastal scrub (alluvial fans). Gravelly (sometimes), Sandy (sometimes)	Not expected to occur. No suitable habitat present.
Erigeron breweri var. jacinteus/ San Jacinto Mountains daisy	4.3/None/None	Jun-Sep/ 8860-9515	Subalpine coniferous forest, Upper montane coniferous forest. Rocky	Not expected to occur. No suitable habitat present.
Eriogonum kennedyi var. alpigenum/ southern alpine buckwheat	1B.3/None/None	Jul-Sep/ 8530-11485	Alpine boulder and rock field, Subalpine coniferous forest. Granitic, Gravelly	Not expected to occur. No suitable habitat present.
Eriogonum umbellatum var. minus/ alpine sulfur-flowered buckwheat	4.3/None/None	Jun-Sep/ 5905-10065	Subalpine coniferous forest, Upper montane coniferous forest. Gravelly	Not expected to occur. No suitable habitat present.
Eriophyllum lanatum var. obovatum/ southern Sierra woolly sunflower	4.3/None/None	Jun-Jul/ 3655-8205	Lower montane coniferous forest, Upper montane coniferous forest. Loam, Sandy	Not expected to occur. No suitable habitat present.

Scientific Name / Common Name	CRPR / CESA / FESA	Blooming Period/ Elevation Range (AMSL; In Feet)	Habitat/ Microhabitat	Occurrence
Erythranthe diffusa/ Palomar monkeyflower	4.3/None/None	Apr-Jun/ 4005-6005	Chaparral, Lower montane coniferous forest. Gravelly (sometimes), Sandy (sometimes)	Not expected to occur. No suitable habitat present.
Galium angustifolium ssp. jacinticum/ San Jacinto Mountains bedstraw	1B.3/None/None	Jun-Aug/ 4430-6890	Lower montane coniferous forest.	Not expected to occur. No suitable habitat present.
Galium californicum ssp. primum/ Alvin Meadow bedstraw	1B.2/None/None	May-Jul/ 4430-5580	Chaparral, Lower montane coniferous forest. Granitic, Sandy	Not expected to occur. No suitable habitat present.
Galium jepsonii/ Jepson's bedstraw	4.3/None/None	Jul-Aug/ 5055-8205	Lower montane coniferous forest, Upper montane coniferous forest. Granitic, Gravelly (sometimes), Rocky (sometimes)	Not expected to occur. No suitable habitat present.
Galium johnstonii/ Johnston's bedstraw	4.3/None/None	Jun-Jul/ 4005-7545	Chaparral, Lower montane coniferous forest, Pinyon and juniper woodland, Riparian woodland.	Not expected to occur. No suitable habitat present.
Gentiana fremontii/ Fremont's gentian	2B.3/None/None	Jun-Aug/ 7875-8860	Meadows and seeps (mesic), Upper montane coniferous forest.	Not expected to occur. No suitable habitat present.
Gilia leptantha ssp. leptantha/ San Bernardino gilia	1B.3/None/None	Jun-Aug/ 4920-8400	Lower montane coniferous forest (gravelly, sandy).	Not expected to occur. No suitable habitat present.
Heuchera parishii/ Parish's alumroot	1B.3/None/None	Jun-Aug/ 4920-12470	Alpine boulder and rock field, Lower montane coniferous forest, Subalpine coniferous forest, Upper montane coniferous forest. Carbonate (sometimes), Rocky	Not expected to occur. No suitable habitat present.

Scientific Name / Common Name	CRPR / CESA / FESA	Blooming Period/ Elevation Range (AMSL; In Feet)	Habitat/ Microhabitat	Occurrence
Hordeum intercedens/ vernal barley	3.2/None/None	Mar-Jun/ 15-3280	Coastal dunes, Coastal scrub, Valley and foothill grassland (depressions, saline flats), Vernal pools.	Not expected to occur. No suitable habitat present.
Horkelia cuneata var. puberula/ mesa horkelia	1B.1/None/None	Feb-Jul (Sep)/ 230-2660	Chaparral (maritime), Cismontane woodland, Coastal scrub. Gravelly (sometimes), Sandy (sometimes)	Not expected to occur. No suitable habitat present.
Hulsea vestita ssp. callicarpha/ beautiful hulsea	4.2/None/None	May-Oct/ 3000-10005	Chaparral, Lower montane coniferous forest. Granitic, Gravelly (sometimes), Rocky (sometimes)	Not expected to occur. No suitable habitat present.
Hulsea vestita ssp. parryi/ Parry's sunflower	4.3/None/None	Apr-Aug/ 4495-9500	Lower montane coniferous forest, Pinyon and juniper woodland, Upper montane coniferous forest. Carbonate (sometimes), Granitic (sometimes), Openings, Rocky	Not expected to occur. No suitable habitat present.
Hulsea vestita ssp. pygmaea/ pygmy hulsea	1B.3/None/None	Jun-Oct/ 9300-12795	Alpine boulder and rock field, Subalpine coniferous forest. Granitic, Gravelly	Not expected to occur. No suitable habitat present.
Imperata brevifolia/ California satintail	2B.1/None/None	Sep-May/ 0-3985	Chaparral, Coastal scrub, Meadows and seeps (often alkali), Mojavean desert scrub, Riparian scrub. Mesic	Not expected to occur. No suitable habitat present.
Juglans californica/ Southern California black walnut	4.2/None/None	Mar-Aug/ 165-2955	Chaparral, Cismontane woodland, Coastal scrub, Riparian woodland.	Not expected to occur. No suitable habitat present.
Juncus duranii/ Duran's rush	4.3/None/None	Jul-Aug/ 5800-9200	Lower montane coniferous forest, Meadows and seeps, Upper montane coniferous forest. Mesic	Not expected to occur. No suitable habitat present.

Scientific Name / Common Name	CRPR / CESA / FESA	Blooming Period/ Elevation Range (AMSL; In Feet)	Habitat/ Microhabitat	Occurrence
Lasthenia glabrata ssp. coulteri/ Coulter's goldfields	1B.1/None/None	Feb-Jun/ 5-4005	Marshes and swamps (coastal salt), Playas, Vernal pools.	Not expected to occur. No suitable habitat present.
Lepidium virginicum var. robinsonii/ Robinson's pepper-grass	4.3/None/None	Jan-Jul/ 5-2905	Chaparral, Coastal scrub.	Not expected to occur. No suitable habitat present.
Lilium humboldtii ssp. ocellatum/ ocellated Humboldt lily	4.2/None/None	Mar-Jul(Aug)/ 100-5905	Chaparral, Cismontane woodland, Coastal scrub, Lower montane coniferous forest, Riparian woodland. Openings	Not expected to occur. No suitable habitat present.
Lilium parryi/ lemon lily	1B.2/None/None	Jul-Aug/ 4005-9005	Lower montane coniferous forest, Meadows and seeps, Riparian forest, Upper montane coniferous forest. Mesic	Not expected to occur. No suitable habitat present.
Malaxis monophyllos var. brachypoda/ white bog adder's-mouth	2B.1/None/None	Jun-Aug/ 7220-9000	Bogs and fens, Meadows and seeps, Upper montane coniferous forest. Mesic	Not expected to occur. No suitable habitat present.
Mentzelia tricuspis/ spiny-hair blazing star	2B.1/None/None	Mar-May/ 490-4200	Mojavean desert scrub. Gravelly, Sandy, Slopes, Washes	Not expected to occur. No suitable habitat present.
Monardella macrantha ssp. hallii/ Hall's monardella	1B.3/None/None	Jun-Oct/ 2395-7200	Broadleafed upland forest, Chaparral, Cismontane woodland, Lower montane coniferous forest, Valley and foothill grassland.	Not expected to occur. No suitable habitat present.
Monardella nana ssp. leptosiphon/ San Felipe monardella	1B.2/None/None	Jun-Jul/ 3935-6085	Chaparral, Lower montane coniferous forest.	Not expected to occur. No suitable habitat present.
Muhlenbergia californica/ California muhly	4.3/None/None	Jun-Sep/ 330-6560	Chaparral, Coastal scrub, Lower montane coniferous forest, Meadows and seeps. Mesic, Seeps, Streambanks	Not expected to occur. No suitable habitat present.

Scientific Name / Common Name	CRPR / CESA / FESA	Blooming Period/ Elevation Range (AMSL; In Feet)	Habitat/ Microhabitat	Occurrence
Muilla coronata/ crowned muilla	4.2/None/None	Mar-Apr(May)/ 2200-6430	Chenopod scrub, Joshua tree "woodland", Mojavean desert scrub, Pinyon and juniper woodland.	Not expected to occur. No suitable habitat present.
Myosurus minimus ssp. apus/ little mousetail	3.1/None/None	Mar-Jun/ 65-2100	Valley and foothill grassland, Vernal pools (alkaline).	Not expected to occur. No suitable habitat present.
Nama stenocarpa/ mud nama	2B.2/None/None	Jan-Jul/ 15-1640	Marshes and swamps (lake margins, riverbanks).	Not expected to occur. No suitable habitat present.
Navarretia fossalis/ spreading navarretia	1B.1/None/FT	Apr-Jun/ 100-2150	Chenopod scrub, Marshes and swamps (shallow freshwater), Playas, Vernal pools.	Not expected to occur. No suitable habitat present.
Oreonana vestita/ woolly mountain-parsley	1B.3/None/None	Mar-Sep/ 5300-11485	Lower montane coniferous forest, Subalpine coniferous forest, Upper montane coniferous forest. Gravelly (sometimes), Talus (sometimes)	Not expected to occur. No suitable habitat present.
Oxytropis oreophila var. oreophila/ rock-loving oxytrope	2B.3/None/None	Jun-Sep/ 11155-12470	Alpine boulder and rock field, Subalpine coniferous forest. Gravelly (sometimes), Rocky (sometimes)	Not expected to occur. No suitable habitat present.
Packera ionophylla/ Tehachapi ragwort	4.3/None/None	Jun-Jul/ 4920-8860	Lower montane coniferous forest, Upper montane coniferous forest. Granitic, Rocky	Not expected to occur. No suitable habitat present.
Parnassia cirrata var. cirrata/ San Bernardino grass-of-Parnassus	1B.3/None/None	Aug-Sep/ 4100-8005	Lower montane coniferous forest, Meadows and seeps, Upper montane coniferous forest. Mesic, Streambanks	Not expected to occur. No suitable habitat present.
Petalonyx linearis/ narrow-leaf sandpaper-plant	2B.3/None/None	(Jan-Feb) Mar-May (Jun-Dec)/- 80-3660	Mojavean desert scrub, Sonoran desert scrub. Rocky (sometimes), Sandy (sometimes)	Not expected to occur. No suitable habitat present.

Scientific Name / Common Name	CRPR / CESA / FESA	Blooming Period/ Elevation Range (AMSL; In Feet)	Habitat/ Microhabitat	Occurrence
Piperia leptopetala/ narrow-petaled rein orchid	4.3/None/None	May-Jul/ 1245-7300	Cismontane woodland, Lower montane coniferous forest, Upper montane coniferous forest.	Not expected to occur. No suitable habitat present.
Pseudognaphalium leucocephalum/ white rabbit-tobacco	2B.2/None/None	(Jul)Aug-Nov(Dec)/ 0-6890	Chaparral, Cismontane woodland, Coastal scrub, Riparian woodland. Gravelly, Sandy	Not expected to occur. No suitable habitat present.
Quercus engelmannii/ Engelmann oak	4.2/None/None	Mar-Jun/ 165-4265	Chaparral, Cismontane woodland, Riparian woodland, Valley and foothill grassland.	Not expected to occur. No suitable habitat present.
Rupertia rigida/ Parish's rupertia	4.3/None/None	Jun-Aug/ 2295-8205	Chaparral, Cismontane woodland, Lower montane coniferous forest, Meadows and seeps, Pebble (Pavement) plain, Valley and foothill grassland.	Not expected to occur. No suitable habitat present.
Saltugilia latimeri/ Latimer's woodland-gilia	1B.2/None/None	Mar-Jun/ 1310-6235	Chaparral, Mojavean desert scrub, Pinyon and juniper woodland. Granitic (often), Rocky (sometimes), Sandy (sometimes), Washes (sometimes)	Not expected to occur. No suitable habitat present.
Sedum niveum/ Davidson's stonecrop	4.2/None/None	Jun-Aug/ 6810-9845	Lower montane coniferous forest, Subalpine coniferous forest, Upper montane coniferous forest. Rocky	Not expected to occur. No suitable habitat present.
Senecio astephanus/ San Gabriel ragwort	4.3/None/None	May-Jul/ 1310-4920	Chaparral, Coastal bluff scrub. Rocky, Slopes	Not expected to occur. No suitable habitat present.
Sidalcea hickmanii ssp. parishii/ Parish's checkerbloom	1B.2/CR/None	(May)Jun-Aug/ 3280-8200	Chaparral, Cismontane woodland, Lower montane coniferous forest.	Not expected to occur. No suitable habitat present.

Scientific Name / Common Name	CRPR / CESA / FESA	Blooming Period/ Elevation Range (AMSL; In Feet)	Habitat/ Microhabitat	Occurrence
Sidalcea malviflora ssp. dolosa/ Bear Valley checkerbloom	1B.2/None/None	May-Aug/ 4905-8810	Lower montane coniferous forest (meadows, seeps), Meadows and seeps, Riparian woodland, Upper montane coniferous forest (meadows, seeps).	Not expected to occur. No suitable habitat present.
Sidalcea neomexicana/ salt spring checkerbloom	2B.2/None/None	Mar-Jun/ 50-5020	Chaparral, Coastal scrub, Lower montane coniferous forest, Mojavean desert scrub, Playas. Alkaline, Mesic	Not expected to occur. No suitable habitat present.
Sidotheca caryophylloides/ chickweed oxytheca	4.3/None/None	Jul-Sep(Oct)/ 3655-8530	Lower montane coniferous forest (sandy).	Not expected to occur. No suitable habitat present.
Silene krantzii/ Krantz's catchfly	1B.2/None/None	Apr-Sep/ 10615-11515	Alpine dwarf scrub. Gravelly (usually), Rocky (sometimes), Sandy (usually)	Not expected to occur. No suitable habitat present.
Solorina spongiosa/ fringed chocolate chip lichen	2B.2/None/None	Blank/ 9500-9500	Meadows and seeps, Subalpine coniferous forest (seeps). Carbonate	Not expected to occur. No suitable habitat present.
Streptanthus bernardinus/ Laguna Mountains jewelflower	4.3/None/None	May-Aug/ 2200-8205	Chaparral, Lower montane coniferous forest.	Not expected to occur. No suitable habitat present.
Streptanthus campestris/ southern jewelflower	1B.3/None/None	(Apr)May-Jul/ 2955-7545	Chaparral, Lower montane coniferous forest, Pinyon and juniper woodland. Rocky	Not expected to occur. No suitable habitat present.
Symphyotrichum defoliatum/ San Bernardino aster	1B.2/None/None	Jul-Nov/ 5-6695	Cismontane woodland, Coastal scrub, Lower montane coniferous forest, Marshes and swamps, Meadows and seeps, Valley and foothill grassland (vernally mesic). Streambanks	Not expected to occur. No suitable habitat present.
Taraxacum californicum/ California dandelion	1B.1/None/FE	May-Aug/ 5315-9185	Meadows and seeps (mesic).	Not expected to occur. No suitable habitat present.

Scientific Name / Common Name	CRPR / CESA / FESA	Blooming Period/ Elevation Range (AMSL; In Feet)	Habitat/ Microhabitat	Occurrence
Tortula californica/ California screw moss	1B.2/None/None	Blank/ 35-4790	Chenopod scrub, Valley and foothill grassland. Sandy	Not expected to occur. No suitable habitat present.
Trichocoronis wrightii var. wrightii/ Wright's trichocoronis	2B.1/None/None	May-Sep/ 15-1425	Marshes and swamps, Meadows and seeps, Riparian forest, Vernal pools. Alkaline	Not expected to occur. No suitable habitat present.

CRPR-CALIFORNIA RARE PLANT RANK
1A- Plants presumed extirpated in California and either rare or extinct elsewhere
1B- Plants rare, threatened, or endangered in California and elsewhere
2A- Plants presumed extirpated in California but common elsewhere
2B- Plants rare, threatened, or endangered in California but more common elsewhere
3- Review List: Plants about which more information is needed
4- Watch List: Plants of limited distribution
0.1-Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
0.2-Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
0.3-Not very threatened in California (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)
STATE DESIGNATIONS CE-STATE ENDANGERED
FEDERAL DESIGNATION FE-FEDERALLY ENDANGERED, FT-FEDERALLY THREATENED

Species	Status: Federal/State	Habitat/Micro Habitat	Potential to Occur
Amphibians			
Rana muscosa southern mountain yellow-legged frog	Endangered/WL	Aquatic. Often encountered within a few feet of water. Tadpoles may require 2 - 4 yrs to complete their aquatic development.	No suitable habitat present.
Spea hammondii western spadefoot	None/ SSC	Cismontane woodland, Coastal scrub, Valley & foothill grassland, Vernal pool, Wetland. Vernal pools are essential for breeding and egg-laying.	No suitable habitat present.
Birds			
Accipiter cooperii cooper's hawk	None/ WL	Cismontane woodland, riparian forest, riparian woodland, upper montane coniferous forest. Nest sites mainly in riparian growths of deciduous trees, as in canyon bottoms on river flood-plains; also, live oaks.	No suitable habitat present.
Agelaius tricolor tricolored blackbird	None/Threatened	Freshwater marsh, marsh & swamp, swamp, wetland. Requires open water, protected nesting substrate, and foraging area with insect prey within a few km of the colony.	No suitable habitat present.
Aimophila ruficeps canescens southern California rufous-crowned sparrow	None/WL	Chaparral, coastal scrub. frequents relatively steep, often rocky hillsides with grass and forb patches.	No suitable habitat present.
Aquila chrysaetos golden eagle	None/FP	Broadleaved upland forest, cismontane woodland, coastal prairie, great basin grassland, great basin scrub, lower montane coniferous forest, pinon & juniper woodlands, upper montane coniferous forest, valley & foothill grassland. Cliff-walled canyons provide nesting habitat in most parts of range; also, large trees in open areas.	No suitable habitat present.
Artemisiospiza belli belli Bell's sparrow	None/ SSC	Chaparral, coastal scrub.	No suitable habitat present.
Athene cunicularia burrowing owl	None/None/S	Coastal prairie, coastal scrub, great basin grassland, great basin scrub, Mojavean desert scrub, Sonoran desert scrub, valley & foothill grassland. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	No suitable habitat present.
Buteo regalis ferruginous hawk	None/WL	Great Basin grassland, great basin scrub, pinon & juniper woodlands, valley & foothill grassland.	No suitable habitat present.
Buteo swainsoni Swainson's hawk	None/Threatened	Great Basin grassland, riparian forest, riparian woodland, valley & foothill grassland. Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.	No suitable habitat present.

Species	Status: Federal/State	Habitat/Micro Habitat	Potential to Occur
Campylorhynchus brunneicapillus sandiegensis coastal cactus wren	None/ SSC	Coastal scrub. Wrens require tall opuntia cactus for nesting and roosting.	No suitable habitat present.
Coccyzus americanus occidentalis western yellow-billed cuckoo	Threatened/Endangered	Riparian forest. Nests in riparian jungles of willow, often mixed with cottonwoods, with lower story of blackberry, nettles, or wild grape.	No suitable habitat present.
Cypseloides niger black swift	None/SSC	Breeds in small colonies on cliffs behind or adjacent to waterfalls in deep canyons and sea-bluffs above the surf; forages widely.	No suitable habitat present.
Elanus leucurus white-tailed kite	None/FP	Cismontane woodland, marsh & swamp, Riparian woodland, valley & foothill grassland, wetland. Open grasslands, meadows, or marshes for foraging close to isolated, dense-topped trees for nesting and perching.	No suitable habitat present.
Empidonax traillii extimus southwestern willow flycatcher	Endangered/Endangered	Riparian woodland.	No suitable habitat present.
Eremophila alpestris actia California horned lark	None/ WL	Marine intertidal & splash zone communities, meadow & seep. Short-grass prairie, "bald" hills, mountain meadows, open coastal plains, fallow grain fields, alkali flats.	No suitable habitat present.
Icteria virens yellow-breasted chat	None/ SSC	Riparian forest, riparian scrub, riparian woodland. nests in low, dense riparian, consisting of willow, blackberry, wild grape; forages and nests within 10 ft of ground.	No suitable habitat present.
Lanius ludovicianus loggerhead shrike	None/ SSC	Broadleaved upland forest, desert wash, Joshua tree woodland, Mojavean desert scrub, pinon & juniper woodlands, riparian woodland, Sonoran desert scrub. Prefers open country for hunting, with perches for scanning, and fairly dense shrubs and brush for nesting.	No suitable habitat present.
Plegadis chihi white-faced ibis	None/ WL	Marsh & swamp, wetland. Dense tule thickets for nesting, interspersed with areas of shallow water for foraging.	No suitable habitat present.
Polioptila californica californica coastal California gnatcatcher	Threatened/ SSC	Coastal bluff scrub, Coastal scrub. Low, coastal sage scrub in arid washes, on mesas and slopes.	No suitable habitat present.
Progne subis purple martin	None/ SSC	Broadleaved upland forest, lower montane coniferous forest. Nests in old woodpecker cavities mostly; also in human-made structures. Nest often located in tall, isolated tree/snag.	No suitable habitat present.
Setophaga petechia yellow warbler	None/ SSC	Riparian forest, riparian scrub, riparian woodland. Frequently found nesting and foraging in willow shrubs and thickets, and in other riparian plants including cottonwoods, sycamores, ash, and alders.	No suitable habitat present.

Species	Status: Federal/State	Habitat/Micro Habitat	Potential to Occur
Toxostoma lecontei Le Conte's thrasher	None/SSC	Desert wash, Mojavean desert scrub, Sonoran desert scrub. Commonly nests in a dense, spiny shrub or densely branched cactus in desert wash habitat, usually 2-8 feet above ground.	No suitable habitat present.
Vireo bellii pusillus least Bell's vireo	Endangered/Endangered	Riparian forest, riparian scrub, riparian woodland. Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, *Baccharis*, mesquite.	No suitable habitat present.
Xanthocephalus xanthocephalus yellow-headed blackbird	None/SSC	Marsh & swamp, wetland. Nests only where large insects such as Odonata are abundant, nesting timed with maximum emergence of aquatic insects.	No suitable habitat present.
Fish			
Oncorhynchus mykiss irideus pop 10 steelhead - southern California DPS	Endangered/Candidate Endangered	Aquatic, south coast flowing waters. Southern steelhead likely have greater physiological tolerances to warmer water and more variable conditions.	No suitable habitat present.
Rhinichthys osculus ssp8 Santa Ana speckled dace	None/ SSC	Aquatic, south coast flowing waters. Requires permanent flowing streams with summer water temps of 17-20 C. Usually inhabits shallow cobble and gravel riffles.	No suitable habitat present.
Insect			
Bombus crotchii Crotch bumble bee	None/Candidate Endangered	Grasslands, shrublands, and chapparal. Food plant genera include *Antirrhinum, Phacelia, Clarkia, Dendromecon, Eschscholzia, and Eriogonum*.	No suitable habitat present.
Diplectrona californica California diplectronan caddisfly	None/None	Aquatic.	No suitable habitat present.
Halictus harmonius haromonius halictid bee	None/None	Chapparal	No suitable habitat present.
Palaeoxenus dohrni Dohrn's elegant eucnemid beetle	None/None	Chapparal	No suitable habitat present.
Stenopelmatus cahuilaensis Coachella Valley jerusalem cricket	None/None	Desert dunes. Found in the large, undulating dunes piled up at the north base of Mt San Jacinto.	No suitable habitat present.
Mammals			
Antrozous pallidus pallid bat	None/ SSC	Chaparral, coastal scrub,desert wash, Great Basin grassland, Great Basin scrub, Mojavean desert scrub , Riparian woodland , Sonoran desert scrub , Upper montane coniferous forest , Valley & foothill grassland. Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.	No suitable habitat present.

Species	Status: Federal/State	Habitat/Micro Habitat	Potential to Occur
Chaetodipus californicus femoralis Dulzura pocket mouse	None/ SSC	Chaparral, Coastal scrub, valley & foothill grassland. Attracted to grass-chaparral edges.	No suitable burrows/ habitat present.
Chaetodipus fallax fallax northwestern San Diego pocket mouse	None/ SSC	Chaparral, coastal scrub. Sandy, herbaceous areas, usually in association with rocks or coarse gravel.	No suitable burrows/habitat present.
Chaetodipus fallax pallidus pallid San Diego pocket mouse	None/ SSC	Desert wash, Pinon & juniper woodlands, Sonoran desert scrub. Sandy, herbaceous areas, usually in association with rocks or coarse gravel.	No suitable burrows/habitat present.
Corynorhinus townsendii Townsend's big-eared bat	None/ SSC	Broadleaved upland forest , chaparral , chenopod scrub , Great Basin grassland , Great Basin scrub , Joshua tree woodland , Lower montane coniferous forest , meadow & seep , Mojavean desert scrub , riparian forest , riparian woodland , Sonoran desert scrub , Sonoran thorn woodland , upper montane coniferous forest , valley & foothill grassland. Roosts in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to human disturbance.	No suitable habitat present.
Dipodomys merriami parvus San Bernardino kangaroo rat	Endangered/Candidate Endangered	Coastal scrub. Needs early to intermediate seral stages.	No suitable habitat present.
Dipodomys stephensi Stephens' kangaroo rat	Threatened/Threatened	Coastal scrub, valley & foothill grassland. Prefers buckwheat, chamise, brome grass and filaree. Will burrow into firm soil.	No suitable burrows/habitat present.
Glaucomys oregonensis californicus San Bernardino flying squirrel	None/SSC	Broadleaved upland forest, lower montane coniferous forest. Needs cavities in trees/snags for nests and cover. Needs nearby water.	No suitable habitat present.
Lasiurus xanthinus western yellow bat	None/ SSC	Desert wash. Roosts in trees, particularly palms. Forages over water and among trees.	No suitable habitat present.
Leptonycteris yerbabuenae lesser long-nosed bat	Delisted /SSC	Mojavean desert scrub , Sonoran desert scrub , upper Sonoran scrub. Caves and mines are used as day roosts. Caves, mines, rock crevices, trees and shrubs, and abandoned buildings are used as night roosts for digesting meals. Nectar, pollen, and fruit eating bat; primarily feeding on agaves, saguaro, and organ pipe cactus.	No suitable habitat present.

Species	Status: Federal/State	Habitat/Micro Habitat	Potential to Occur
Lepus californicus bennettii San Diego black-tailed jackrabbit	None/ None	Coastal scrub. Coastal sage scrub habitats in Southern California.	No suitable habitat present.
Neotamias speciosus speciosus lodgepole chipmunk	None/ None	Chaparral , upper montane coniferous forest. Habitat is usually lodgepole pine forests in the San Bernardino Mts and chinquapin slopes in the San Jacinto Mts.	No suitable habitat present.
Neotoma lepida intermedia San Diego desert woodrat	None/ SSC	Coastal scrub. Moderate to dense canopies preferred. They are particularly abundant in rock outcrops, rocky cliffs, and slopes.	No suitable habitat present.
Nyctinomops femorosaccus pocketed free-tailed bat	None/ SSC	Joshua tree woodland, Pinon & juniper woodlands, riparian scrub, Sonoran Desert scrub. Rocky areas with high cliffs.	No suitable habitat present.
Onychomys torridus ramona southern grasshopper mouse	None/ SSC	Chenopod scrub.	No suitable habitat present.
Perognathus longimembris brevinasus Los Angeles pocket mouse	None/ SSC	Coastal scrub. Open ground with fine, sandy soils. May not dig extensive burrows, hiding under weeds and dead leaves instead.	No suitable habitat present.
Taxidea taxus American badger	None/ SSC	Alkali marsh, broadleaved upland forest, chaparral, chenopod scrub, cismontane woodland, closed-cone coniferous forest, coastal prairie, coastal scrub, desert dunes, desert wash, freshwater marsh, grassland, lower montane coniferous forest, Mojavean desert scrub, Montane dwarf scrub, Pavement plain, Needs sufficient food, friable soils and open, uncultivated ground. Preys on burrowing rodents. Digs burrows.	No suitable habitat present.
Xerospermophilus tereticaudus chlorus Palm Springs round-tailed ground squirrel	None/ SSC	Chenopod scrub , Sonoran desert scrub. Prefers open, flat, grassy areas in fine-textured, sandy soil. Density correlated with winter rainfall.	No suitable habitat present.
Reptiles			
Anniella stebbinsi Southern California legless lizard	None/ SSC	Broadleaved upland forest, chaparral, coastal dunes, coastal scrub. Variety of habitats; generally in moist, loose soil. They prefer soils with a high moisture content.	No suitable habitat present.
Arizona elegans occidentalis California glossy snake	None/ SSC	Generalist reported from a range of scrub and grassland habitats, often with loose or sandy soils.	No suitable habitat present.
Aspidoscelis hyperythra orange-throated whiptail	None/ WL	Chaparral, cismontane woodland, coastal scrub. Prefers washes and other sandy areas with patches of brush and rocks. Perennial plants necessary for its major food: termites.	No suitable habitat present.
Aspidoscelis tigris stejnegeri coastal whiptail	None/ SSC	Ground may be firm soil, sandy, or rocky.	No suitable habitat present.

Species	Status: Federal/State	Habitat/Micro Habitat	Potential to Occur
Charina umbratica southern rubber boa	None/Threatened	Meadow & seep , riparian forest , riparian woodland, upper montane coniferous forest , wetland. Found in vicinity of streams or wet meadows; requires loose, moist soil for burrowing; seeks cover in rotting logs, rock outcrops, and under surface litter.	No suitable habitat present.
Crotalus ruber red-diamond rattlesnake	None/ SSC	Chaparral, Mojavean desert scrub, Sonoran desert scrub. Occurs in rocky areas and dense vegetation. Needs rodent burrows, cracks in rocks or surface cover objects.	No suitable habitat present.
Diadophis punctatus modestus San Bernardino ringneck snake	None/ None	Avoids moving through open or barren areas by restricting movements to areas of surface litter or herbaceous veg.	No suitable habitat present.
Phrynosoma blainvillii coast horned lizard	None/SSC	Chaparral, cismontane woodland, coastal bluff scrub, coastal scrub, desert wash, pinon & juniper woodlands, riparian scrub, riparian woodland, valley & foothill grassland. Open areas for sunning, bushes for cover, patches of loose soil for burial, and abundant supply of ants and other insects.	No suitable habitat present.
Salvadora hexalepis virgultea coast patch-nosed snake	None/ SSC	Coastal scrub. Require small mammal burrows for refuge and overwintering sites.	No suitable habitat present.
Thamnophis hammondii two-striped gartersnake	None/ SSC	Marsh & swamp , riparian scrub , riparian woodland, Wetland. Highly aquatic, found in or near permanent fresh water. Often along streams with rocky beds and riparian growth.	No suitable habitat present.

State Abbreviations
- FP: Fully Protected
- S: Sensitive
- SSC: Species of Special Concern
- WL: Watch List

Appendix C

Cultural Resource Investigation

Cultural Resource Investigation for the Banning NP-2 Booster Pump Station and Reservoir Project, City of Banning, Riverside County, California

Andrew DeLeon

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November 2023
draft

USGS 7.5-Minute Topographic Quadrangle: Beaumont, CA
Level of Investigation: CEQA Phase I
Key Words: City of Banning; APN 538-280-001; 7.5 acres

MANAGEMENT SUMMARY

The City of Banning (City) proposes construction of a reservoir and booster pump station for the Banning NP-2 Booster Pump Station and Reservoir Project (Project). The Project is within Assessor's Parcel Number 538-280-001 (approximately 7.51 acres) located east of 22nd Avenue and immediately south of Lincoln Street in the city of Banning, Riverside County, California. Under contract to Albert A. Webb Associates, Applied EarthWorks, Inc. (Æ) conducted a cultural resource investigation of the Project in accordance with the California Environmental Quality Act (CEQA). The City is the lead agency for compliance with CEQA.

This report summarizes the methods and results of the cultural resource investigation including a records search and literature review, communication with Native American tribal representatives, and an archaeological survey of the Project area. The purpose of the investigation was to determine the potential for the proposed Project to impact historical resources eligible for or listed in the California Register of Historical Resources.

The literature and records search at the Eastern Information Center of the California Historical Resources Information System indicates 46 cultural resources have been documented within a 0.5-mile radius of the Project area. None of these previously identified cultural resources is within the Project area.

As part of the cultural resource investigation, Æ sent a request to the Native American Heritage Commission (NAHC) for a search of the Sacred Lands File. Results of the search indicate there are no known Native American cultural resources within the Project area. Per the NAHC's request, Æ contacted Native American individuals and organizations to elicit information on Native American resources within the Project area, if any. Of the 11 groups and/or individuals contacted, Æ received responses from representatives of two tribes—Agua Caliente Band of Cahuilla Indians, and Augustine Band of Cahuilla Indians. Their comments are summarized in the report that follows.

Æ Archaeologist Andrew DeLeon completed an intensive pedestrian archaeological survey of the approximately 7.5-acre Project area on August 23, 2023. No cultural resources were encountered within the Project area during the survey. The terrain throughout most of the Project area has been previously plowed and disturbed. In addition, geological data indicate no Ab (buried) horizons, which typically have an environment conducive to preserving buried archaeological deposits. Due to the low likelihood that archaeological deposits or features will be found during construction, no further cultural resource management of the Project area is recommended.

However, if potentially significant archaeological materials are encountered during construction activities, all work must be halted in the vicinity of the discovery until a qualified archaeologist can visit the site and assess the significance and integrity of the find. Additionally, Health and Safety Code Section 7050.5, CEQA Guidelines Section 15064.5(e), and Public Resources Code Section 5097.98 mandate the process to be followed in the unlikely event of an accidental discovery of human remains in a location other than a dedicated cemetery.

Field notes documenting the current investigation are on file at Æ's Hemet office. A copy of this report will also be submitted to the Eastern Information Center.

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1
INTRODUCTION

The City of Banning (City) proposes construction of a reservoir and booster pump station for the Banning NP-2 Booster Pump Station and Reservoir Project (Project). The Project area is within Assessor's Parcel Number (APN) 538-280-001 (approximately 7.51 acres) located east of 22nd Avenue and immediately south of Lincoln Street in the city of Banning, Riverside County, California. Under contract to Albert A. Webb Associates, Applied EarthWorks, Inc. (Æ) conducted a cultural resource investigation of the Project in accordance with the California Environmental Quality Act (CEQA). The City is the lead agency for compliance with CEQA.

Æ Principal Investigator M. Colleen Hamilton (M.A., Registered Professional Archaeologist [RPA] 12588), was responsible for overall quality control for the Project. Æ Senior Archaeologist Joan George (B.S., RPA 28093) served as project manager. Fieldwork was conducted by Æ Associate Archaeologist Andrew DeLeon (M.A., RPA 17087).

1.1 PROJECT LOCATION AND DESCRIPTION

The Project is within the southwestern portion of the city of Banning in Riverside County (Figure 1-1). Specifically, the Project is within Section 8 of Township 3 South, Range 1 East, as depicted on the U.S. Geological Survey (USGS) Beaumont, California 7.5-minute topographic quadrangle map (Figure 1-2). The elevation is approximately 2,400 feet above mean sea level.

The Project involves construction of a booster pump facility and reservoir tank. The station will consist of a housing facility designed to contain vertical turbine pumps capable of transmitting 2,500 gallons of non-potable water per minute. The associated reservoir tank is an above-ground structure which will store approximately 60,910 gallons of non-potable water during operation. All these facilities are water system improvements needed to supply non-potable water to Lions Park, Banning High School, Dysart Park, and the Sun Lakes development near Highland Home Road. The maximum depth of ground disturbance during Project construction is not expected to exceed 10 feet. Project construction is expected to disturb only approximately 0.5 acres of the total parcel.

1.2 REGULATORY CONTEXT

1.2.1 California Environmental Quality Act

The Project requires discretionary approval from the City and is therefore subject to the requirements of CEQA. The CEQA Statute and Guidelines directs lead agencies to determine whether a project will have a significant impact on historical resources. A cultural resource considered "historically significant" is considered a "historical resource," if it over 50 years of age and is included in a local register of historical resources or is listed in or determined eligible for listing in the California Register of Historical Resources under any one of the following criteria (California Code of Regulations [CCR], Title 14, §15064.5):

Figure 1-1 Project vicinity in Riverside County, California.

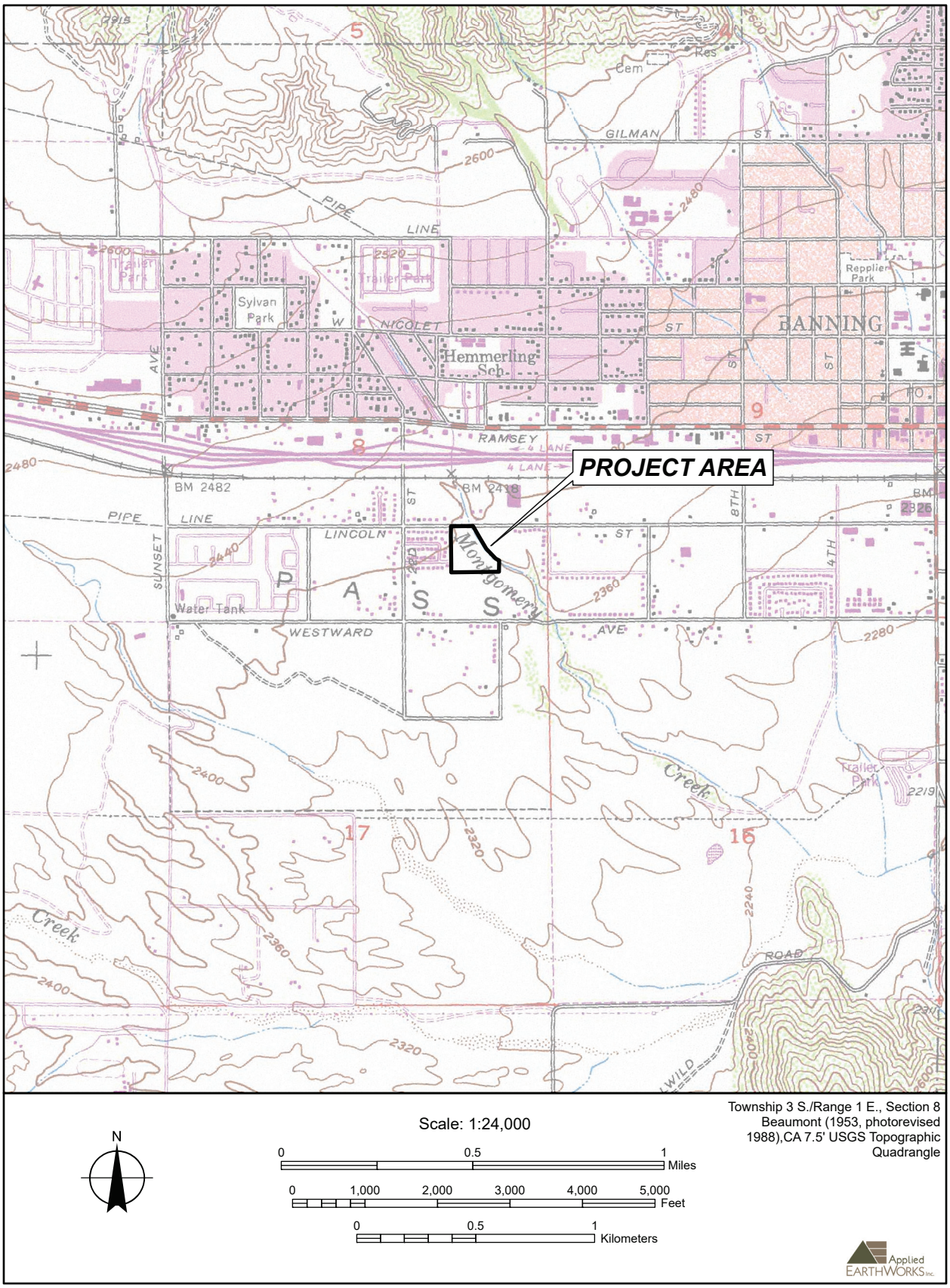

Figure 1-2 Project location on USGS Beaumont 7.5-minute topographic quadrangle.

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

2. Is associated with the lives of persons important in our past;

3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or,

4. Has yielded, or may be likely to yield, information important in prehistory or history.

Compliance with CEQA's cultural resource provisions typically involves several steps. Briefly, archival research and field surveys are needed, and identified cultural resources are inventoried and evaluated in prescribed ways. Prehistoric and historical archaeological sites, as well as standing structures, buildings, and objects deemed historically significant and sufficiently intact (i.e., historical resources), must be considered in project planning and development.

A project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment (14 CCR §15064.5[b]) and the lead agency is responsible for identifying potentially feasible measures to mitigate significant adverse changes in the significance of a historical resource (14 CCR §15064.5[b]4).

1.3 REPORT ORGANIZATION

This report documents the results of a cultural resource investigation of the proposed Project area. Chapter 1 has described the Project and its location, defined the scope of the cultural resource investigation, and stated the regulatory context. Chapter 2 summarizes the natural and cultural setting of the Project area and surrounding region. Chapter 3 presents the results of the archaeological literature and records search. Chapter 4 summarizes the Sacred Lands File (SLF) search with the Native American Heritage Commission (NAHC) and Native American communications. The field survey methods and results are discussed in Chapter 5. Cultural resource management recommendations are provided in Chapter 6, and bibliographic references are cited in Chapter 7. Results of the SLF search and correspondence with Native American groups are included as Appendix A.

2
SETTING

This chapter describes the prehistoric, ethnographic, and historical cultural setting of the Project to provide a context for understanding the nature and significance of cultural resources identified within the region. Prehistorically, ethnographically, and historically, the nature and distribution of human activities in the region have been affected by such factors as topography and the availability of water and natural resources. Therefore, prior to a discussion of the cultural setting, the environmental setting of the area is summarized below.

2.1 ENVIRONMENTAL SETTING

The Project is in western Riverside County and is situated on the interfluvial plain immediately north of Smith Creek. Annual precipitation in the area ranges from 18 to 20 inches. Surrounding sediments are composed of older Quaternary Alluvium deposits, derived as fan deposits from the San Bernardino Mountains to the north and possibly from the San Jacinto Mountains to the south. The Project lies within the South Coast Bioregion and is sparsely vegetated with scrub brush and grasses and populated by a variety of reptiles, small mammals, birds, and insects.

The natural setting of the Project area has been summarized by McLean et al. (2006). The Project is located in the San Gorgonio Pass (elevation 2,616 feet), which forms a natural break between the San Bernardino Mountains to the north and the San Jacinto Mountains to the south. It is an east-west trending lowland between the two mountain ranges. The surface of the lowland is composed of alluvial fan deposits, mainly from the San Bernardino Mountains. The northern foothills are underlain by upper Cenozoic nonmarine and marine sedimentary deposits (Morton 1999).

The San Bernardino Mountains are in the Transverse Ranges geomorphic province (Norris and Webb 1990:330). The Transverse Ranges are an east-west trending mountain range at the northeast end of the Los Angeles Basin. This range has some of the highest peaks south of the Sierra Nevada range (Norris and Webb 1990:330). The San Bernardino Mountains are about 65 miles long and 30 miles wide at their widest point. The San Jacinto Mountains are the northernmost of the Peninsular Ranges, which run 900 miles from Southern California to the southern tip of the Baja California Peninsula. At an elevation of 10,834 feet, San Jacinto Peak is the highest peak in the range (California State Parks 2002).

Soils in the Project area, as mapped by the U.S. Department of Agriculture Natural Resources Conservation Service, include two soil series. The Greenfield and Ramona soils are Alfisols, a taxonomic class of soil that typically retains water well for three months out of the year during warm seasons, which fosters sufficient plant growth (Soil Survey Staff 1999). None of the soil series mapped in the Project area include buried A (Ab) horizons.

2.2 PREHISTORIC SETTING

The prehistory of inland Southern California is less thoroughly understood than in the adjacent desert and coastal regions. This is partially a result of historical circumstances, such as ease of access, the location of universities, and public versus private land ownership, and partly due to

the nature of archaeological research in these interior valleys and mountains of Southern California (Goldberg and Arnold 1988). In the absence of absolute chronological indicators for inland sites, researchers generally employ typological cross-dating from either coastal or desert sequences, often as the sole means for assigning age to archaeological sites within the interior valleys, including the Project area.

Two large reservoir projects, Perris Reservoir project (O'Connell et al. 1974) and Eastside Reservoir project (ESRP) (Goldberg et al. 2001), generated large data sets to provide a basis for resolving some of these regional chronological sequencing problems. It is difficult to extrapolate the geographic extent of the prehistoric cultural patterns discerned from excavations at these two reservoirs, which are 12 miles apart in central western Riverside County. The ESRP is approximately 16 miles southwest of the Project, and it is almost certain that prehistoric patterns are similar to those discerned for the ESRP studies.

This discussion of the Project's prehistoric cultural setting is drawn from the cultural sequence developed for the ESRP. This chronology was based first on artifact cross-dating, and then refined with radiocarbon and obsidian hydration dates (Onken and Horne 2001; Robinson 1998, 2001); however, the ESRP chronology draws heavily on a cultural sequence defined by Warren (1984) for Southern California, which is based largely on archaeological work conducted in the Colorado and Mojave deserts. Because Warren's chronology used period names that suggest links to the Mojave, these were replaced in the ESRP chronology by value neutral terms. Because no sites dating to the Paleoindian Period (circa 12,000–9500 before present [B.P.]) have been documented within the region, the discussion below begins with the Early Archaic Period.

2.2.1 Early Archaic Period (circa 9500–7000 B.P.)

During this period, the environment of the interior deserts was more favorable for human occupation than the cismontane valleys of Southern California, where the Project is located. Populations in the interior valleys would have been tethered to the few reliable, drought-resistant water sources such as Lake Elsinore, Mystic Lake, and possibly the Cajalco Basin. In general, small, highly mobile groups traveled widely, utilizing highly portable tool kits to procure and process critical resources, with brief and anticipated intervals of seasonal sedentism near predictable water locations. Due to isolated locations where the conditions for occupation were met, Early Archaic Period sites are rare compared to later periods of prehistory (Goldberg et al. 2001; Grenda 1997; Horne and McDougall 2008; McDougall 1995).

2.2.2 Middle Archaic Period (circa 7000–4000 B.P.)

A gradual transition from wet pluvial conditions to arid desert conditions during the Early Holocene marks the transition to the Middle Archaic Period. Middle Archaic Period sites in Southern California include two in the ESRP, one at Lake Elsinore, the Stahl Site in Owens Valley, desert sites in Death Valley, Salt Springs, and at Pinto Basin in Joshua Tree National Park. Middle Archaic Period sites are associated with the margins of pluvial lakes and with now-extinct springs. Pinto-series projectile points, a type of basally notched or bifurcate base dart point, are the most distinctive artifact type of this period (Justice 2002). Other artifacts found at Middle Archaic Period sites include leaf-shaped bifacial knives, split cobble choppers and scrapers, scraper-planes, and small milling slabs and manos. With a few exceptions in the ESRP

area and the Stahl Site, most sites of this age are small surface deposits of lithic artifacts, suggestive of temporary and perhaps seasonal occupation by small groups of people.

2.2.3 Late Archaic Period (circa 4000–1500 B.P.)

The Late Archaic Period was one of cultural intensification coinciding with the Little Pluvial, a period when increased moisture allowed for more extensive occupation of the region. Sedentism likely increased during this period, with large occupation sites located adjacent to permanent water sources such as perennial springs and streams. Projectile points diagnostic of this period include Humboldt, Gypsum, and Elko-series dart points (Warren 1984), although Rose Spring arrow points appeared late within this period in the deserts. The mortar and pestle, used for processing acorns and hard seeds, also first appeared. A warming and drying trend began around 2100 B.P., leading to intensification of use of certain resources (Goldberg et al. 2001).

2.2.4 Saratoga Springs Period (circa 1500–750 B.P.)

Occupants of the region continued to adapt to the arid environment in the deserts (Warren 1984). Lake Cahuilla likely refilled the Coachella Valley around 1450 B.P. and was the focus of exploitation of fish and wetland resources. Occupation around large local water sources declined as these dried, however, and people became tethered to springs (Goldberg et al. 2001). Cultural trends continued from the Late Archaic Period, as Saratoga Springs projectile points, also associated with early use of the bow and arrow, appeared. The sparse assemblages found within the region obscure the timing of local adoption of the bow and arrow (Goldberg et al. 2001). Shoshonean language speakers likely moved into Southern California at this time. Brown and Buff Ware pottery first appeared on the lower Colorado River at about 1200 B.P. and started to diffuse across the California deserts by about 1100 B.P. (Moratto 1984). The warmer and drier Medieval Warm Period set in throughout the Southwest by about 1060 B.P. (Stine 1994; Warren 1984) and led to the withdrawal of Native American populations from marginal desert areas.

2.2.5 Late Prehistoric Period (circa 750–410 B.P.)

A period of lower temperatures and increased precipitation known as the Little Ice Age resulted in increased resource productivity in the region and subsequent population increase. Cottonwood Triangular points appear in inland assemblages and Obsidian Butte glass became much more common (Goldberg et al. 2001). Lake Cahuilla began to recede (Waters 1983), and the large Patayan populations occupying its shores moved westward to areas such as Anza Borrego, Coyote Canyon, the Upper Coachella Valley, the Little San Bernardino Mountains, and the San Jacinto Plain (Wilke 1976). The final recession of Lake Cahuilla, which had occurred by approximately 400 B.P., resulted in a population shift away from the lakebed into the Peninsular Ranges to the west and the Colorado River regions to the east.

2.2.6 Protohistoric Period (circa 410–180 B.P.)

Sedentism intensified during the Protohistoric Period. Increased hunting with bow and arrow and widespread exploitation of acorns, other hard nuts, and berries (indicated by the abundance of mortars and pestles) provided reliable and storable food resources. Reliable food sources likely prompted the establishment of small, completely sedentary villages with resource catchment areas around them (True 1966, 1970). Ceramic technology first appeared in the region around

350 B.P. Cottonwood Triangular points were supplemented by Desert Side-notched points. This period ended in 1769 A.D. when Spanish settlement began in Upper California.

2.3 ETHNOGRAPHIC SETTING

The Project area lies immediately west and north of the Morongo Indian Reservation. The Morongo Band of Mission Indians are a mixture of several different groups of California Native Americans, including Cahuilla, Serrano, and Cupeño. The native languages spoken by these groups are all part of the larger Takic family of Uto-Aztecan languages. An ethnographic overview of each of these groups is provided below.

2.3.1 Cahuilla

Ethnographically, the Project area lies within the traditional territory of the Pass (or Wanakik) Cahuilla. A wealth of information exists regarding traditional and historic Cahuilla society and culture (Bean 1978; Bean and Toenjes 2011). The Cahuilla language, divided into Desert, Pass, and Mountain dialects, has been assigned to the Cupan subfamily of the Takic branch of the Uto-Aztecan linguistic family. Territory traditionally claimed by the Cahuilla was topographically complex, including mountain ranges, passes, canyons, valleys, and desert. Bean (1978) described it as, ". . . from the summit of the San Bernardino Mountains in the north to Borrego Springs and the Chocolate Mountains in the south, a portion of the Colorado Desert west of Orocopia Mountain to the east, and the San Jacinto Plain near Riverside and the eastern slopes of Palomar Mountain to the west."

The Cahuilla in precontact times had nonpolitical, nonterritorial patrimoieties that governed marriage patterns, as well as patrilineal clans and lineages. The Cahuilla words for these moieties mean "Coyote" and "Wildcat." The Cahuilla had "political-ritual-corporate units (clans) composed of 3 to 10 lineages, dialectically different, named, claiming a common genitor, with one lineage recognized as the founding one" (Bean 1978). Clans owned a large territory in which each lineage owned a village site with specific resource areas. Clan lineages cooperated in defense, in large communal subsistence activities, and in performing rituals. Founding lineages often owned the office of ceremonial leader, the ceremonial house, and a ceremonial bundle (Bean 1978). Settlements, occupied by one or more lineages, could be politically autonomous or allied with several villages under one chief. The hereditary chiefs had religious, economic, and military power and were role models for their people. They were aided in their duties by one or more assistants. The chiefs and their families, along with the very wealthy, were the elites of the society. The acquisition of wealth was important, but the acquisition of extreme material wealth was prevented by the custom of burning or burying the possessions of the deceased.

The Cahuilla were, for the most part, hunting, collecting, harvesting, and protoagricultural peoples. A diverse habitat provided an immense variety of floral resources, which the Cahuilla used for food, medicine, and manufacture of tools and shelter (Bean 1978:578). Acorns, screw beans, mesquite, pinyon, cactus fruits, seeds, wild berries, tubers, roots, and greens were valuable food resources. Acorns and hard berries were pounded in stone mortars, while hard seeds were ground on stone metates. Softer foods, like honey mesquite, were pounded in wooden mortars. Various basket and pottery forms were used to process and cook plant foods. Stone-lined pit ovens were used to cook yucca, agave, and tule-potatoes. At ancient Lake Cahuilla in the Coachella Valley, periods of high lake stands brought Cahuilla from the mountain areas

down to the valley floor to exploit the freshwater aquatic resources such as fish, shellfish, waterfowl, and shoreline vegetation (Wilke 1976:8, from Blake 1856:98).

Cahuilla pottery was manufactured by the coil method and paddle-and-anvil technique and was often painted or incised. Their pottery forms included cooking pots, ollas, bowls, dishes, and tobacco pipes. Basketry was produced by a stitched coil method, and forms included flat plates or trays for winnowing seeds, both shallow and deep baskets, conical baskets, and round flat-bottomed baskets, which were often decorated with cosmological motifs (Bean 1978:579). Arrow-shaft straighteners were made of soapstone and incised with designs that reflected ownership. Bows were made of willow or mesquite and were strung with mescal fiber or sinew. Ceremonial items included charmstones, bull-roarers, clappers, rattles, feathered headdresses, wands, and eagle feather skirts and capes. Clothing included sandals made of mescal fiber, rabbit skin or other hide blankets, and skirts made of tule, or the soft inner bark of mesquite or cottonwood.

2.3.2 Serrano

The Serrano, or "mountaineers" in Spanish, occupied the territory of the San Bernardino Mountains east to Mount San Gorgonio, the San Gabriel Mountains west to Mount San Antonio, and portions of the desert to the north and the fringe of the San Bernardino Valley to the south (Kroeber 1925:615–616). Numbering no more than perhaps 1,500 people, the Serrano were scattered over a rugged, expansive landscape. The Serrano were Shoshonean peoples, speakers of languages in the Takic subfamily of the larger Uto-Aztecan language family, and their ancestors are presumed to have entered Southern California some 1,500 years ago from the Great Basin (Kroeber 1925:578–579). Their most intensive cultural contacts were with the Pass Cahuilla, who occupied the territory to the southeast, and the Gabrielino, who occupied the lands westward to the Pacific coast.

Serrano clans were politically autonomous and both patrilineal and exogamous. A moiety structure conditioned Serrano social life, all clans belonging to either the Coyote or Wildcat moiety. These moieties were exogamous. Each Serrano clan had a hereditary leader, or *kika*, and an assistant who was a ceremonial leader, or *paha* (Strong 1929:17–18). These individuals were central to the ritual life of the Serrano, providing leadership during yearly ceremonial periods. Kroeber (1925:617) indicated that villages were generally where streams emerged from the foothills. Bean et al. (1981:85–86) indicated groups of lineages lived in villages at the valley margins in the winter and in smaller encampments at higher elevations in the summer. Proximity to water sources and adequate arrays of resources predictably dictated settlement location choices. Bean et al. (1981:85) noted also that individual homes were quite scattered across the landscape in order to ensure privacy, to the extent that some "villages" covered up to 5 square miles. This clearly has important implications for archaeological interpretations of occupation sites.

Subsistence during winter months consisted mostly of reliance on stored foods (acorns, pinyon nuts, mesquite beans) and some fresh meats and greens. In the spring, agave, cacti, greens, and a mix of game provided the bulk of the food resources. Many fruits and seeds became available during the summer months, but perhaps the richest season was autumn, when major harvests of acorns, pinyon nuts, mesquite beans, and screwbeans occurred, and when communal rabbit hunts took place in the context of much feasting and ritual activity (Bean et al. 1981:86–87). In

addition to occupation sites and food procurement sites, rock cairns ("offerings" places along trails), cupule petroglyph sites, hot springs (sacred areas), sources of lithic materials suitable to produce stone tools and other artifacts, and trails represent important land uses by the Serrano.

2.3.3 Cupeño

The Cupeño are considered one of the smallest linguistic groups in Southern California (Bean and Smith 1978). The traditional territory of the Cupeño is located near the headwaters of the San Luis Rey River in northern San Diego County. Today, there are several Native American groups (Pala Band of Luiseño Indians, the Morongo Band of Mission Indians, and the Los Coyotes Band of Cahuilla and Cupeño Indians) that include Cupeño members. As discussed by Bean and Smith (1978:588), Cupeño social organization reflects an amalgamation of several different groups that dates back at least 800 years. Cahuilla elements of social organization found among the Cupeño include exogamous moieties, patrilineal clans, and ceremonial exchange parties. The Cupeño also practice some Chingichngish religious rituals that were acquired from the Luiseño, with additional ceremonies adopted from the Ipai.

Ethnographic information on the Cupeño indicates that clans owned the most productive food-gathering spots with communal ownership of intervening areas for hunting and gathering. The head of each clan lived in the clan's ceremonial dance house and was responsible for keeping the clan bundle. A hereditary office that usually passed from father to eldest son, the duties of the clan leader included controlling trade with non-Cupeño groups, overseeing the production and distribution of goods, regulating intra- and interclan relationships, and organizing ceremonies (Bean and Smith 1978:588–589). Clan leaders could also be shamans.

In terms of ritual, the most significant ceremonies for the Cupeño were those held in connection with deaths in the clan. Immediately following the death of an individual, the body was burned. This was followed by the burning of the deceased's possessions a few weeks to several months later. An annual or biannual image-burning ceremony was held at a later point, in which images of all those who had died since the last ceremony were burned (Bean and Smith 1978:589). Another ceremony held in memory of the dead was the eagle-killing ritual, which was held once a year.

2.4 HISTORICAL SETTING

The Spanish occupation of Alta California and the founding of the San Diego de Alcalá mission in San Diego occurred in 1769 resulting availability of written records. The following historic context of California was taken primarily from Clark and Smallwood (2015). Exploration of the California coast in the sixteenth and seventeenth centuries was the basis for the Spanish claim to the region. In the eighteenth century, Spain recognized that to strengthen its claim, it would have to settle Alta California to preclude encroachment by the Russians and British traders. Therefore, in the latter half of the eighteenth century, Spain and the Franciscan Order founded a series of presidios, or military camps, and 21 missions along the California coast, beginning at San Diego in 1769. The Spanish also carried out exploratory expeditions into the interior regions, including the Mojave Desert, to identify travel routes to the coast and to establish interior agricultural settlements.

With the signing of the Treaty of Guadalupe-Hidalgo on February 2, 1848, California formally became an American territory, and two years later, on September 9, 1850, California became the thirty-first state in the Union. Between those two years came a large influx of eastern immigrants seeking their fortunes; the catalyst for this influx was James Marshall's 1848 discovery of gold at Sutter's Mill (Starr 2005). The population and wealth in the early statehood years were concentrated in the northern part of the state. Ranching was the main occupation in the southern counties providing meat and supplies to the north. The floods and drought of the 1860s brought that era to a close, and the completion of the transcontinental railroad in 1869 opened California to agricultural settlement.

Southern California was promoted as an ideal agricultural area, with fertile soil and a mild climate. Contemporary reviews of California painted beautiful pictures that appealed to both Americans and Europeans alike. There were three land booms tied to railroad expansion: (1) after the transcontinental railroad was completed, enabling easy travel to California; (2) late 1870s after the Southern Pacific Railroad (SPRR) was completed; and (3) 1886–1888, when the Santa Fe transcontinental line was completed. Competition between these lines incited a rate war, and both tourists and potential settlers took advantage of the low fares to come to California (Lech 2004:222).

2.4.1 Local History

Banning is located in the San Gorgonio Pass, the principle opening between the San Bernardino Mountains to the north and the San Jacinto Mountains to the south that allows east-west travel between the coast and desert regions. Therefore, it was the route of early trails and stage roads, as well as the SPRR and Interstate 10.

Banning, originally Moore City, was founded in early 1877, near the "confluence" of the railroad and the flume (Lech 2004:254). By July of the same year, the name was changed to Banning. The 1886 Land Office map clearly shows Banning located north of the SPRR, as a town of about four blocks east-west and three blocks north-south. The Banning Land and Water Company flume is depicted traveling north from town along what is now San Gorgonio Avenue. Grain fields and isolated cabins and houses are depicted around Banning, particularly southwest of town. The Bradshaw Stage Route, which was located north of Banning, is no longer shown on the map (General Land Office 1886). The first commercial grain crop was barley; subsequently both oats and wheat were also successful cash crops (Hughes 1938:205). At the same time that farmers and ranchers settled in Banning, it also became known as a health resort. In 1888, the town was described as "unsurpassed" as a resort, with water "as pure as ever flowed from Nature's fountain" (quoted in Lech 2004:259). In 1890, the Sisters of St. Joseph founded the St. Boniface Indian School near Banning (Deferrari 1942:541).

Incorporated in 1913, Banning was similar to many other small towns throughout Southern California and the country, proud of every achievement, eager for further growth and development in a positive way, and full of hope for the future. Banning continued to grow both as an agricultural area and as a resort. In the 1920s, Banning's population was around 3,000 (Banning Chamber of Commerce 1927). In that decade, almond trees, at the peak of their success in California, were grown on approximately 1,000 acres in and around Banning; the area was considered the largest almond-growing region in Southern California (Holtzclaw 2005:25, 41).

At the same time, Banning had maintained its reputation as a "health haven . . . as attested by the sanitariums and private rest homes in and near the city" (Hughes 1938:205).

In 1931, the news of the construction of the Colorado River Aqueduct by the Metropolitan Water District of Southern California (MWD) was well-received in Banning. In anticipation of the economic boost the city would receive, "Banning staged a victory jubilee in celebration of the voting of bonds for aqueduct construction" (Hughes 1938:59). The MWD field headquarters were located at the intersection of San Gorgonio Avenue and the Union Pacific Railroad. Construction work for MWD headquarters began in 1932. Through the years of the Great Depression, Banning was home to the MWD engineer's field office. In addition, the concrete testing laboratory was located in Banning. Boring the San Jacinto Tunnel began in 1933 and continued until the "holing through" on November 18, 1938. During these seven years, the headquarters provided a boost to the local economy, as did the construction workers who lived in the town and commuted to work.

At the beginning of World War II, General George C. Patton established the Desert Training Center in the Mojave Desert in eastern Riverside and San Bernardino counties. In Banning, a 1,000-bed hospital, aid station, and artillery range contributed to the training effort. During the war, 1.6 million people moved to California to work in war industries, and many of the servicemen trained in the state settled in Banning after the war was over (Starr 2005:237). By 1962, California had the highest population of any state.

Banning's growth continues to rise into the present day due to investments in capital improvements projects, which include over 1,673 new housing units (City of Banning 2023). Currently, the city of Banning is home to an estimated population of 30,683, according to the U.S. Census Bureau (2022).

3
CULTURAL LITERATURE AND RECORDS SEARCH

On August 9, 2023, prior to the field survey of the Project area, Æ conducted a literature and records search at the Eastern Information Center (EIC) of the California Historical Resource Information System, housed at the University of California, Riverside. The objective of this records search was to determine whether any prehistoric or historical cultural resources had been recorded previously within the Project area and a 0.5-mile search radius of the proposed Project.

Results of the records search indicated eight cultural resource studies have been conducted previously within the 0.5-mile search radius (Table 3-1). Three of the previous studies involved the Project area. As a result, 100 percent of the Project area has been investigated previously.

Table 3-1
Previous Cultural Resource Studies in the 0.5-Mile Search Radius

EIC Reference #	Authors(s)	Date	Title
RI-02210	Underwood, J., J. Cleland, C. M. Wood, and R. Apple	1986	Preliminary Cultural Resources Survey Report for the US Telecom Fiber Optic Cable Project, from San Timoteo Canyon to Socorro, Texas; The California Segment
RI-07339[a]	Tang, Bai "Tom", Josh Smallwood, and Melissa Hernandez	2007	Identification and Evaluation of Historic Properties: Wastewater Treatment Plant Expansion and Recycled Water System, City of Banning, Riverside, California
RI-08374	Eckhardt, William T., Stacie Wilson, Carol Serr, and Karolina Chmiel	2009	Final—Cultural Resources Inventory of the Proposed SCE Devers to Valley Substation Project, Riverside County, California: Volume I
RI-08449[a]	Tang, Bai "Tom", Michael Hogan, Josh Smallwood, and Terri Jacquemain	2004	Cultural Resources Technical Report City of Banning General Plan
RI-08668	Bonner, Wayne H. and Arabesque Said	2011	Letter Report: Cultural Resources Records Search and Site Visit Results for T-Mobile USA Candidates IE24909-H
RI-08978	DeCarlo, Matthew M.	2013	Cultural Resources Inventory of Late Engineering Construction Components, Southern California Edison (SCE) Devers-Palo Verde 2 (DPV2) Project, Riverside County, California
RI-09167	McLean, Roderic, Natalie Brodie, Jacqueline Hall, Shannon Carmack, Phil Fulton, Ingri Quon, Erin Martinelli, Richard Erickson, and Jay Michals	2013	Cultural Resources Assessment and Class III Inventory Volume I West of Devers Project San Bernardino and Riverside Counties, California.
RI-09540[a]	Brunzell, David	2013	Cultural Resources Assessment Rancho San Gorgonio Planned Community Project City of Banning, Riverside County, Riverside County, California

a - Study overlaps with the Project area.

The records search resulted in the identification of 46 previously recorded cultural resources within the 0.5-mile search radius. All five of the archaeological resources are historical: one water diversion system, one concrete foundation, one refuse scatter, one rubble deposit, and one concrete well box. In addition, 41 built-environment resources were identified within the 0.5-mile search radius (Table 3-2). None of the previously recorded cultural resources are documented within the Project area.

Table 3-2
Previously Recorded Cultural Resources in the 0.5-Mile Search Radius

Primary	Trinomial	Description
Historic Resources		
33-014366	CA-RIV-7815	Water diversion system
33-014367	CA-RIV-7816	Concrete foundations
33-014368	CA-RIV-7817	Refuse scatter
33-025807	—	Concrete and masonry rubble
33-025814	—	Concrete well box
Built-Environment Resources		
33-009150	—	Vernacular wood frame house
33-009159	—	1915 Vernacular wood frame house
33-015809	—	1950 California Ranch–style house
33-015810	—	1950 California Ranch–style house
33-015811	—	1947 Doolittle House
33-015813	—	1947 Altered Spanish Eclectic–style house
33-015814	—	1947 Vernacular-style house
33-015815	—	1959 California Ranch–style house
33-015816	—	1959 California Ranch–style house
33-015817	—	1960 California Ranch–style house
33-015818	—	1956 California Ranch–style house
33-015819	—	1959 California Ranch–style house
33-015820	—	1926 Craftsman Bungalow–style house
33-015821	—	1959 California Ranch–style house
33-015822	—	1961 California Ranch–style house
33-015823	—	1957 California Ranch–style house
33-015824	—	1950s California Ranch–style house
33-015825	—	1961 California Ranch–style house
33-015826	—	1961 California Ranch–style house
33-015827	—	1961 California Ranch–style house
33-015828	—	1947 California Ranch–style house
33-015829	—	1960 California Ranch–style house
33-015830	—	1961 California Ranch–style house
33-015831	—	1961 California Ranch–style house
33-015833	—	1940s Minimal Traditional–style house

Table 3-2
Previously Recorded Cultural Resources in the 0.5-Mile Search Radius

Primary	Trinomial	Description
33-015835	—	1959 California Ranch–style house
33-015837	—	1950 California Ranch–style house
33-015838	—	1961 California Ranch–style house
33-015839	—	1951 Vernacular-style commercial building
33-015840	—	1958 Vernacular-style house
33-015841	—	1950s California Ranch–style house
33-015842	—	1958 California Ranch–style house
33-017729	—	1960s Vernacular-style house
33-017731	—	1962 California Ranch–style house
33-017732	—	1962 California Ranch–style house
33-017733	—	1967 Vernacular-style farmhouse
33-017734	—	1967 Vernacular-style farmhouse
33-017742	—	1955 Cinder block commercial building
33-017744	—	1965 Commercial building
33-017745	—	1960s Commercial building
33-017748	—	1950s Vernacular-style commercial building

3.1 HISTORICAL MAP REVIEW

A series of historical maps were consulted to assess land use and development in the Project area. Maps consulted included USGS topographic quadrangle maps: San Jacinto 1901 30 minute, Southern California 1901 30 minute, Banning 1943 (photorevised 1952) 15 minute, Beaumont 1953 (photorevised 1988) 7.5 minute, Banning 1956 (photorevised 1961) 15 minute, and Santa Ana 1965 30 minute.

The Southern Pacific Railroad appears north of the Project area on all of the examined maps. All of the maps after 1901 also exhibit several buildings outside of the Project area north and south of modern-day Lincoln Street. The structures also appear on aerial photographs, viewed on historicaerials.com/viewer, as early as 1966. No other buildings, structures, or features of interest are shown in the Project area on any of the historical maps or photographs examined.

4
NATIVE AMERICAN COMMUNICATIONS

Æ contacted the NAHC on June 22, 2023, for a review of their SLF to determine if any known Native American cultural properties (e.g., traditional use or gathering areas, places of religious or sacred activity) are present within or adjacent to the Project area. The NAHC responded on July 19, 2023, stating the SLF search was completed with negative results. The NAHC requested Æ contact Native American individuals and organizations to elicit information regarding cultural resource issues related to the proposed Project, if any.

Upon review of the Native American contact list and after removing redundancies, Æ narrowed the list to 11 individuals and organizations traditionally and culturally affiliated with the geographic region of the Project area. Æ sent out Project scoping letters via email and U.S. Postal Service on September 8, 2023, describing the Project and asking these individuals and organizations for their input. Copies of the letters, the list of contacts, and received responses are included in Appendix A. Æ sent follow up email correspondence on September 22, 2023, to the organizations who had not responded to the initial request on September 8, 2023.

Individuals/organizations contacted include:

- Patricia Garcia-Plotkin, Director of the Tribal Historic Preservation Office for the Agua Caliente Band of Cahuilla Indians
- Amanda Vance, Chairperson of the Augustine Band of Cahuilla Indians
- Doug Welmas, Chairperson of the Cabazon Band of Mission Indians
- Bobby Ray Esparza, Cultural Director for the Cahuilla Band of Indians
- Ray Chapparosa, Chairman of the Los Coyotes Band of Cahuilla and Cupeño Indians
- Ann Brierty, Tribal Historic Preservation Officer for the Morongo Band of Mission Indians
- Jill McCormick, Historic Preservation Officer for the Quechan Tribe of the Fort Yuma Reservation
- John Gomez, Environmental Coordinator for the Ramona Band of Cahuilla
- Lovina Redner, Tribal Chair of the Santa Rosa Band of Cahuilla Indians
- Joseph Ontiveros, Tribal Historic Preservation Officer for the Soboba Band of Luiseño Indians
- Cultural Committee of the Torres-Martinez Desert Cahuilla Indians

As of October 17, 2023, Æ has received two responses. The Agua Caliente Band of Cahuilla Indians notes the Project falls within the Tribe's Traditional Use Area and a records check of the tribal registry indicates this area has not been previously surveyed for cultural resources. Therefore, the Tribe requests: A cultural resources inventory of the Project area by a qualified archaeologist before any development activities occur in the area, copies of any cultural resource documentation (report and site records) generated in connection with the Project, and a copy of the records search with associated survey reports and site records from the Information Center. The Augustine Band of Cahuilla Indians are unaware of any cultural resources that would be affected by the Project but wish to be contacted immediately if any resources are discovered during development. Complete responses from each Tribe are in Appendix A.

5
CULTURAL RESOURCE SURVEY METHODS AND RESULTS

This chapter details the methods and results of the intensive pedestrian survey of the Project area. Approximately 90 percent of the Project area was accessible during the survey. The intensive survey was completed by Æ Archaeologist Andrew DeLeon on August 23, 2023.

5.1 SURVEY METHODS

DeLeon began the survey on the northwest corner of the Project area (Figure 5-1). From there, the survey proceeded southward. The survey was conducted in 15-meter transects oriented north–south, moving eastward through the Project area. While surveying, DeLeon photographed the Project area at various locations to document its current condition.

5.2 SURVEY RESULTS

The entire Project area is highly disturbed and appears to have been previously plowed. There are several dirt pathways along the perimeters of the Project area, which are also visible on aerial satellite imagery. The center area of the Project appears to have been used as a staging area in the past, and the ground surface soils in that area contained more gravel. DeLeon also observed several pieces of asphalt debris on the northeastern edge of the Project which appear to have been dumped, as no other evidence of roadway or pavement debris was observed anywhere else

Figure 5-1 Overview from northwest corner of Project area, facing southeast.

within the Project area. The Project area also encompasses part of a steep drainage running along the eastern edge. The drainage channel was approximately 40 feet deep with steep sidewalls and was unable to be surveyed on foot.

Visibility throughout the Project area was generally poor at 15 percent, as the ground surface was covered in straw grasses, ragweed, and dove weed (Figure 5-2). The eastern side of the Project area contained patches of California buckwheat. When possible, DeLeon inspected exposed areas of soil within the Project area that consisted of a yellowish brown (10YR 5/4) sandy loam. The topography of the Project is relatively flat and uniform. DeLeon observed sparce patches of modern refuse throughout the Project area. No cultural resources were encountered within the Project area during the survey.

Figure 5-2 Overview from southeast corner of Project area facing northwest.

6
MANAGEMENT RECOMMENDATIONS

Æ did not encounter any cultural resources within the Project area during the intensive pedestrian survey. The entire Project area is highly disturbed and appears to have been previously plowed. Geological data indicate that soil series mapped within the Project area contain no Ab (buried) horizons which often produce an environment conducive to intact buried archaeological deposits. While the Greenfield and Ramona soil series contain well-developed A and B horizons, the integrity of those stratigraphic layers is questionable considering modern disturbances. Due to the low likelihood that archaeological deposits or features will be found during construction, no further cultural resource management of the Project area is recommended.

It should be noted that the Project is within Agua Caliente Band of Cahuilla Indian's Traditional Use Area and the Tribe requested a copy of the records search, survey reports, and site records from the Information Center, copies of any cultural resource documentation generated from the current Project, and shapefiles of the Project area. The Augustine Band of Cahuilla Indians are unaware of any cultural resources that would be affected by the Project but wish to be contacted immediately if any resources are discovered during development.

If potentially significant archaeological materials are encountered during any future construction activities, all work must be halted in the vicinity of the discovery until a qualified archaeologist can visit the site and assess the significance and integrity of the find. If intact and significant archaeological remains are encountered, the impacts of the Project must be mitigated appropriately. Any such discoveries, and subsequent evaluation and treatment, should be documented in a cultural resource report, which should be submitted to the EIC for archival purposes.

Additionally, Health and Safety Code Section 7050.5, CEQA Guidelines Section 15064.5(e), and Public Resources Code Section 5097.98 mandate the process to be followed in the unlikely event of an accidental discovery of human remains in a location other than a dedicated cemetery. Finally, if the Project area is expanded to include areas not covered by this survey or other recent cultural resource studies, additional cultural resource studies may be required.

7
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APPENDIX A

Native American Communications

LIST OF NATIVE AMERICAN CONTACTS AND RECORD OF RESPONSES

Name	Date	Responses
Patricia Garcia-Plotkin THPO Agua Caliente Band of Cahuilla Indians	September 8, 2023 September 15, 2023	Scoping letter sent via email. Email response received from Claritsa Duarte- Cultural Resources Analyst. The tribe states that the project area is not located within the boundaries of the ACBCI Reservation. However, it is within the Tribe's Traditional Use Area. Records check of the ACBCI registry indicates this area has not been surveyed for cultural resources. The tribe requests a cultural resources inventory of the project area by a qualified archaeologist before any development activities in this area—copies of any cultural resource documentation (report and site records) generated in connection with this project. A copy of the records search with associated survey reports and site records from the information center.
Amanda Vance Chairperson Augustine Band of Cahuilla Mission Indians	September 8, 2023 September 11, 2023	Scoping letter sent via email. Email response received from Geramy Martin, Tribal Secretary. The tribe states they are unaware of specific cultural resources that may be affected by the proposed project. However, if AE should discover any cultural resources during the development of this project, please contact their office immediately for further evaluation.
Doug Welmas Chairperson Cabazon Band of Mission Indians	September 8, 2023 September 22, 2023	Scoping letter sent via email. Follow up sent via email. No response received.
BobbyRay Esparza Cultural Director Cahuilla Band of Indians	September 8, 2023 September 22, 2023	Scoping letter sent via email. Follow up sent via email. No response received.
Ray Chapparosa Chairperson Los Coyotes Band of Cahuilla and Cupeno Indians	September 8, 2023 September 22, 2023	Scope letter sent via post. Follow up message via phone call, left voicemail. No response received.
Ann Brierty Tribal Historic Preservation Officer Morongo Band of Mission Indians	September 8, 2023 September 22, 2023	Scoping letter sent via email. Follow up sent via email. No response received.

Name	Date	Responses
Jill McCormick Historic Preservation Officer Quechan Tribe of the Fort Yuma Reservation	September 8, 2023 September 22, 2023	Scoping letter sent via email. Follow up sent via email. No response received.
John Gomez Environmental Coordinator Ramona Band of Cahuilla	September 8, 2023 September 22, 2023	Scope letter sent via post and email. Follow up sent via email. No response received.
Lovina Redner Tribal Chair San Manuel Band of Mission Indians	September 8, 2023 September 22, 2023	Scoping letter sent via email. Follow up sent via email. No response received.
Joseph Ontiveros cc Jessica Valdez Tribal Historic Preservation Officer Soboba Band of Luiseno Indians	September 8, 2023 September 22, 2023	Scoping letter sent via email. Follow up sent via email. No response received.
Cultural Committee Torres-Martinez Desert Cahuilla Indians	September 8, 2023 September 22, 2023	Scoping letter sent via email. Follow up sent via email. No response received.

Sacred Lands File & Native American Contacts List Request

Native American Heritage Commission
1550 Harbor Boulevard, Suite 100
West Sacramento, CA 95691
916-373-3710
916-657-5390 – Fax
nahc@nahc.ca.gov

Information Below is Required for a Sacred Lands File Search

Date: 6/22/23

Project: City of Banning Np-2 Booster Pump Station Reservoir Project

County: Riverside

USGS Quadrangle Name: Beaumont

Township: 3S **Range:** 1E **Section(s):** 8

Company/Firm/Agency: Applied EarthWorks, Inc.

Contact Person: Andrew DeLeon

Street Address: 3550 East Florida Avenue, Suite H

City: Hemet **Zip:** 92544

Phone: (951) 766-2000 ext.520

Fax: (951) 766-0020

Email: adeleon@appliedearthworks.com

Project Description: The Project involves the construction of a reservoir and booster pump station over an approximately 7.51 acre area. Ground disturbance is expected as a result of construction activities.

NATIVE AMERICAN HERITAGE COMMISSION

ACTING CHAIRPERSON
Reginald Pagaling
Chumash

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NAHC.ca.gov

July 19, 2023

Andrew DeLeon
Applied EarthWorks, Inc.

Via Email to: adeleon@appliedearthworks.com

Re: City of Banning Np-2 Booster Pump Station Reservoir Project, Riverside County

Dear Mr. DeLeon:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were negative. However, the absence of specific site information in the SLF does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance, we can assure that our lists contain current information.

If you have any questions or need additional information, please contact me at my email address: Andrew.Green@nahc.ca.gov.

Sincerely,

Andrew Green

Andrew Green
Cultural Resources Analyst

Attachment

Native American Heritage Commission
Native American Contact List
Riverside County
7/19/2023

Tribe Name	Fed (F) Non-Fed (N)	Contact Person	Contact Address	Phone #	Fax #	Email Address	Cultural Affiliation	Counties	Last Updated
Agua Caliente Band of Cahuilla Indians	F	Reid Milanovich, Chairperson	5401 Dinah Shore Drive Palm Springs, CA, 92264	(760) 699-6800	(760) 699-6919	laviles@aguacaliente.net	Cahuilla	Imperial,Riverside,San Bernardino,San Diego	
Agua Caliente Band of Cahuilla Indians	F	Patricia Garcia-Plotkin, Director	5401 Dinah Shore Drive Palm Springs, CA, 92264	(760) 699-6907	(760) 699-6924	ACBCI-THPO@aguacaliente.net	Cahuilla	Imperial,Riverside,San Bernardino,San Diego	
Augustine Band of Cahuilla Mission Indians	F	Amanda Vance, Chairperson	84-001 Avenue 54 Coachella, CA, 92236	(760) 398-4722	(760) 369-7161	hhaines@augustinetribe.com	Cahuilla	Imperial,Riverside,San Bernardino,San Diego	
Cabazon Band of Mission Indians	F	Doug Welmas, Chairperson	84-245 Indio Springs Parkway Indio, CA, 92203	(760) 342-2593	(760) 347-7880	jstapp@cabazonindians-nsn.gov	Cahuilla	Imperial,Riverside,San Bernardino,San Diego	
Cahuilla Band of Indians	F	BobbyRay Esaprza, Cultural Director	52701 CA Highway 371 Anza, CA, 92539	(951) 763-5549		besparza@cahuilla-nsn.gov	Cahuilla	Imperial,Riverside,San Bernardino,San Diego	6/28/2023
Cahuilla Band of Indians	F	Anthony Madrigal, Tribal Historic Preservation Officer	52701 CA Highway 371 Anza, CA, 92539	(951) 763-5549		anthonymad2002@gmail.com	Cahuilla	Imperial,Riverside,San Bernardino,San Diego	6/28/2023
Cahuilla Band of Indians	F	Daniel Salgado, Chairperson	52701 CA Highway 371 Anza, CA, 92539	(951) 972-2568	(951) 763-2808	chairman@cahuilla-nsn.gov	Cahuilla	Imperial,Riverside,San Bernardino,San Diego	6/28/2023
Los Coyotes Band of Cahuilla and Cupeño Indians	F	Ray Chapparosa, Chairperson	P.O. Box 189 Warner Springs, CA, 92086-0189	(760) 782-0711	(760) 782-0712		Cahuilla	Imperial,Riverside,San Bernardino,San Diego	
Morongo Band of Mission Indians	F	Ann Brierty, THPO	12700 Pumarra Road Banning, CA, 92220	(951) 755-5259	(951) 572-6004	abrierty@morongo-nsn.gov	Cahuilla Serrano	Imperial,Los Angeles,Riverside,San Bernardino,San Diego	
Morongo Band of Mission Indians	F	Robert Martin, Chairperson	12700 Pumarra Road Banning, CA, 92220	(951) 755-5110	(951) 755-5177	abrierty@morongo-nsn.gov	Cahuilla Serrano	Imperial,Los Angeles,Riverside,San Bernardino,San Diego	
Quechan Tribe of the Fort Yuma Reservation	F	Jill McCormick, Historic Preservation Officer	P.O. Box 1899 Yuma, AZ, 85366	(928) 261-0254		historicpreservation@quechantrib e.com	Quechan	Imperial,Kern,Los Angeles,Riverside,San Bernardino,San Diego	5/16/2023
Quechan Tribe of the Fort Yuma Reservation	F	Jordan Joaquin, President, Quechan Tribal Council	P.O.Box 1899 Yuma, AZ, 85366	(760) 919-3600		executivesecretary@quechantrib e.com	Quechan	Imperial,Kern,Los Angeles,Riverside,San Bernardino,San Diego	5/16/2023
Quechan Tribe of the Fort Yuma Reservation	F	Manfred Scott, Acting Chairman - Kw'ts'an Cultural Committee	P.O. Box 1899 Yuma, AZ, 85366	(928) 210-8739		culturalcommittee@quechantribe com	Quechan	Imperial,Kern,Los Angeles,Riverside,San Bernardino,San Diego	5/16/2023

Ramona Band of Cahuilla	F	John Gomez, Environmental Coordinator	P. O. Box 391670 Anza, CA, 92539	(951) 763-4105	(951) 763-4325	jgomez@ramona-nsn.gov	Cahuilla	Imperial,Riverside,San Bernardino,San Diego	8/16/2016
Ramona Band of Cahuilla	F	Joseph Hamilton, Chairperson	P.O. Box 391670 Anza, CA, 92539	(951) 763-4105	(951) 763-4325	admin@ramona-nsn.gov	Cahuilla	Imperial,Riverside,San Bernardino,San Diego	
Santa Rosa Band of Cahuilla Indians	F	Lovina Redner, Tribal Chair	P.O. Box 391820 Anza, CA, 92539	(951) 659-2700	(951) 659-2228	lsaul@santarosa-nsn.gov	Cahuilla	Imperial,Los Angeles,Orange,Riverside,San Bernardino,San Diego	
Soboba Band of Luiseno Indians	F	Jessica Valdez, Cultural Resource Specialist	P.O. Box 487 San Jacinto, CA, 92581	(951) 663-6261	(951) 654-4198	jvaldez@soboba-nsn.gov	Cahuilla Luiseno	Imperial,Los Angeles,Orange,Riverside,San Bernardino,San Diego	7/14/2023
Soboba Band of Luiseno Indians	F	Joseph Ontiveros, Tribal Historic Preservation Officer	P.O. Box 487 San Jacinto, CA, 92581	(951) 663-5279	(951) 654-4198	jontiveros@soboba-nsn.gov	Cahuilla Luiseno	Imperial,Los Angeles,Orange,Riverside,San Bernardino,San Diego	7/14/2023
Torres-Martinez Desert Cahuilla Indians	F	Cultural Committee,	P.O. Box 1160 Thermal, CA, 92274	(760) 397-0300	(760) 397-8146	Cultural-Committee@torresmartinez-nsn.gov	Cahuilla	Imperial,Riverside,San Bernardino,San Diego	

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resour Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed City of Banning Np-2 Booster Pump Station Reservoir Project, Riverside Cou

Record: PROJ-2023-003574
Report Type: List of Tribes
Counties: Riverside
NAHC Group: All

Applied EARTHWORKS Inc.

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September 8, 2023

Ray Chapparosa
Chairperson
Los Coyotes Band of Cahuilla and Cupeno Indians
P.O. Box 189,
Warner Springs, CA, 92086-0189

Re: Cultural Resource Assessment for the Banning NP-2 Booster Pump Station and Reservoir Project, City of Banning, Riverside County, California.

Dear Mr. Chapparosa:

On behalf of Albert A. Webb Associates, Applied EarthWorks, Inc. (Æ) is conducting a cultural resource study for the Banning NP-2 Booster Pump Sation and Reservoir Project (Project). The Project involves the construction of a reservoir and booster pump station within Assessor's Parcel Number 538-280-001 on approximately 7.51 acres west of 22nd Avenue and immediately south of Lincoln Street in the City of Banning. The Project is subject to the California Environmental Quality Act (CEQA) and the City of Banning is the lead CEQA agency. As indicated on the attached map, the Project is located within Sections 8 and 17, Township 3 South, Range 1 East, as depicted on the U.S. Geological Survey Beaumont, California 7.5-minute topographic quadrangle map.

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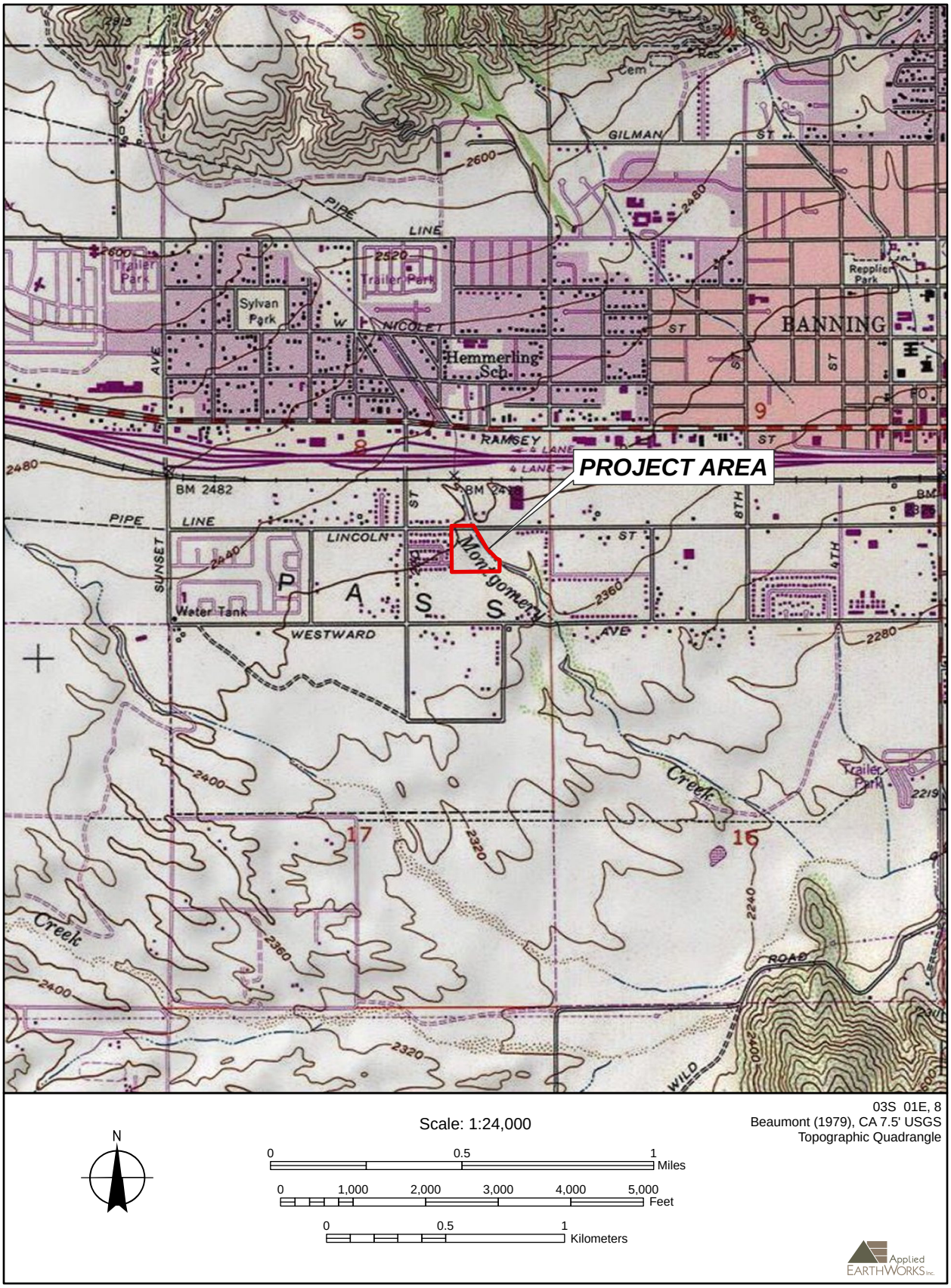
Please be aware that your comments and concerns are very important to us, as well as to the successful completion of this Project. I look forward to hearing from you in the near future. Thank you, in advance, for taking the time to review this request.

Respectfully yours,

Jessica Cochrane, BA
Staff Archaeologist
Applied EarthWorks, Inc



Project location map for the *Project - AE4506*.

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September 8, 2023

Cultural Committee
Torres-Martinez Desert Cahuilla Indians
P.O. Box 1160
Thermal, CA, 92274

Re: Cultural Resource Assessment for the Banning NP-2 Booster Pump Station and Reservoir Project, City of Banning, Riverside County, California.

Dear Cultural Committee:

On behalf of Albert A. Webb Associates, Applied EarthWorks, Inc. (Æ) is conducting a cultural resource study for the Banning NP-2 Booster Pump Sation and Reservoir Project (Project). The Project involves the construction of a reservoir and booster pump station within Assessor's Parcel Number 538-280-001 on approximately 7.51 acres west of 22nd Avenue and immediately south of Lincoln Street in the City of Banning. The Project is subject to the California Environmental Quality Act (CEQA) and the City of Banning is the lead CEQA agency. As indicated on the attached map, the Project is located within Sections 8 and 17, Township 3 South, Range 1 East, as depicted on the U.S. Geological Survey Beaumont, California 7.5-minute topographic quadrangle map.

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Applied EarthWorks, Inc

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September 8, 2023

Joseph Hamilton
Chairperson
Ramona Band of Cahuilla
P. O. Box 391670
Anza, CA, 92539

Re: Cultural Resource Assessment for the Banning NP-2 Booster Pump Station and Reservoir Project, City of Banning, Riverside County, California.

Dear Mr. Hamilton:

On behalf of Albert A. Webb Associates, Applied EarthWorks, Inc. (Æ) is conducting a cultural resource study for the Banning NP-2 Booster Pump Sation and Reservoir Project (Project). The Project involves the construction of a reservoir and booster pump station within Assessor's Parcel Number 538-280-001 on approximately 7.51 acres west of 22nd Avenue and immediately south of Lincoln Street in the City of Banning. The Project is subject to the California Environmental Quality Act (CEQA) and the City of Banning is the lead CEQA agency. As indicated on the attached map, the Project is located within Sections 8 and 17, Township 3 South, Range 1 East, as depicted on the U.S. Geological Survey Beaumont, California 7.5-minute topographic quadrangle map.

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Applied EarthWorks, Inc

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September 8, 2023

Robert Martin
Chairperson
Morongo Band of Mission Indians
12700 Pumarra Road
Banning, CA, 92220

Re: Cultural Resource Assessment for the Banning NP-2 Booster Pump Station and Reservoir Project, City of Banning, Riverside County, California.

Dear Mr. Martin:

On behalf of Albert A. Webb Associates, Applied EarthWorks, Inc. (Æ) is conducting a cultural resource study for the Banning NP-2 Booster Pump Sation and Reservoir Project (Project). The Project involves the construction of a reservoir and booster pump station within Assessor's Parcel Number 538-280-001 on approximately 7.51 acres west of 22nd Avenue and immediately south of Lincoln Street in the City of Banning. The Project is subject to the California Environmental Quality Act (CEQA) and the City of Banning is the lead CEQA agency. As indicated on the attached map, the Project is located within Sections 8 and 17, Township 3 South, Range 1 East, as depicted on the U.S. Geological Survey Beaumont, California 7.5-minute topographic quadrangle map.

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September 8, 2023

Reid Milanovich
Chairperson
Agua Caliente Band of Cahuilla Indians
5401 Dinah Shore Drive,
Palm Springs, CA, 92264

Re: Cultural Resource Assessment for the Banning NP-2 Booster Pump Station and Reservoir Project, City of Banning, Riverside County, California.

Dear Mr. Milanovich:

On behalf of Albert A. Webb Associates, Applied EarthWorks, Inc. (Æ) is conducting a cultural resource study for the Banning NP-2 Booster Pump Sation and Reservoir Project (Project). The Project involves the construction of a reservoir and booster pump station within Assessor's Parcel Number 538-280-001 on approximately 7.51 acres west of 22nd Avenue and immediately south of Lincoln Street in the City of Banning. The Project is subject to the California Environmental Quality Act (CEQA) and the City of Banning is the lead CEQA agency. As indicated on the attached map, the Project is located within Sections 8 and 17, Township 3 South, Range 1 East, as depicted on the U.S. Geological Survey Beaumont, California 7.5-minute topographic quadrangle map.

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September 8, 2023

Joseph Ontiveros
Tribal Historic Preservation Officer
Soboba Band of Luiseno Indians
P.O. Box 487,
San Jacinto, CA, 92581

Re: Cultural Resource Assessment for the Banning NP-2 Booster Pump Station and Reservoir Project, City of Banning, Riverside County, California.

Dear Mr. Ontiveros:

On behalf of Albert A. Webb Associates, Applied EarthWorks, Inc. (Æ) is conducting a cultural resource study for the Banning NP-2 Booster Pump Sation and Reservoir Project (Project). The Project involves the construction of a reservoir and booster pump station within Assessor's Parcel Number 538-280-001 on approximately 7.51 acres west of 22nd Avenue and immediately south of Lincoln Street in the City of Banning. The Project is subject to the California Environmental Quality Act (CEQA) and the City of Banning is the lead CEQA agency. As indicated on the attached map, the Project is located within Sections 8 and 17, Township 3 South, Range 1 East, as depicted on the U.S. Geological Survey Beaumont, California 7.5-minute topographic quadrangle map.

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September 8, 2023

Lovina Redner
Tribal Chair
Santa Rosa Band of Cahuilla Indians
P.O. Box 391820
Anza, CA, 92539

Re: Cultural Resource Assessment for the Banning NP-2 Booster Pump Station and Reservoir Project, City of Banning, Riverside County, California.

Dear Ms. Redner:

On behalf of Albert A. Webb Associates, Applied EarthWorks, Inc. (Æ) is conducting a cultural resource study for the Banning NP-2 Booster Pump Sation and Reservoir Project (Project). The Project involves the construction of a reservoir and booster pump station within Assessor's Parcel Number 538-280-001 on approximately 7.51 acres west of 22nd Avenue and immediately south of Lincoln Street in the City of Banning. The Project is subject to the California Environmental Quality Act (CEQA) and the City of Banning is the lead CEQA agency. As indicated on the attached map, the Project is located within Sections 8 and 17, Township 3 South, Range 1 East, as depicted on the U.S. Geological Survey Beaumont, California 7.5-minute topographic quadrangle map.

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September 8, 2023

Daniel Salgado
Chairperson
Cahuilla Band of Indians
52701 CA Highway 371
Anza, CA, 92539

Re: Cultural Resource Assessment for the Banning NP-2 Booster Pump Station and Reservoir Project, City of Banning, Riverside County, California.

Dear Mr. Salgado:

On behalf of Albert A. Webb Associates, Applied EarthWorks, Inc. (Æ) is conducting a cultural resource study for the Banning NP-2 Booster Pump Sation and Reservoir Project (Project). The Project involves the construction of a reservoir and booster pump station within Assessor's Parcel Number 538-280-001 on approximately 7.51 acres west of 22nd Avenue and immediately south of Lincoln Street in the City of Banning. The Project is subject to the California Environmental Quality Act (CEQA) and the City of Banning is the lead CEQA agency. As indicated on the attached map, the Project is located within Sections 8 and 17, Township 3 South, Range 1 East, as depicted on the U.S. Geological Survey Beaumont, California 7.5-minute topographic quadrangle map.

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September 8, 2023

Manfred Scott
Acting Chairman
Quechan Tribe of the Fort Yuma Reservation
P.O. Box 1899
Yuma, AZ, 85366

Re: Cultural Resource Assessment for the Banning NP-2 Booster Pump Station and Reservoir Project, City of Banning, Riverside County, California.

Dear Mr. Scott:

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Applied EarthWorks, Inc

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September 8, 2023

Amanda Vance
Chairperson
Augustine Band of Cahuilla Mission Indians
84-001 Avenue 54
Coachella, CA, 92236

Re: Cultural Resource Assessment for the Banning NP-2 Booster Pump Station and Reservoir Project, City of Banning, Riverside County, California.

Dear Ms. Vance:

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September 8, 2023

Doug Welmas
Chairperson
Cabazon Band of Mission Indians
84-245 Indio Springs Parkway,
Indio, CA, 92203

Re: Cultural Resource Assessment for the Banning NP-2 Booster Pump Station and Reservoir Project, City of Banning, Riverside County, California.

Dear Mr. Welmas:

On behalf of Albert A. Webb Associates, Applied EarthWorks, Inc. (Æ) is conducting a cultural resource study for the Banning NP-2 Booster Pump Sation and Reservoir Project (Project). The Project involves the construction of a reservoir and booster pump station within Assessor's Parcel Number 538-280-001 on approximately 7.51 acres west of 22nd Avenue and immediately south of Lincoln Street in the City of Banning. The Project is subject to the California Environmental Quality Act (CEQA) and the City of Banning is the lead CEQA agency. As indicated on the attached map, the Project is located within Sections 8 and 17, Township 3 South, Range 1 East, as depicted on the U.S. Geological Survey Beaumont, California 7.5-minute topographic quadrangle map.

The archaeological literature and records search conducted at the Eastern Information Center housed at the University of California, Riverside, indicates that 46 cultural resources have been documented within a 0.5-mile radius of the Project area. None of these previously identified resources falls within the Project area. Æ was contracted to perform an archaeological survey of the Project area. The survey was completed on August 23, 2023. Transects spacing was 15 meters. No cultural resources were observed during the survey.

As part of the cultural resource assessment of the Project area, Æ requested a search of the *Sacred Lands File* by the Native American Heritage Commission (NAHC). Results of the search indicate there are no known Native American cultural resources within the Project area. Should your records show that cultural properties exist within or near the Project area shown on the enclosed map, or if you have any concerns regarding Native American issues related to the overall Project, please contact me at (951) 766-2000 or via letter expressing your concerns. You may also e-mail me at jcochrane@appliedearthworks.com. If I do not hear from you within the next two weeks, I will contact you with a follow-up phone call or email.

Please be aware that your comments and concerns are very important to us, as well as to the successful completion of this Project. I look forward to hearing from you in the near future. Thank you, in advance, for taking the time to review this request.

Respectfully yours,

Jessica Cochrane, BA
Staff Archaeologist
Applied EarthWorks, Inc

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION

03-020-2023-004

September 15, 2023

[VIA EMAIL TO:jcochrane@appliedearthworks.com]
Applied Earthworks
Jessica Cochrane
3550 E. Florida Ave
Hemet, CA 92544

Re: Banning NP-2 Booster Pump Station and Reservoir

Dear Jessica Cochrane,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the Banning NP-2 Booster Pump Station and Reservoir project. The project area is not located within the boundaries of the ACBCI Reservation. However, it is within the Tribe's Traditional Use Area.A records check of the ACBCI registry indicates this area has not been surveyed for cultural resources. In consultation, the ACBCI THPO requests the following:

*A cultural resources inventory of the project area by a qualified archaeologist prior to any development activities in this area.

*Copies of any cultural resource documentation (report and site records) generated in connection with this project.

*A copy of the records search with associated survey reports and site records from the information center.

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760) 883-1134. You may also email me at ACBCI-THPO@aguacaliente.net.

Cordially,

Claritsa Duarte

Claritsa Duarte
Cultural Resources Analyst
Tribal Historic Preservation Office
AGUA CALIENTE BAND
OF CAHUILLA INDIANS

5401 DINAH SHORE DRIVE, PALM SPRINGS, CA 92264
T 760/699/6800 F 760/699/6924 WWW.AGUACALIENTE-NSN.GOV

AUGUSTINE BAND OF CAHUILLA INDIANS
84-481 Avenue 54, Coachella CA 92236
Telephone: (760) 398-4722
Fax (760) 369-7161
Tribal Chairperson: Amanda Vance
Tribal Vice-Chairperson: Victoria Martin
Tribal Secretary: Geramy Martin

Date: 09/11/2023

Dear: Jessica Cochrane, BA
Staff Archaeologist
Applied EarthWorks, Inc

SUBJECT: Cultural Resource Assessment for the Banning NP-2 Booster Pump Station and Reservoir Project, City of Banning, Riverside County, California

Thank you for the opportunity to offer input concerning the development of the above-identified project. We appreciate your sensitivity to the cultural resources that may be impacted by your project and the importance of these cultural resources to the Native American peoples that have occupied the land surrounding the area of your project for thousands of years. Unfortunately, increased development and lack of sensitivity to cultural resources have resulted in many significant cultural resources being destroyed or substantially altered and impacted. Your invitation to consult on this project is greatly appreciated.

At this time, we are unaware of specific cultural resources that may be affected by the proposed project, however, in the event, you should discover any cultural resources during the development of this project please contact our office immediately for further evaluation.

Very truly yours,

Geramy Martin

Geramy Martin, Tribal Secretary
Augustine Band of Cahuilla Indians

Appendix D

Energy Tables

Table 1 – Total Construction-Related Fuel Consumption

NP-2 Booster Station and Reservoir Project

Fuel	Consumption	
Diesel		
On-Road Construction Trips[1]	1,922	Gallons
Off-Road Construction Equipment[2]	18,388	Gallons
Diesel Total	**20,310**	**Gallons**
Gasoline		
On-Road Construction Trips[1]	1,777	Gallons
Off-Road Construction Equipment[3]	-	Gallons
Gasoline Total	**1,777**	**Gallons**

Notes:

1. On-road mobile source fuel use based on vehicle miles traveled (VMT) from CalEEMod for construction in 2024 and fleet-average fuel consumption in gallons per mile from EMFAC2021 web based data for South Coast Air Basin. See Table 2 for calculation details.
2. Off-road mobile source fuel usage based on a fuel usage rate of 0.05 gallons of diesel per horsepower (HP)-hour, based on SCAQMD CEQA Air Quality Handbook, Table A9-3E.
3. All emissions from off-road construction equipment were assumed to be diesel.

Table 2 – On-Road Construction Trip Estimates

NP-2 Booster Station and Reservoir Project

Trip Type	Trips	Trip length	Vehicle Miles Traveled (VMT)	Fuel Efficiency	Annual Fuel Usage[1]	
	(trips)	(miles)	(miles)	(mpg)	(Fuel)	(gallon)
Worker[2,3]	2,438	18.5	45,094	25.9	Gasoline	1,777
Vendor[4]	1,350	10.2	13,770	7.5	Diesel	1,912
Hauling[5]	40	1.5	60	6.0	Diesel	10

Notes:

1. On-road mobile source fuel use based on vehicle miles traveled (VMT) from CalEEMod output for construction and fleet-average fuel consumption in gallons per mile from EMFAC2021 web based data for 2024 in South Coast Air Basin.
2. Worker trips were assumed to be 100% gasoline powered vehicles.
3. Per CalEEMod, worker Trips were assumed to be 25% LDA, 50% LDT1, and 25% LDT2.
4. Vendor trips were assumed to be 50% MHDT and 50% HHDT, split evenly between the MHDT and HHDT construction categories.
5. Per CalEEMod, hauling trips were assumed to be 100% HHDT.

Appendix E.1

Supplemental Geotechnical Investigation

912

APPROVED AS SUBMITTED

SUPPLEMENTAL GEOTECHNICAL INVESTIGATION

OFFSITE BOOSTER PUMP STATION ATWELL DEVELOPMENT BANNING, CALIFORNIA

APPROVED BY
CITY OF BANNING
MAR 23 2023
PUBLIC WORKS DEPT

GEOCON
WEST, INC.
GEOTECHNICAL
ENVIRONMENTAL
MATERIALS

PREPARED FOR

TRIPOINTE HOMES
CORONA, CALIFORNIA

FEBRUARY 9, 2023
PROJECT NO. T2305-22-10G

Project No. T2305-22-10G
February 9, 2023

TriPointe Homes
1250 Corona Pointe Court, Suite 600
Corona, California 92879

Attention: Mr. Michael Heishman, Director of Land Development

Subject: SUPPLEMENTAL GEOTECHNICAL INVESTIGATION
OFFSITE BOOSTER PUMP STATION
ATWELL DEVELOPMENT
BANNING, CALIFORNIA

Dear Mr. Heishman:

In accordance with our Work Order Authorization, dated December 20, 2022, Geocon West, Inc. (Geocon) performed a supplemental geotechnical investigation for the booster pump station located south of the intersection of Lincoln Street and Adams Street in the City of Banning, California. The accompanying geotechnical report presents the results of our study and includes our conclusions and recommendations pertaining to the geotechnical aspects of the design and construction of the proposed booster station site. Based on the results of our 2018 geotechnical investigation, our 2021 geotechnical update, and this study, it is our opinion that the sites are suitable for the proposed improvements, provided the recommendations of this report are followed.

Should you have questions regarding this report, or if we may be of further service, please contact the undersigned at your convenience.

Very truly yours,

GEOCON WEST, INC.

Luke C. Weidman
GIT 891

Andrew T. Shoashekan
PE 93940

Joseph J. Vettel
GE 2401

Lisa A. Battiato
CEG 2316

LCW:ATS:LAB:JJV:hd

Distribution: Addressee (email)
MDS Consulting, Inc. Attention: Barrett Bruchhauser

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RECOMMENDED GRADING SPECIFICATIONS

UPDATED GEOTECHNICAL INVESTIGATION

1. PURPOSE AND SCOPE

This report presents the findings of a supplemental geotechnical investigation for booster pump station improvements located south of the intersection of Lincoln Street and Adams Street in Banning, California, as depicted on the *Vicinity Map*, Figure 1. A booster pump station and reservoir tank are proposed at the project location.

The purpose of the investigation was to perform an assessment of the geologic conditions, identify potential geologic hazards, collect material samples, perform laboratory testing on select samples, and, based on the conditions encountered, provide recommendations regarding the geotechnical aspects of constructing the improvements at the site as presently proposed.

The site was originally explored by Geocon on August 28, 2018, including the drilling of one geotechnical boring within the booster pump station site, as documented in our *Preliminary Geotechnical Investigation* (dated September 20, 2018). The boring log associated with the previous drilling is included in Appendix A with pertinent laboratory data included in Appendix B. An *Updated Geotechnical Investigation* (dated April 2, 2021) was prepared to satisfy 2019 CBC requirements.

This supplemental investigation included performing a site reconnaissance and Underground Service Alert mark out and notification, drilling and logging of three geotechnical borings, performing laboratory testing, performing geotechnical analyses, reviewing published geotechnical/geologic reporting and data, and preparing of this report. A summary of the information reviewed for this study is presented in the *List of References.* The approximate locations of the exploratory excavations are depicted on the *Geologic Map (*Figure 2). A detailed discussion of the field investigation, including boring logs is presented in Appendix A.

Laboratory testing was performed on samples obtained from the exploratory borings to evaluate maximum dry density and optimum moisture content, expansion index, corrosivity, consolidation characteristics, in-situ and remolded shear strength properties, and in-situ moisture content and dry density. Details of the laboratory testing are presented in Appendix B.

2. SITE AND PROJECT DESCRIPTION

The booster pump station site is located on a vacant lot immediately south of Lincoln Street and its intersection with Adams Street at latitude 33.9214 degrees and longitude -116.8979 degrees. The lot has been vacant and relatively natural since at least 1966. Site elevations range from a high of 2,405 feet MSL at the northwestern corner to a low of 2,400 feet MSL in the southeastern corner. Montgomery Creek channel is at an approximate elevation of 2,375 feet MSL approximately 120 feet east of the booster station pad.

Based on the *Preliminary Site Plan Segment-B Booster Station* (MDS, 2020c), we understand that the proposed construction at the booster station will generally consist of a booster station building that will house three booster pumps and appurtenant systems. Proposed ancillary improvements include a sidewalk ALONG Lincoln Street, an aggregate access road from Lincoln Street A transformer and electrical conduit, sewer sump, and valve vault and valves, will be located outside of the booster station building. The booster station building and lot will be surrounded by a 6-foot masonry block wall with 24-inch tubular steel fence along the block wall. Based on the *Lincoln Street NP Booster and Reservoir Site Plan* (Steven Andrews Engineering, 2022), we understand the proposed reservoir tank at the booster pump station site will be a 24-foot-diameter and 24 feet tall bolted steel tank with 12-inch-diameter inlet and outlet systems.

Preliminary structural loading information for the booster station building and reservoir tank has not been provided to us at this time. We expect the proposed booster station building will be a masonry block building supported by conventional shallow foundations with a slab-on-grade floor, and the reservoir tank will be a bolted steel tank constructed on a shallow perimeter ring and slab foundation system. We expect that column loads for the proposed booster station will be up to 25 kips and wall loads will be up to 3 kips per linear foot. We expect the reservoir tank perimeter ring loads will be up to 3 kips per linear foot. If the booster station or reservoir details or loading vary significantly from those described herein, Geocon should be contacted to evaluate the necessity for review and possible revision of this report.

3. GEOLOGIC SETTING

The project site is located in the San Gorgonio Pass at the northern margin of the Peninsular Ranges Geomorphic Province. The Peninsular Ranges are bounded on the north by the Transverse Ranges (San Gabriel and San Bernardino Mountains) and on the east by the San Andreas Fault. The Peninsular Ranges Province extends southward into Mexico and westward past the Channel Islands. Geologic units within the Peninsular Ranges consist of granitic and metamorphic bedrock highlands and deep and broad alluvial valleys.

Locally, the sites lie within the valley between the San Jacinto and San Bernardino Mountains, west of the San Gorgonio River. Active drainages such as Smith and Montgomery Creeks flow southeast from the north before merging along the base of the San Jacinto mountains and continuing east to join the San Gorgonio River. This broad valley is filled with older alluvial fan materials consisting of sand, gravel and granitic detritus shed from the San Bernardino Mountains dissected by active stream channels with sand and gravel deposits.

4. GEOLOGIC MATERIALS

Site geologic materials encountered consist of topsoil and Pleistocene-age Young Alluvial Fan Deposits and Older Alluvial Fan Deposits. Across the site, topsoil was encountered within the upper 1 foot in all borings, however due to the thickness of the soil, it is not a mapped geologic unit. Geologic units and descriptions follow that of Dibblee (2003). Descriptions of the soil and geologic conditions are shown on the boring logs located in *Appendix A* and are generally described herein in order of increasing age.

4.1 Young Alluvial Fan Deposits (Qf)

Young Alluvial Fan Deposits were encountered below the topsoil to a depth of 5 feet in Boring B-5. These deposits consist primarily of clayey sand. The unit can be characterized as loose, dry , and is yellowish brown. Varying amounts of gravel may exist within the unit.

4.2 Older Alluvial Fan Deposits (Qof)

Older Alluvial Fan Deposits were encountered below the topsoil and Young Alluvial Fan Deposits to the maximum depths explored.. These deposits consist of silty sand with lesser amounts of poorly-graded sand, clayey sand, silty sand, and sandy clay, which is characterized as dense to very dense / hard, dry to damp, and is various shades of brown, with varying amounts of gravel and cobbles.

5. GROUNDWATER

Groundwater was not encountered during this investigation. We obtained well data from the California Water Library Well 03S01E14A at the site of the pump station. The well depth is reported to be 735 feet deep, screened from 460 to 680 feet and have a water depth of 425 feet. (DWR, 2021). Based on the valley geometry and sediments, we expect similar groundwater conditions throughout the project areas. Groundwater elevations are dependent on seasonal precipitation, irrigation, and land use, among other factors, and vary as a result.

6. GEOLOGIC HAZARDS

6.1 Surface Fault Rupture

The numerous faults in southern California include active, potentially active, and inactive faults. The criteria for these major groups are based on criteria developed by the California Geological Survey (CGS, formerly known as CDMG) for the Alquist-Priolo Earthquake Fault Zone Program (Bryant and Hart, 2007). By definition, an active fault is one that has had surface displacement within Holocene time (about the last 11,000 years). A potentially active fault has demonstrated surface displacement during Quaternary time (approximately the last 1.6 million years) but has had no known Holocene movement. Faults that have not moved in the last 1.6 million years are considered inactive.

The site is not located within a State of California Fault Hazard Zone. The mapped fault closest to the project is the San Gorgonio Pass fault which is located approximately 4,900 feet north of the booster pump station (Treiman, 1994). Faults within a 50-mile radius of the site are listed in Table 6.1a. Historic earthquakes in southern California of magnitude 6.0 and greater, their magnitude, distance, and direction from the site are listed in Table 6.1b.

Table 6.1a
Active Faults within 50 Miles of the Site

Fault Name	Maximum Magnitude (Mw)	Geometry (Slip Character)	Slip Rate (mm/yr)	Information Source	Distance from Site (mi)	Direction from Site
San Gorgonio Pass	7.0	THRUST	n/a	a	1	N
South Branch San Andreas	7.5	RL-SS	24.0	a	12	E
Pinto Mountain	7.2	LL-SS	2.5	a	12	NE
San Jacinto (Clark)	7.2	RL-SS	12.0	a	14	SW
San Jacinto (Casa Loma)	6.9	RL-SS	12.0	a	16	SW
North Branch San Andreas	7.4	RL-SS	30.0	a	17	E
San Andreas (San Bernardino)	7.5	RL-SS	24.0	a	18	NW
Johnson Valley	6.7	RL-SS	0.6	a	29	NE
North Frontal	7.2	R	1.0	a	30	N
Burnt Mountain	6.5	RL-SS	0.6	a	31	NE
Lenwood	7.5	RL-SS	0.6	a	31	NE
Helendale	7.3	RL-SS	0.6	a	31	N
Elsinore (Wildomar)	6.8	RL-SS	5.0	a	32	SW
Elsinore Fault (Glen Ivy)	6.8	RL-SS	5.0	a	34	SW
Glen Helen	6.7	RL-SS	12.0	a	36	NW
San Andreas Coachella Valley Branch	7.2	RL-SS	25.0	a	37	SE
Hildago/Calico	7.3	RL-SS	0.6	a	43	NE
Camp Rock/Emerson	7.0	RL-SS	0.6	a	44	NE
Chino	6.7	RL-R-O	1.0	a	46	W
San Jacinto (Coyote Creek)	6.8	RL-SS	4.0	a	47	SE
Cucamonga	6.9	R	5.0	a	49	NW

Geometry: BT = blind thrust, LL = left lateral, N = normal, O = oblique, R = reverse, RL = right lateral, SS = strike slip.
Information Sources: a = Cao, T., Bryant, W.A., Rowshandel, B., Branum, D., and Wills, C.J., 2003, The Revised 2002 California Probabilistic Seismic Hazard Maps, including Appendices A, B, and C, dated June; b = online Fault Activity Map of California website, maps.conservation.ca.gov/cgs/fam/, as of 1/2017.
n/a = data not available

Table 6.1b
Historic Earthquake Events with Respect to the Segment-B/C Booster Site

Earthquake (Oldest to Youngest)	Date of Earthquake	Magnitude	Distance to Epicenter (Miles)	Direction to Epicenter
Near Redlands	July 23, 1923	6.3	23	WNW
Long Beach	March 10, 1933	6.4	67	WSW
Tehachapi	July 21, 1952	7.5	144	WNW
San Fernando	February 9, 1971	6.6	95	WNW
Whittier Narrows	October 1, 1987	5.9	71	W
Sierra Madre	June 28, 1991	5.8	70	WNW
Landers	June 28, 1992	7.3	31	NE
Big Bear	June 28, 1992	6.4	20	N
Northridge	January 17, 1994	6.7	98	WNW
Hector Mine	October 16, 1999	7.1	58	NE
Ridgecrest China Lake Fault	July 5, 2019	7.1	135	NNW

6.2 Liquefaction and Seismic Settlement

Liquefaction is a phenomenon in which loose, saturated, relatively cohesion-less soil deposits lose shear strength during strong ground motions. Primary factors controlling liquefaction include intensity and duration of ground motion, gradation characteristics of the subsurface soils, in-situ stress conditions, and the depth to groundwater. Seismically induced settlement may occur whether the potential for liquefaction exists or not.

The current standard of practice as outlined in the *Recommended Procedures for Implementation of DMG Special Publication 117, Guidelines for Analyzing and Mitigating Liquefaction in California* (SCEC, 1999) requires a liquefaction analysis to a depth of 50 feet below the lowest portion of the proposed structure. Liquefaction typically occurs in areas where the soils below the water table are composed of poorly consolidated, fine to medium-grained, primarily sandy soil. In addition to the requisite soil conditions, the ground acceleration and duration of the earthquake must also be of a sufficient level to induce liquefaction.

According to the Riverside County Information Technology *Map My County* online GIS system, the site is located within areas mapped as having a "moderate" potential for liquefaction.

Due to the lack of shallow groundwater and the dense nature of alluvial soils, neither liquefaction nor seismic "dry-sand" settlement is a design consideration for the site.

6.3 Expansive Soil

The surficial soils at the site generally consist of silty sand. Laboratory testing of site soils indicated these soils are "non-expansive" (Expansion Index [EI] less than 20) as defined by 2019 CBC Section 1803.5.3, with an Expansion Index of 7 and 11 for the site which is classified as 'very low' (EI between 0 and 20) in accordance with ASTM D4829.

6.4 Hydrocompression

Hydrocompression is the tendency of unsaturated soil structure to collapse upon wetting resulting in the overall settlement of the affected soil and overlying foundations or improvements supported thereon. Potentially compressible soils underlying the site are typically removed and recompacted during remedial site grading. However, if compressible soil is left in-place, a potential for settlement due to hydrocompression of the soil exists.

We tested soil samples obtained during our investigation of the sites for hydrocompression, which exhibited a collapse potential of approximately 2.2 percent under high-pressure loading conditions. We expect remedial grading and appropriate drainage measures will effectively reduce the collapse potential of site soils that could impact proposed improvements.

6.5 Landslides

The site is located within a broad alluvial valley. No hills are located on or adjacent to the site. No landslides are geologically mapped in the descending slopes of the San Jacinto Mountains to the south (Dibblee, 2004). The potential for landslides at the site is not a design consideration.

6.6 Slope Stability

Based on the relatively level topography at the project site, the proposed grading of the site is not expected to include the construction of significant cut or fill slopes. In general, permanent, graded fill slopes constructed of on-site soils with gradients of 2:1 (horizontal to vertical) or flatter and vertical heights of 5 feet or less are expected possess factors of safety of 1.5 or greater.

6.7 Rock Fall Hazards

The project area is located within a broad valley. No hill slopes or boulders are situated above the sites. Therefore, rock fall is not considered a hazard for the sites.

6.8 Tsunamis and Seiches

A tsunami is a series of long period waves generated in the ocean by a sudden displacement of large volumes of water. Causes of tsunamis include underwater earthquakes, volcanic eruptions, or offshore slope failures. The first order driving force for locally generated tsunamis offshore southern California is expected to be tectonic deformation from large earthquakes (Legg, *et al.*, 2002). The site is located 56 miles from the nearest coastline with two mountain ranges between at an elevation of more than 2,000 feet MSL, therefore, the risk associated with tsunamis is not a design consideration.

A seiche is a run-up of water within a lake or embayment triggered by fault- or landslide-induced ground displacement. The project sites are not located adjacent to a body of water, therefore, seiches are not a design consideration for the sites.

7. CONCLUSIONS AND RECOMMENDATIONS

7.1 General

7.1.1 Neither soil nor geologic conditions were observed which would preclude the construction of improvements at the site as presently proposed, provided that the recommendations of this report are followed and implemented during design and construction.

7.1.2 Potential geologic hazards at the sites consist of seismic shaking. Based on our investigation and available geologic information, active, potentially active, or inactive faults are not present underlying or trending toward the sites.

7.1.3 Samples tested for hydrocompression exhibited some collapse potential under high-pressure loading conditions. We expect remedial grading and appropriate drainage measures will effectively reduce the collapse potential of site soils that could impact proposed improvements.

7.1.4 The upper portion of the young alluvial fan deposits are considered unsuitable for the support of newly compacted fill or settlement-sensitive improvements. Remedial grading of the surficial soils will be required as discussed herein. New compacted fill and competent undisturbed alluvial fan deposits are considered suitable to support the proposed improvements.

7.1.5 The laboratory tests indicate that the site soils are non-expansive, and have a "very low" expansion potential (expansion index of 0 to 20) in accordance with ASTM D4829. The foundation recommendations in this report assume that the structures are founded in non-expansive material. Additional testing should be conducted during earthwork to confirm the expansion potential and additional recommendations provided, as needed.

7.1.6 Proper drainage should be maintained in order to preserve the engineering properties of the compacted fill in planned improvement areas. Recommendations for site drainage are provided herein.

7.1.7 Proposed structures can be supported on conventional shallow foundations with concrete slab floors.

7.1.7 Once design or civil grading plans are made available, the recommendations within this supplemental report should be reviewed and revised, as necessary. Additionally, as the project design progresses toward a final design, changes in the design, location, or elevation of any proposed improvement should be reviewed by this office. Geocon should be contacted to evaluate the necessity for review and possible revision of this report.

7.2 Soil and Excavation Characteristics

7.2.1 The in-situ soils at the site should generally be excavatable with moderate to heavy effort, using conventional earth moving equipment in proper functioning order.

7.2.2 Based on the material classifications and laboratory testing by Geocon, site soils generally possess a "very low" expansion potential, expansion index (EI) of 0 to 20, and are considered "non-expansive" as defined by 2019 CBC Section 1803.5.3. Table 7.2.2 presents soil classifications based on the EI.

TABLE 7.2.2
SOIL CLASSIFICATION BASED ON EXPANSION INDEX

Expansion Index (EI)	Expansion Classification	2019 CBC Expansion Classification
0 – 20	**Very Low**	**Non-Expansive**
21 – 50	Low	Expansive
51 – 90	Medium	
91 – 130	High	
Greater Than 130	Very High	

7.2.3 Excavations on the order of 3 feet or less are expected to meet finished grades for the site. Excavations should be performed in conformance with Cal-OSHA requirements. Some of the site soils may have little cohesion and may be subject to caving in un-shored excavations. The contractor should evaluate the necessity for layback of vertical cut areas.

7.2.4 Laboratory testing of select soil samples indicate that site soils possess a sulfate content of 0.0014 percent (14 parts per million [ppm]) equating to a S0 sulfate exposure to concrete structures, as defined by 2019 CBC Section 1904.3 and ACI 318-19. Table 7.2.4 presents a summary of concrete requirements set forth by 2019 CBC Section 1904.3 and ACI 318-19. The presence of water-soluble sulfates is not a visually discernible characteristic; therefore, other soil samples from the site could yield different concentrations. Additionally, over time landscaping activities (i.e., addition of fertilizers and other soil nutrients) may affect the concentration.

TABLE 7.2.4
REQUIREMENTS FOR CONCRETE
EXPOSED TO SULFATE-CONTAINING SOLUTIONS

Exposure Class	Water-Soluble Sulfate (SO4) Percent by Weight	Cement Type (ASTM C150)		Maximum Water to Cement Ratio by Weight1	Minimum Compressive Strength (psi)
S0	**SO_4<0.10**	**No Type Restriction**		**N/A**	**2,500**
S1	0.10≤SO_4<0.20	II		0.50	4,000
S2	0.20≤SO_4≤2.00	V		0.45	4,500
S3	SO_4>2.00	Option 1	V+Pozzolan or Slag	0.45	4,500
		Option 2	V	0.40	5,000

7.2.5 Laboratory testing indicates the site soils have a minimum electrical resistivity of 3,500 ohm-cm, possess 72 parts per million (ppm) chloride, 14 ppm sulfate, and have a pH of 7.1. As shown in Table 7.2.5, the sites would not be classified as "corrosive" to buried improvements in accordance with the Caltrans *Corrosion Guidelines* (Caltrans, 2021).

TABLE 7.2.5
CALTRANS CORROSION GUIDELINES

Corrosion Exposure	Resistivity (ohm-cm)	Chloride (ppm)	Sulfate (ppm)	pH
Corrosive	<1,500	500 or greater	1,500 or greater	5.5 or less

7.2.6 Geocon does not practice in the field of corrosion engineering. Therefore, further evaluation by a corrosion engineer may be performed if improvements that could be susceptible to corrosion are planned.

7.3 Grading

7.3.1 Earthwork should be observed, and compacted fill tested by representatives of Geocon.

7.3.2 Grading should be performed in accordance with the *Recommended Grading Specifications* contained in Appendix C and the Grading Ordinances of the City of Banning.

7.3.3 Prior to commencing grading operations, a preconstruction conference should be held at the site with a representative of the City of Banning, owner or developer, grading contractor, civil engineer, and geotechnical engineer in attendance. Special soil handling and/or the grading plans can be discussed at that time.

7.3.4 Site preparation should begin with the removal of deleterious material, debris, trash, and vegetation. The depth of removal should be such that material exposed in cut areas or soil to be used as fill is relatively free of organic matter. Material generated during stripping and/or site demolition should be exported from the site. If encountered, rock over 6 inches in diameter should be screened and removed, and not used in the fill.

7.3.5 The topsoil and upper portion of the alluvial fan deposits within a 1:1 (h:v) projection of the limits of grading should be removed to expose competent alluvium. Removals should extend at least 5 feet below existing grades or 3 feet below the bottom of the planned foundations, whichever is deeper. Removal bottoms should extend until encountering alluvium with 85 percent or greater relative compaction when compacted to the laboratory maximum dry density in accordance with ASTM D1557. Removals in pavement and walkway areas should extend at least 2 feet beneath the pavement or flatwork subgrade elevation. Areas of loose, dry, or compressible soils will require deeper excavation and processing prior to fill placement. The actual depth of removal should be evaluated by the engineering geologist during grading operations. Where over excavation and compaction is to be conducted, the excavations should be extended laterally a minimum distance of 5 feet beyond the foundation footprint or for a distance equal to the depth of removal, whichever is greater. The bottom of the excavations should be scarified to a depth of at least 1 foot, moisture conditioned near to slightly above optimum moisture content, and properly compacted.

7.3.6 Geocon should observe the removal bottoms to check the competence of the exposed soil. Deeper excavations may be required if dry, loose, soft, or porous materials are present at the base of the removals.

7.3.7 The fill placed within 3 feet of proposed foundations should possess a “very low” to “low” expansion potential (EI of 50 or less).

7.3.8 If perched groundwater or saturated materials are encountered during remedial grading, extensive drying and mixing with dryer soil may be required, if the saturated material is to be utilized as fill material in achieving finished grades. The excavated materials should then be moisture conditioned near to slightly above optimum moisture content prior to placement as compacted fill.

7.3.9 The site should be brought to finish grade elevations with fill compacted in layers. Oversize materials (greater than 6 inches in dimension) should be removed from the excavated soils prior to use as fill. Layers of fill should be no thicker than will allow for adequate bonding and compaction. Fill, including backfill and scarified ground surfaces, should be compacted to a dry density of at least 90 percent of the laboratory maximum dry density and moisture conditioned near to slightly above optimum moisture content as evaluated by ASTM D1557. Fill materials placed below the recommended moisture content may require additional moisture conditioning prior to placing additional fill.

7.3.10 If required, import fill should consist of granular materials with a "very low" to "low" expansion potential (EI of 50 or less), non-corrosive, generally free of deleterious material, and contain rock no larger than 6 inches. Geocon should be notified of the import soil source and should be afforded the opportunity to perform laboratory testing of the import soil prior to its arrival at the site to evaluate its suitability as fill material.

7.4 Earthwork Grading Factors

7.4.1 Estimates of shrinkage factors are based on empirical judgments comparing the material in its existing or natural state as encountered in the exploratory excavations to a compacted state. Variations in natural soil density and in compacted fill density render shrinkage value estimates as rough approximations. As an example, the contractor can compact the fill to a dry density of 90 percent or higher of the laboratory maximum dry density. Thus, the contractor has an approximately 10 percent range of control over the fill volume. Due to the variations in the actual shrinkage/bulking factors, a balance area should be provided to accommodate variations.

7.5 Utility Trench Backfill

7.5.1 Utility trenches should be properly backfilled in accordance with the requirements of the City of Banning and the latest edition of the *Standard Specifications for Public Works Construction* (Greenbook). The pipes should be bedded with well-graded crushed rock or clean sands (Sand Equivalent greater than 30) to a depth of at least one foot over the pipe. The use of well-graded crushed rock should be used in conjunction with filter fabric to prevent the gravel from having direct contact with soil. The remainder of the trench backfill may be derived from onsite soil or approved import soil. Backfill of utility trenches should not contain rocks greater than 3 inches in diameter. The use of 2-sack slurry and controlled low strength material (CLSM) are also acceptable as backfill. However, consideration should be given to the possibility of differential settlement where the slurry ends and earthen backfill begins. These transitions should be minimized and additional stabilization should be considered at these transitions.

7.5.2 Utility trench backfill should be played in layers no thicker than will allow for adequate bonding and compaction. Utility backfill should be compacted to a dry density of at least 90 percent of the laboratory maximum dry density and moisture conditioned near to slightly above optimum moisture content as evaluated by ASTM D1557. Backfill at the finish subgrade elevation of new pavements should be compacted to at least 95 percent of the maximum dry density. Backfill materials placed below the recommended moisture content may require additional moisture conditioning prior to placing additional fill.

7.6 Seismic Design Criteria

7.6.1 Table 7.6.1 summarizes site-specific seismic design criteria for the booster station site, obtained from the 2019 California Building Code (CBC; Based on the 2018 International Building Code [IBC] and ASCE 7-16), Chapter 16 Structural Design, Section 1613 Earthquake Loads. The data was calculated using the computer program U.S. Seismic Design Maps, provided by the USGS. The short spectral response uses a period of 0.2 second. We evaluated the Site Class based on the discussion in Section 1613.3.2 of the 2019 CBC and Table 20.3-1 of ASCE 7-16. The values presented below are for the risk-targeted maximum considered earthquake (MCER).

TABLE 7.6.1
2019 CBC BOOSTER STATION SITE SEISMIC DESIGN PARAMETERS

Parameter	Value	2019 CBC Reference
Site Class	D	Section 1613.3.2
MCE_R Ground Motion Spectral Response Acceleration – Class B (short), S_S	2.160g	Figure 1613.3.1(1)
MCE_R Ground Motion Spectral Response Acceleration – Class B (1 sec), S_1	0.743g	Figure 1613.3.1(2)
Site Coefficient, F_A	1.2	Table 1613.3.3(1)
Site Coefficient, F_V	1.7*	Table 1613.3.3(2)
Site Class Modified MCE_R Spectral Response Acceleration (short), S_{MS}	2.593g	Section 1613.3.3 (Eqn 16-37)
Site Class Modified MCE_R Spectral Response Acceleration (1 sec), S_{M1}	1.264g*	Section 1613.3.3 (Eqn 16-38)
5% Damped Design Spectral Response Acceleration (short), S_{DS}	1.728g	Section 1613.3.4 (Eqn 16-39)
5% Damped Design Spectral Response Acceleration (1 sec), S_{D1}	0.843g*	Section 1613.3.4 (Eqn 16-40)

*Based on NEHRP-2015

7.6.2 Table 7.6.2 summarizes site-specific design criteria for the tank structure at the booster station site, obtained from the American Water Works Association (AWWA) Standard D100, Section 13, Seismic Design of Water Storage Tanks, (Based on ASCE 7-10). We evaluated the Site Class based on the discussion in Section 13.2.4 of the AWWA Standard D100. The values presented below are for the risk-targeted maximum considered earthquake (MCER).

TABLE 7.6.2
AWWA BOOSTER STATION RESERVOIR SEISMIC DESIGN PARAMETERS

Parameter	Value	AWWA D100 Reference
Site Class	D	Section 13.2.4
MCE_R Ground Motion Spectral Response Acceleration – Class B (short), S_S	1.750g	Figure 5
MCE_R Ground Motion Spectral Response Acceleration – Class B (1 sec), S_1	0.750g	Figure 6
Site Coefficient, F_A	1.000	Table 26
Site Coefficient, F_V	1.500	Table 27
Site Class Modified MCE_R Spectral Response Acceleration (short), S_{MS}	1.750g	Section 13.2.7.2 (Eqn 13-5)
Site Class Modified MCE_R Spectral Response Acceleration (1 sec), S_{M1}	1.125g	Section 13.2.7.2 (Eqn 13-6)
5% Damped Design Spectral Response Acceleration (short), S_{DS}	1.167g	Section 13.2.7.3 (Eqn 13-7)
5% Damped Design Spectral Response Acceleration (1 sec), S_{D1}	0.750g	Section 13.2.7.3 (Eqn 13-8)

7.6.3 Table 7.6.3 presents the mapped maximum considered geometric mean (MCE_G) seismic design parameters for projects located in Seismic Design Categories of D through F in accordance with ASCE 7-16.

TABLE 7.6.3
2019 CBC BOOSTER STATION SITE ACCELERATION DESIGN PARAMETERS

Parameter	Value	ASCE 7-10 Reference
Mapped MCE_G Peak Ground Acceleration, PGA	0.883	Figure 22-7
Site Coefficient, F_{PGA}	1.2	Table 11.8-1
Site Class Modified MCE_G Peak Ground Acceleration, PGA_M	1.059g	Section 11.8.3 (Eqn 11.8-1)

7.6.4 The Maximum Considered Earthquake Ground Motion (MCE) is the level of ground motion that has a 2 percent chance of exceedance in 50 years, with a statistical return period of 2,475 years. According to the 2019 California Building Code and ASCE 7-16, the MCE is to be utilized for the evaluation of liquefaction, lateral spread, and seismic settlements. We understand the intent of the Building code is to maintain "Life Safety" during an MCE event.

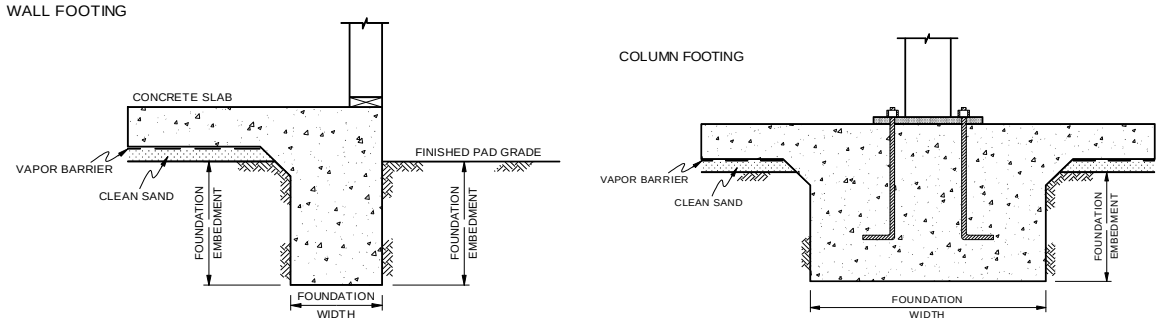
7.6.5 Deaggregation of the MCE peak ground acceleration was performed using the USGS online Unified Hazard Tool, Dynamic: Conterminous U.S. 2014 (update; 4.2.0). The result of the deaggregation analysis indicates that the predominant earthquake contributing to the MCE peak ground acceleration is characterized as a 7.06 magnitude event occurring at a hypocentral distance of 8.75 kilometers from the site.

7.6.6 Conformance to the criteria in the tables presented herein for seismic design does not constitute any kind of guarantee or assurance that significant structural damage or ground failure will not occur if a large earthquake occurs. The primary goal of seismic design is to protect life, not to avoid all damage, since such design may be economically prohibitive.

7.7 Foundations and Concrete Slabs-On-Grade

7.7.1 The foundation recommendations presented herein are applicable to the proposed booster building and perimeter ring foundations of the reservoir tank subsequent to the recommended remedial grading operations assuming that the building is founded in soils with an expansion index of 50 or less. If soils with a higher expansion potential are placed within 3 feet of finish grade, then Geocon should be contacted for additional recommendations. We anticipate that proposed structures will be supported on foundations deriving support in newly placed engineered fill.

7.7.2 Foundations for the structures may consist of either continuous strip footings and/or isolated spread footings. Conventionally reinforced continuous footings should be at least 12 inches wide and extend at least 18 inches below lowest adjacent pad grade. Isolated spread footings should have a minimum width of 24 inches and should extend at least 18 inches below lowest adjacent pad grade. A graphic depicting the foundation embedment is provided below.



Wall/Column Footing Detail

7.7.3 From a geotechnical engineering standpoint, concrete slabs-on-grade for the structures should be at least 4 inches thick and be reinforced with No. 3 reinforcing bars spaced 24 inches center-to-center in both directions. The concrete slab-on-grade recommendations are based on soil support characteristics only. The project structural engineer should evaluate the structural requirements of the concrete slab for supporting equipment, water tank and storage loads. A thicker concrete slab may be required for heavier loading conditions. To reduce the effects of differential settlement on the foundation system, thickened slabs and/or an increase in steel reinforcement can provide a benefit to reduce concrete cracking offset.

7.7.4 Following remedial grading, foundations for the structures at the sites may be designed for an allowable soil bearing pressure of 3,000 pounds per square foot (psf) (dead plus live load). The allowable bearing pressure may be increased by one-third for transient loads due to wind or seismic forces.

7.7.5 The maximum expected static settlement for the planned structures supported on conventional foundation systems with the above allowable bearing pressures, and deriving support in engineered fill is estimated to be ¾ of an inch and to occur below the heaviest loaded structural element. Settlement of the foundation system is expected to occur on initial application of loading. Differential settlement is not expected to exceed ½ inch over a horizontal distance of 40 feet.

7.7.6 Once the design and foundation loading configuration proceeds to a more finalized plan, the estimated settlements within this report can be reviewed and revised, if necessary.

7.7.7 Steel reinforcement for continuous footings should consist of at least two No. 4 steel reinforcing bars placed horizontally in the footings, one near the top and one near the bottom. Steel reinforcement for the spread footings and slabs should be designed by the project structural engineer.

7.7.8 Foundation excavation bottoms must be observed and approved in writing by a qualified representative of Geocon, prior to placement of reinforcing steel or concrete.

7.7.9 Slabs that may receive moisture-sensitive floor coverings or may be used to store moisture-sensitive materials should be underlain by a vapor retarder. The vapor retarder design should be consistent with the guidelines presented in the American Concrete Institute's (ACI) Guide for Concrete Slabs that Receive Moisture-Sensitive Flooring Materials (ACI 302.2R-06). The vapor retarder used should be specified by the project architect or developer based on the type of floor covering that will be installed and if the structure will possess a humidity-controlled environment.

7.7.10 The bedding sand thickness should be evaluated by the project foundation engineer, architect, and/or developer. However, we should be contacted to provide recommendations if the bedding sand is thicker than 4 inches. Placement of 3 inches and 4 inches of sand is common practice in southern California for 5-inch and 4-inch-thick slabs, respectively. The foundation engineer should provide appropriate concrete mix design criteria and curing measures that may be utilized to assure proper curing of the slab to reduce the potential for rapid moisture loss and subsequent cracking and/or slab curl. We suggest that the foundation design engineer present the concrete mix design and proper curing methods on the foundation plans. It is critical that the foundation contractor understands and follows the recommendations presented on the foundation plans.

7.7.11 Special subgrade presaturation is not deemed necessary prior to placing concrete; however, the exposed foundation and slab subgrade soil should be moisturized to maintain a moist condition as would be expected in any such concrete placement.

7.7.12 The recommendations of this report are intended to reduce the potential for cracking of slabs due to expansive soil (if present), differential settlement of existing soil or soil with varying thicknesses. However, even with the incorporation of the recommendations presented herein, foundations, walls, and slabs-on-grade placed on such conditions may still exhibit some cracking due to soil movement and/or shrinkage. The occurrence of concrete shrinkage cracks is independent of the supporting soil characteristics. Their occurrence may be reduced and/or controlled by limiting the slump of the concrete, proper concrete placement and curing, and by the placement of crack control joints at periodic intervals, in particular where re-entrant slab corners occur.

7.7.13 Geocon should be consulted to provide additional design parameters as required by the structural engineer.

7.8 Lateral Resistance

7.8.1 To resist lateral loads, a passive pressure exerted by an equivalent fluid weight of 300 pounds per cubic foot (pcf) should be used for the design of footings or shear keys poured neat against newly compacted fill or dense alluvial materials. The allowable passive pressure assumes a horizontal surface extending at least 5 feet, or three times the surface generating the passive pressure, whichever is greater. The upper 12 inches of material in areas not protected by slabs or pavement should not be included in design for passive resistance.

7.8.2 If friction is to be used to resist lateral loads, an allowable coefficient of friction between soil and concrete of 0.38 should be used for design.

7.8.3 The passive and frictional resistant loads can be combined for design purposes. The lateral passive pressures may be increased by one-third when considering transient loads due to wind or seismic forces.

7.9 Preliminary Pavement Design

7.9.1 The final pavement design should be based on R-value testing of soils at the subgrade following grading at the site. Paved areas at the sites should be designed in accordance with the City of Banning *Street Standards* when final Traffic Indices and R-Value test results of subgrade soil are completed. Roadway classifications and traffic indices are based on the County of Riverside *Ordinance 461*. The civil engineer should evaluate the final traffic index for the pavements. Based on the soils classifications, we used an assumed R-value of 30 for the preliminary pavement design recommendations. Preliminary flexible pavement sections and an alternative full-depth aggregate base section are presented in Table 7.9.1, based on the County of Riverside *Ordinance 461* and the Caltrans Highway Design Manual.

TABLE 7.9.1
PRELIMINARY FLEXIBLE PAVEMENT SECTIONS

Road Classification/Use	Assumed Traffic Index	Assumed Subgrade R-Value	Asphalt Concrete (Inches)	Aggregate Base Materials (Inches)	Full-Depth Aggregate Base Materials (Inches)
Local Street / Parking Areas / Light Duty Vehicles	5.5	30	3.0	7.0	14
Collector / Medium Duty Vehicles	7.0	30	4.0	9.5	18
Industrial Collector / Heavy Duty Vehicles	8.0	30	5.0	10.5	20

7.9.2 The upper 12 inches of the subgrade soil should be compacted to a dry density of at least 95 percent of the laboratory maximum dry density near to slightly above optimum moisture content.

7.9.3 The aggregate base materials and asphalt concrete materials should conform to Section 200-2 and Section 203-6, respectively, of the Greenbook. Base materials should be compacted to a dry density of at least 95 percent of the laboratory maximum dry density near to slightly above optimum moisture content. Asphalt concrete should be compacted to a density of 95 percent of the laboratory Hveem density in accordance with ASTM D 2726.

7.9.4 A rigid Portland cement concrete (PCC) pavement section should be placed in driveway aprons and cross gutters. We calculated the rigid pavement section in general conformance with the procedure recommended by the American Concrete Institute report ACI 330R *Guide for Design and Construction of Concrete Parking Lots* using the parameters presented in Table 7.9.4.

TABLE 7.9.4
RIGID PAVEMENT DESIGN PARAMETERS

Design Parameter	Design Value
Modulus of subgrade reaction, k	125 pci
Modulus of rupture for concrete, M_R	500 psi
Traffic Category, TC	A, C, and D
Average daily truck traffic, ADTT	10, 100, and 700

7.9.5 Based on the criteria presented herein, the PCC pavement sections should have a minimum thickness as presented in Table 7.9.5.

TABLE 7.9.5
RIGID PAVEMENT RECOMMENDATIONS

Location	Portland Cement Concrete (inches)
Access Lanes (TC=A)	5.5
Entrance / Driveway Aprons (TC=C)	7.0
Heavy Truck Areas (TC=D)	8.0

7.9.6 The PCC pavement should be placed over subgrade soil that is compacted to a dry density of at least 95 percent of the laboratory maximum dry density near to slightly above optimum moisture. This pavement section is based on a minimum concrete compressive strength of approximately 3,000 psi (pounds per square inch). Base material will not be required beneath concrete improvements.

7.9.7 A thickened edge or integral curb should be constructed on the outside of concrete slabs subjected to wheel loads. The thickened edge should be 1.2 times the slab thickness or a minimum thickness of 2 inches, whichever results in a thicker edge, and taper back to the recommended slab thickness 4 feet behind the face of the slab (e.g., a 9-inch-thick slab would have an 11-inch-thick edge). Reinforcing steel will not be necessary within the concrete for geotechnical purposes with the possible exception of dowels at construction joints as discussed herein.

7.9.8 In order to control the location and spread of concrete shrinkage cracks, crack-control joints (weakened plane joints) should be included in the design of the concrete pavement slab in accordance with the referenced ACI report.

7.9.9 Performance of the pavements is highly dependent on providing positive surface drainage away from the edge of the pavement. Ponding of water on or adjacent to the pavement surfaces will likely result in pavement distress and subgrade failure. Drainage from landscaped areas should be directed to controlled drainage structures. Landscape areas adjacent to the edge of asphalt pavements are not recommended due to the potential for surface or irrigation water to infiltrate the underlying permeable aggregate base and cause distress. Where such a condition cannot be avoided, consideration should be given to incorporating measures that will significantly reduce the potential for subsurface water migration into the aggregate base. If planter islands are planned, the perimeter curb should extend at least 6 inches below the level of the base materials.

7.10 Concrete Flatwork

7.10.1 Exterior concrete flatwork not subject to vehicular traffic should be constructed in accordance with the recommendations herein assuming the subgrade materials possess an Expansion Index of 50 or less. Subgrade soils should be compacted to 90 percent relative compaction at a moisture content near to slightly above optimum as determined by ASTM D1557. Slab panels should be a minimum of 4 inches thick and when in excess of 8 feet square should be reinforced with 6x6-W2.9/W2.9 (6x6-6/6) welded wire mesh or No. 3 reinforcing bars spaced 24 inches center-to-center in both directions to reduce the potential for cracking. In addition, concrete flatwork should be provided with crack control joints to reduce and/or control shrinkage cracking. Crack control spacing should be determined by the project structural engineer based upon the slab thickness and intended usage. Criteria of the American Concrete Institute (ACI) should be taken into consideration when establishing crack control spacing. Subgrade soil for exterior slabs not subjected to vehicle loads should be compacted in accordance with criteria presented in the earthwork section prior to concrete placement. Subgrade soil should be properly compacted, and the moisture content of subgrade soil should be verified prior to placing concrete. Base materials will not be required below concrete improvements.

7.10.2 Even with the incorporation of the recommendations of this report, the exterior concrete flatwork has a potential to experience some uplift due to expansive soil beneath grade or differential settlement. The steel reinforcement should overlap continuously in flatwork to reduce the potential for vertical offsets within flatwork.

7.10.3 The recommendations presented herein are intended to reduce the potential for cracking of exterior slabs because of differential movement. However, even with the incorporation of the recommendations presented herein, concrete slabs will still crack. The occurrence of concrete shrinkage cracks is independent of the soil supporting characteristics. Their occurrence may be reduced and/or controlled by limiting the slump of the concrete, the use of crack control joints and proper concrete placement and curing. Crack control joints should be spaced at intervals no greater than 12 feet. Literature provided by the Portland Concrete Association (PCA) and American Concrete Institute (ACI) present recommendations for proper concrete mix, construction, and curing practices, and should be incorporated into project construction.

7.11 Temporary Excavations and Shoring

7.11.1 Excavations on the order of 5 to 10 feet in vertical height are expected during remedial grading and the construction of utilities. The contractor's competent person should evaluate the necessity for lay back of vertical cut areas. Vertical excavations up to 5 feet may be attempted where loose soils or caving sands are not present, and where not surcharged by existing structures or vehicle/construction equipment loads.

7.11.2 Vertical excavations greater than 5 feet will require sloping or shoring measures in order to provide a stable excavation. Due to the existing improvements within the roadways, we expect that shoring will be needed.

7.11.3 We expect that braced shoring, such as conventionally braced shields or cross-braced hydraulic shoring, will be utilized; however, the selection of the shoring system is the responsibility of the contractor. Shoring systems should be designed by a California licensed civil or structural engineer with experience in designing shoring systems.

7.11.4 We recommend that an equivalent fluid pressure based on the table below be utilized for design of shoring. These pressures are based on the assumption that the shoring is supporting a level backfill and there are no hydrostatic pressures above the bottom of the excavation.

TABLE 7.11.4
RECOMMENDED SHORING PRESSURES

HEIGHT OF SHORED EXCAVATION (FEET)	EQUIVALENT FLUID PRESSURE (Pounds Per Cubic Foot) (ACTIVE PRESSURE)	EQUIVALENT FLUID PRESSURE (Pounds Per Cubic Foot) (AT-REST PRESSURE)
Up to 10	30	50

7.11.5 Active pressures can only be achieved when movement in the soil (earth wall) occurs. If movement in the soil is not acceptable, such as adjacent to an existing structure or where braced shoring will be utilized, the at-rest pressure should be considered for design purposes.

7.11.6 Additional active pressure should be added for a surcharge condition due to sloping ground, construction equipment, vehicular traffic, or adjacent structures and should be designed for each condition as the project progresses.

7.11.7 In addition to the recommended earth pressure, the upper 10 feet of the shoring adjacent to roadways or driveway areas should be designed to resist a uniform lateral pressure of 100 psf, acting as a result of an assumed 300 psf surcharge behind the shoring due to normal street traffic. If the traffic is kept back at least 10 feet from the shoring, the traffic surcharge may be neglected. Higher surcharge loads may be required to account for construction equipment.

7.11.8 It is difficult to accurately predict the amount of deflection of a shored embankment. Some deflection will occur. We recommend that the deflection be minimized to prevent damage to existing structures and adjacent improvements. Where public right-of-ways are present or adjacent offsite structures do not surcharge the shoring excavation, the shoring deflection should be limited to less than 1 inch at the top of the shored embankment. Where offsite structures are within the shoring surcharge area, we recommend the beam deflection be limited to less than ½ inch at the elevation of the adjacent offsite foundation, and no deflection at all if deflections will damage existing structures. The allowable deflection is dependent on many factors, such as the presence of structures and utilities near the top of the embankment and will be assessed and designed by the project shoring engineer.

7.12 Site Drainage and Moisture Protection

7.12.1 Adequate site drainage is critical to reduce the potential for differential soil movement, erosion and subsurface seepage. Under no circumstances should water be allowed to pond adjacent to footings. The site should be graded and maintained such that surface drainage is directed away from structures in accordance with 2019 CBC 1804.4 or other applicable standards. In addition, surface drainage should be directed away from the top of slopes into swales or other controlled drainage devices. Roof and pavement drainage should be directed into conduits that carry runoff away from the proposed structure.

7.12.2 Underground utilities should be leak free. Utility and irrigation lines should be checked periodically for leaks, and detected leaks should be repaired promptly. Detrimental soil movement could occur if water is allowed to infiltrate the soil for prolonged periods of time.

7.12.3 Landscaping planters adjacent to paved areas are not recommended due to the potential for surface or irrigation water to infiltrate the pavement's subgrade and base course. We recommend that area drains to collect excess irrigation water and transmit it to drainage structures or impervious above-grade planter boxes be used. In addition, where landscaping is planned adjacent to the pavement, we recommend construction of a cutoff wall along the edge of the pavement that extends at least 6 inches below the bottom of the base material.

7.12.4 If not properly constructed, there is a potential for distress to improvements and properties located hydrologically down gradient or adjacent to infiltration devices. Factors such as the amount of water to be detained, its residence time, and soil permeability have an important effect on seepage transmission and the potential adverse impacts that may occur if the storm water management features are not properly designed and constructed. We have not performed a hydrogeology study at the site. Downgradient and adjacent structures may be subjected to seeps, movement of foundations and slabs, or other impacts as a result of water infiltration.

7.13 Plan Review

7.13.1 Geocon should be provided the opportunity to review the structural foundation plans prior to final submittal to verify substantial conformance with the recommendations of this report.

LIMITATIONS AND UNIFORMITY OF CONDITIONS

The recommendations of this report pertain only to the site investigated and are based upon the assumption that the soil conditions do not deviate from those disclosed in this investigation. If any variations or undesirable conditions are encountered during construction, or if the proposed construction will differ from that expected herein, Geocon West, Inc. should be notified so that supplemental recommendations can be given. The evaluation or identification of the potential presence of hazardous materials was not part of the scope of services provided by Geocon West, Inc.

This report is issued with the understanding that it is the responsibility of the owner, or of their representative, to ensure that the information and recommendations contained herein are brought to the attention of the architect and engineer for the project and incorporated into the plans, and the necessary steps are taken to see that the contractor and subcontractors carry out such recommendations in the field.

The requirements for concrete and rebar presented in this report are preliminary recommendations from a geotechnical perspective. The Structural Engineer should provide the final recommendations for structural design of concrete and reinforcing steel for foundation systems, floor slabs, exterior concrete, or other systems where concrete and reinforcing steel are utilized, in accordance with the latest version of applicable codes.

The findings of this report are valid as of the present date. However, changes in the conditions of a property can occur with the passage of time, whether they are due to natural processes or the works of man on this or adjacent properties. In addition, changes in applicable or appropriate standards may occur, whether they result from legislation or the broadening of knowledge. Accordingly, the findings of this report may be invalidated wholly or partially by changes outside our control. Therefore, this report is subject to review and should not be relied upon after a period of three years.

The firm that performed the geotechnical investigation for the project should be retained to provide testing and observation services during construction to provide continuity of geotechnical interpretation and to check that the recommendations presented for geotechnical aspects of site development are incorporated during site grading, construction of improvements, and excavation of foundations. If another geotechnical firm is selected to perform the testing and observation services during construction operations, that firm should prepare a letter indicating their intent to assume the responsibilities of project Geotechnical Engineer of Record. A copy of the letter should be provided to the regulatory agency for their records. In addition, that firm should provide revised recommendations concerning the geotechnical aspects of the proposed development, or a written acknowledgement of their concurrence with the recommendations presented in our report. They should also perform additional analyses deemed necessary to assume the role of Geotechnical Engineer of Record.

REFERENCES

1. American Concrete Institute, 2006, Report 302.2R-06, *Guide for Concrete Slabs that Receive Moisture-Sensitive Flooring Materials*, undated.

2. American Concrete Institute, 2010, Report 360R-10, *Guide to Design of Slabs-on-Ground*, undated.

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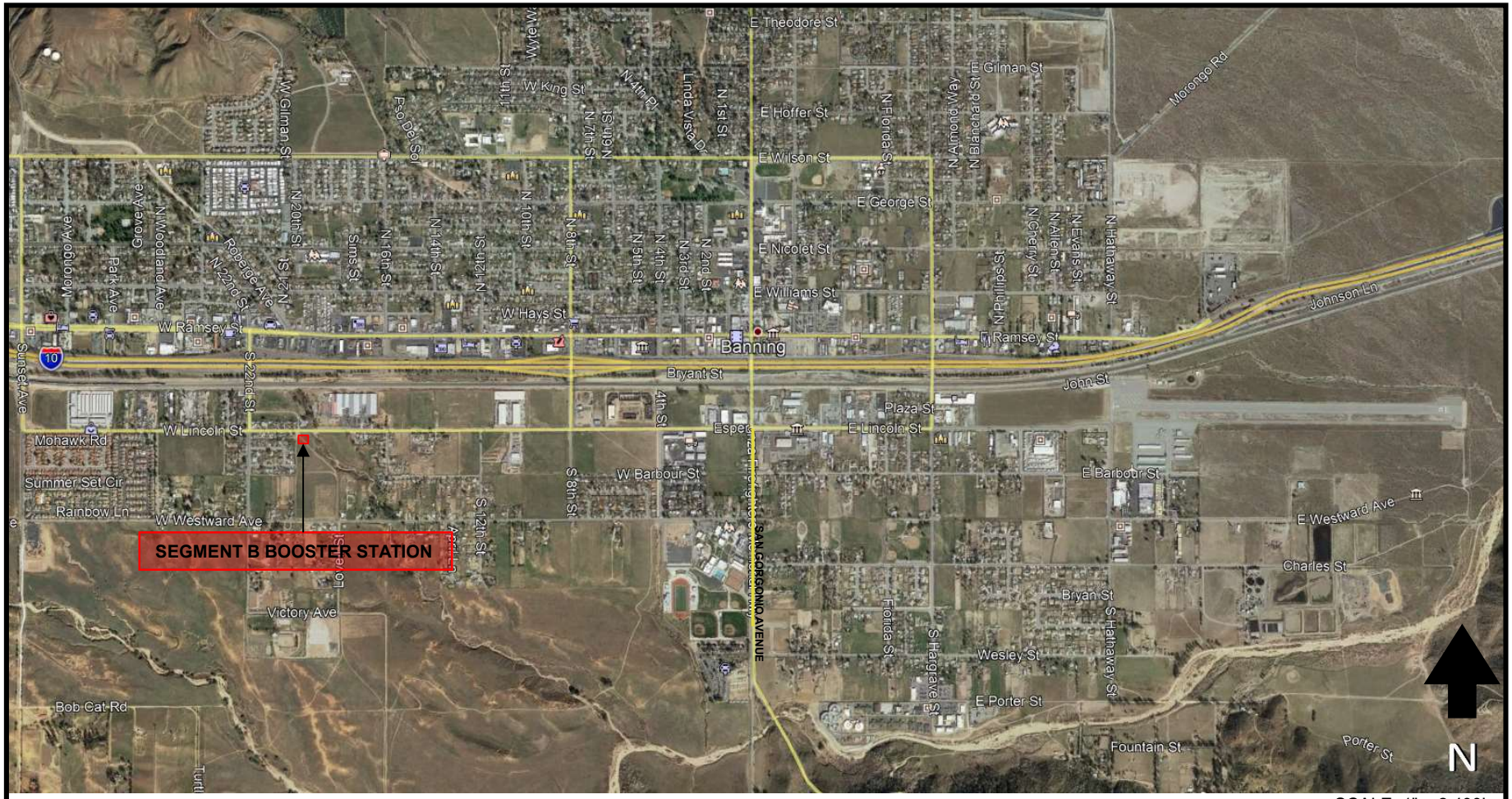


SOURCE: Google Earth Pro, 2018

SCALE: 1" = 2,400'

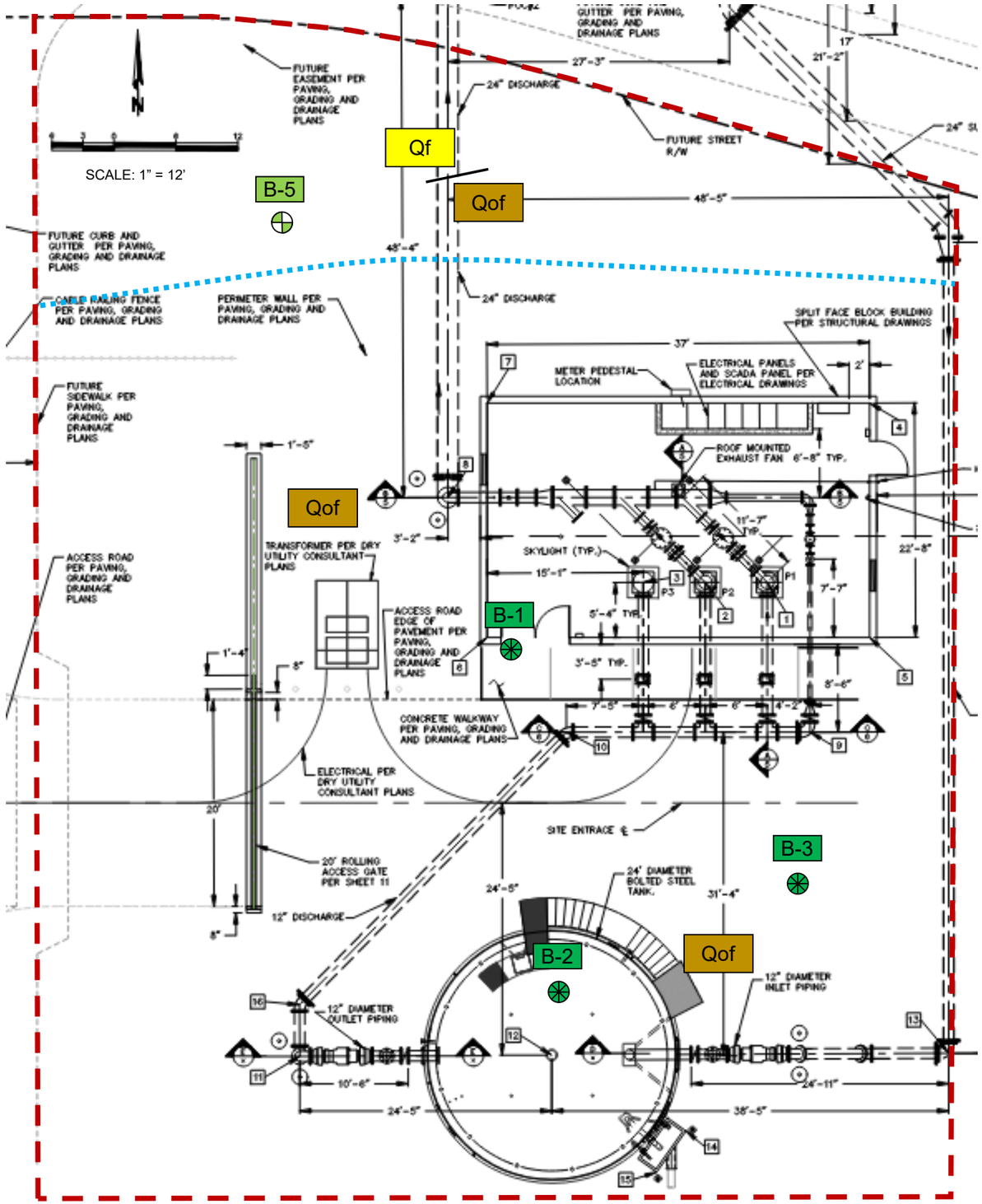
VICINITY MAP

GEOCON
WEST, INC.
GEOTECHNICAL CONSULTANTS
41571 CORNING PLACE SUITE 101 MURRIETA, CA 92562-7065
PHONE 951-304-2300 FAX 951-304-2392

LCW		

BOOSTER PUMP STATION
ATWELL DEVELOPMENT
BANNING, CALIFORNIA

FEBURARY 2023	PROJECT NO. T2305-22-10G	FIG. 1



Source: Steven Andrews Engineering, *Lincoln Street NP Booster and Reservoir Site Plan*, dated March 3, 2022.

GEOCON LEGEND

Locations are approximate

B-3 ..... BORING LOCATION

B-5 ..... BORING LOCATION (GEOCON, 2018)

Qf ..... YOUNG ALLUVIAL FAN DEPOSITS

Qof ..... OLDER ALLUVIAL FAN DEPOSITS

..... PROJECT LIMITS

..... INFERRED GEOLOGIC CONTACT

GEOCON WEST, INC.
GEOTECHNICAL, ENVIRONMENTAL, MATERIALS
41571 CORNING PLACE #101, MURRIETA, CALIFORNIA 92562
PHONE 951-304-2300 FAX 951-304-2392

GEOLOGIC MAP

BOOSTER PUMP STATION AND RESERVOIR
ATWELL DEVELOPMENT
BANNING, CALIFORNIA

LCW			FEBRUARY 2023	PROJECT NO. T2305-22-10G	FIG. 2

APPENDIX A

APPENDIX A

FIELD INVESTIGATION

Geocon performed a field investigation in 2018 as part of a larger geotechnical study for the non-potable off-site water improvements, as documented in our referenced *Preliminary Geotechnical Investigation* (dated September 20, 2018). This study included the drilling of one hollow stem auger boring at the booster pump station site and is included as Figure A-4.

The field investigation for this study was conducted on January 4, 2023, and consisted of a site reconnaissance and the drilling of three exploratory borings. The borings were drilled to the maximum depth explored of approximately 50½ feet below the existing ground surface utilizing a truck mounted hollow-stem augur drill rig. We collected bulk samples, and relatively undisturbed samples from the borings by driving a 3-inch O. D. California Modified Sampler into the "undisturbed" soil mass with blows from a 140-pound auto-hammer falling 30 inches. The California Modified Sampler was equipped with 1-inch high by 2$^{3}/_{8}$-inch inside diameter brass sampler rings to facilitate removal and testing. Relatively undisturbed samples and bulk samples of disturbed soils were transported to our laboratory for testing.

The soil conditions encountered in the borings were visually examined, classified and logged in general accordance with the Unified Soil Classification System (USCS). Figures A-1 through A-4 present logs of both the current borings and the boring excavated in 2018. The logs depict the soil and geologic conditions encountered and the depth at which samples were obtained. Figure 2 indicates the approximate locations of the borings.

PROJECT NO. T2305-22-10G

BORING B-1

ELEV. (MSL.) **2405** DATE COMPLETED **1/4/23**

EQUIPMENT **HOLLOW STEM AUGER** BY: **Weidman**

DEPTH IN FEET	SAMPLE NO.	LITHOLOGY	GROUNDWATER	SOIL CLASS (USCS)	MATERIAL DESCRIPTION	PENETRATION RESISTANCE (BLOWS/FT.)	DRY DENSITY (P.C.F.)	MOISTURE CONTENT (%)
0	B-1@0-5			SM	**TOPSOIL** Silty SAND, loose, wet, dark brown; fine to medium sand; some coarse sand			
2				SM	**OLDER ALLUVIAL FAN DEPOSITS (Qof)** Silty SAND, very dense, slightly moist, reddish brown; fine to medium sand; some coarse sand			
4	B-1@2.5				- Becomes light reddish brown	89-11"	99.9	5.1
6	B-1@5				- Becomes yellowish brown; few gravel	90-9"	98.9	9.4
8	B-1@7.5				- Becomes fine to coarse sand; little gravel; few larger clasts	81-12"	115.1	3.0
10	B-1@10				- Becomes strong reddish brown; little larger clasts	84-10"	124.6	2.4
12					- Becomes yellowish brown			
14	B-1@15				- Some larger clasts	84-12"	117.5	5.3
16								
18				SP	Poorly graded SAND, very dense, slightly moist, reddish to yellowish brown; medium to coarse sand; little fine sand; some gravel; some larger clasts; slightly oxidized			
20	B-1@20					75-11"	117.8	3.7
22								
24				SM	Silty SAND, very dense, slightly moist, reddish brown; fine to coarse sand; some gravel; moderately oxidized			
26	B-1@25					50-6"	121.9	3.7
28					- Completely weathered granitic clasts			
				SP	Poorly graded SAND, very dense, slightly moist, reddish brown; medium			

Figure A-1,
Log of Boring B-1, Page 1 of 2

T2305-22-10G BOOSTER PUMP TANK BORING LOGS.GPJ

SAMPLE SYMBOLS

- ☐ ... SAMPLING UNSUCCESSFUL
- ◧ ... STANDARD PENETRATION TEST
- ■ ... DRIVE SAMPLE (UNDISTURBED)
- ⊠ ... DISTURBED OR BAG SAMPLE
- ◪ ... CHUNK SAMPLE
- ▼ ... WATER TABLE OR SEEPAGE

NOTE: THE LOG OF SUBSURFACE CONDITIONS SHOWN HEREON APPLIES ONLY AT THE SPECIFIC BORING OR TRENCH LOCATION AND AT THE DATE INDICATED. IT IS NOT WARRANTED TO BE REPRESENTATIVE OF SUBSURFACE CONDITIONS AT OTHER LOCATIONS AND TIMES.

PROJECT NO. T2305-22-10G

BORING B-1

ELEV. (MSL.) **2405** DATE COMPLETED **1/4/23**

EQUIPMENT **HOLLOW STEM AUGER** BY: **Weidman**

DEPTH IN FEET	SAMPLE NO.	LITHOLOGY	GROUNDWATER	SOIL CLASS (USCS)	MATERIAL DESCRIPTION	PENETRATION RESISTANCE (BLOWS/FT.)	DRY DENSITY (P.C.F.)	MOISTURE CONTENT (%)
30	B-1@30				to coarse sand;few fine sand; some gravel; few larger clasts; slightly oxidized	89-10"	105.9	4.1
32								
34				SM	Silty SAND, very dense, slightly moist, reddish brown with olive brown; fine to coarse sand; little gravel; little larger clasts; moderately oxidized			
36	B-1@35					50-6"	111.6	3.5
38								
40	B-1@40				- Less silt; some larger clasts; some manganese staining; weathered clasts	82-10"	119.6	10.3
42								
44								
46	B-1@45				- Little manganese stainging; some gravel	50-6"	118.3	3.5
48								
50	B-1@50				- Poor recovery; little cohesion	50-4"	93.7	5.2
					Total Depth 50'-4" Groundwater not encountered Penetration resistance for 140-lb. hammer falling 30" by auto-hammer Backfilled on 01/04/2023			

Figure A-1,
Log of Boring B-1, Page 2 of 2

T2305-22-10G BOOSTER PUMP TANK BORING LOGS.GPJ

SAMPLE SYMBOLS

- ... SAMPLING UNSUCCESSFUL
- ... STANDARD PENETRATION TEST
- ... DRIVE SAMPLE (UNDISTURBED)
- ... DISTURBED OR BAG SAMPLE
- ... CHUNK SAMPLE
- ... WATER TABLE OR SEEPAGE

NOTE: THE LOG OF SUBSURFACE CONDITIONS SHOWN HEREON APPLIES ONLY AT THE SPECIFIC BORING OR TRENCH LOCATION AND AT THE DATE INDICATED. IT IS NOT WARRANTED TO BE REPRESENTATIVE OF SUBSURFACE CONDITIONS AT OTHER LOCATIONS AND TIMES.

PROJECT NO. T2305-22-10G

BORING B-2

ELEV. (MSL.) **2405** DATE COMPLETED **1/4/23**

EQUIPMENT **HOLLOW STEM AUGER** BY: **Weidman**

DEPTH IN FEET	SAMPLE NO.	LITHOLOGY	GROUNDWATER	SOIL CLASS (USCS)	MATERIAL DESCRIPTION	PENETRATION RESISTANCE (BLOWS/FT.)	DRY DENSITY (P.C.F.)	MOISTURE CONTENT (%)
0				SM	**TOPSOIL** Silty SAND, loose, wet, dark brown; fine to medium sand; few coarse sand			
				SM	**OLDER ALLUVIAL FAN DEPOSITS (Qof)** Silty SAND, very dense, slightly moist, dark reddish brown; fine to medium sand; little coarse sand; moderately oxidized			
2	B-2@2.5					73-12"	108.3	11.9
4								
6	B-2@5 B-2@5-10				- Becomes strong reddish brown; little larger clasts	81-11"	114.4	7.8
8	B-2@7.5				- Becomes yellowish brown; some coarse sand; slightly oxidized	92	130.8	3.9
10	B-2@10				- Becomes medium dense; fine to coarse sand; little gravel; some larger clasts	51	119.3	4.9
12								
14								
16	B-2@15				- Becomes dense; slightly more oxidized	75	120.1	3.4
18								
20	B-2@20				- Becomes dark reddish brown; moderately oxidized; fine to coarse sand; little gravel; many large clasts in various stages of weathering	78-11"	119.3	7.1
22								
24					- Larger quartz clast in shoe			
	B-2@25					84-11"	117.9	4.4
					Total Depth 25'-11" Groundwater not encountered Penetration resistance for 140-lb. hammer falling 30" by auto-hammer Backfilled on 01/04/2023			

Figure A-2,
Log of Boring B-2, Page 1 of 1

T2305-22-10G BOOSTER PUMP TANK BORING LOGS.GPJ

SAMPLE SYMBOLS

- ☐ ... SAMPLING UNSUCCESSFUL
- ◧ ... STANDARD PENETRATION TEST
- ■ ... DRIVE SAMPLE (UNDISTURBED)
- ⊠ ... DISTURBED OR BAG SAMPLE
- ◥ ... CHUNK SAMPLE
- ▼ ... WATER TABLE OR SEEPAGE

NOTE: THE LOG OF SUBSURFACE CONDITIONS SHOWN HEREON APPLIES ONLY AT THE SPECIFIC BORING OR TRENCH LOCATION AND AT THE DATE INDICATED. IT IS NOT WARRANTED TO BE REPRESENTATIVE OF SUBSURFACE CONDITIONS AT OTHER LOCATIONS AND TIMES.

PROJECT NO. T2305-22-10G

BORING B-3

ELEV. (MSL.) **2404** DATE COMPLETED **1/4/23**

EQUIPMENT **HOLLOW STEM AUGER** BY: **Weidman**

DEPTH IN FEET	SAMPLE NO.	LITHOLOGY	GROUNDWATER	SOIL CLASS (USCS)	MATERIAL DESCRIPTION	PENETRATION RESISTANCE (BLOWS/FT.)	DRY DENSITY (P.C.F.)	MOISTURE CONTENT (%)
0				SM	**TOPSOIL** Silty SAND, loose, moist, dark brown; fine to medium sand; little coarse sand			
				SM	**OLDER ALLUVIAL FAN DEPOSITS (Qof)** Silty SAND, very dense, slightly moist, reddish brown; fine to coarse sand			
2	B-3@2-7							
	B-3@2.5				- Becomes dark reddish brown; few larger clasts; slightly oxidized	82-12"	109.5	7.2
4								
6	B-2@5				- Becomes strong reddish brown; moderately oxidized; poor recovery	50-6"	90.2	7.4
8	B-3@7.5				- Becomes fine to medium sand; some coarse sand; little larger clasts; clusters of olive brown	80-12"	117.9	4.9
10	B-3@10				- Becomes yellowish to reddish brown; less silt; large clasts in various stages of weathering	87-12"	120.9	2.1
12								
14								
16	B-3@15				- Becomes medium dense, light reddish brown; slightly oxidized; fine to medium sand; few coarse sand; trace larger clasts	58	114.2	5.3
18								
20	B-3@20				- Becomes very dense, strong reddish brown; little coarse sand; moderately oxidized	50-6"	113.4	7.0
22								
24								
26	B-3@25				- Becomes yellowish to reddish brown; very little silt; fine to coarse sand; little gravel; few larger clasts	87-12"	119.7	3.3
					Total Depth 26' Groundwater not encountered Penetration resistance for 140-lb. hammer falling 30" by auto-hammer Backfilled on 01/04/2023			

Figure A-3,
Log of Boring B-3, Page 1 of 1

T2305-22-10G BOOSTER PUMP TANK BORING LOGS.GPJ

SAMPLE SYMBOLS

- ☐ ... SAMPLING UNSUCCESSFUL
- ◧ ... STANDARD PENETRATION TEST
- ■ ... DRIVE SAMPLE (UNDISTURBED)
- ⊠ ... DISTURBED OR BAG SAMPLE
- ◥ ... CHUNK SAMPLE
- ▼ ... WATER TABLE OR SEEPAGE

NOTE: THE LOG OF SUBSURFACE CONDITIONS SHOWN HEREON APPLIES ONLY AT THE SPECIFIC BORING OR TRENCH LOCATION AND AT THE DATE INDICATED. IT IS NOT WARRANTED TO BE REPRESENTATIVE OF SUBSURFACE CONDITIONS AT OTHER LOCATIONS AND TIMES.

PROJECT NO. T2305-22-10G

BORING B-5 (Segment-B/C Booster Station Site)

ELEV. (MSL.) **2398** DATE COMPLETED **8/28/2018**

EQUIPMENT **HOLLOW STEM AUGER** BY: **A. Shoashekan**

DEPTH IN FEET	SAMPLE NO.	LITHOLOGY	GROUNDWATER	SOIL CLASS (USCS)	MATERIAL DESCRIPTION	PENETRATION RESISTANCE (BLOWS/FT.)	DRY DENSITY (P.C.F.)	MOISTURE CONTENT (%)
0	B-5@0-5			SP SC	**TOPSOIL** Poorly-graded SAND, loose, dry, yellowish brown; fine to medium sand with occasional coarse sand; trace gravel; trace silt; rootlets			
2					**YOUNG ALLUVIAL FAN DEPOSITS (Qf)** Clayey SAND, loose, dry, dark yellowish brown; fine to medium sand with occasional coarse sand; trace gravel; trace silt			
4								
6	B-5@5 B-5@5-10			SC	**OLDER ALLUVIAL FAN DEPOSITS (Qof)** Clayey SAND, very dense, dry, brown; fine to coarse sand; gravel; trace calcium carbonate	92/11"	119.8	7.8
8								
10	B-5@10			SM	Silty SAND, very dense, dry, strong brown; medium sand with occasional coarse sand; trace mica; granitic clast; gravel	74		
12								
14								
16	B-5@15			SP	Poorly-graded SAND, very dense, dry, strong brown; fine sand; trace mica	50/6"	117.7	6.7
18								
20	B-5@20			CL	Sandy CLAY, hard, dry to damp, reddish brown; pores and pinholes; little coarse sand; trace calcium carbonate	50/6"		
22								
24								
26	B-5@25			SP	Poorly-graded SAND, very dense, dry, strong brown; fine to coarse sand; trace fine gravel	50/6"	120.2	4.9

Total Depth 26'
Groundwater not encountered
Penetration resistance for 140-lb. hammer falling 30" by auto-hammer
Backfilled on 08/28/2018

T2305-22-10G BORING LOGS.GPJ

Figure A-4,
Log of Boring B-5 (Segment-B/C Booster Station Site), Page 1 of 1

SAMPLE SYMBOLS

- ... SAMPLING UNSUCCESSFUL
- ... STANDARD PENETRATION TEST
- ... DRIVE SAMPLE (UNDISTURBED)
- ... DISTURBED OR BAG SAMPLE
- ... CHUNK SAMPLE
- ... WATER TABLE OR SEEPAGE

NOTE: THE LOG OF SUBSURFACE CONDITIONS SHOWN HEREON APPLIES ONLY AT THE SPECIFIC BORING OR TRENCH LOCATION AND AT THE DATE INDICATED. IT IS NOT WARRANTED TO BE REPRESENTATIVE OF SUBSURFACE CONDITIONS AT OTHER LOCATIONS AND TIMES.

APPENDIX B

APPENDIX B

LABORATORY TESTING

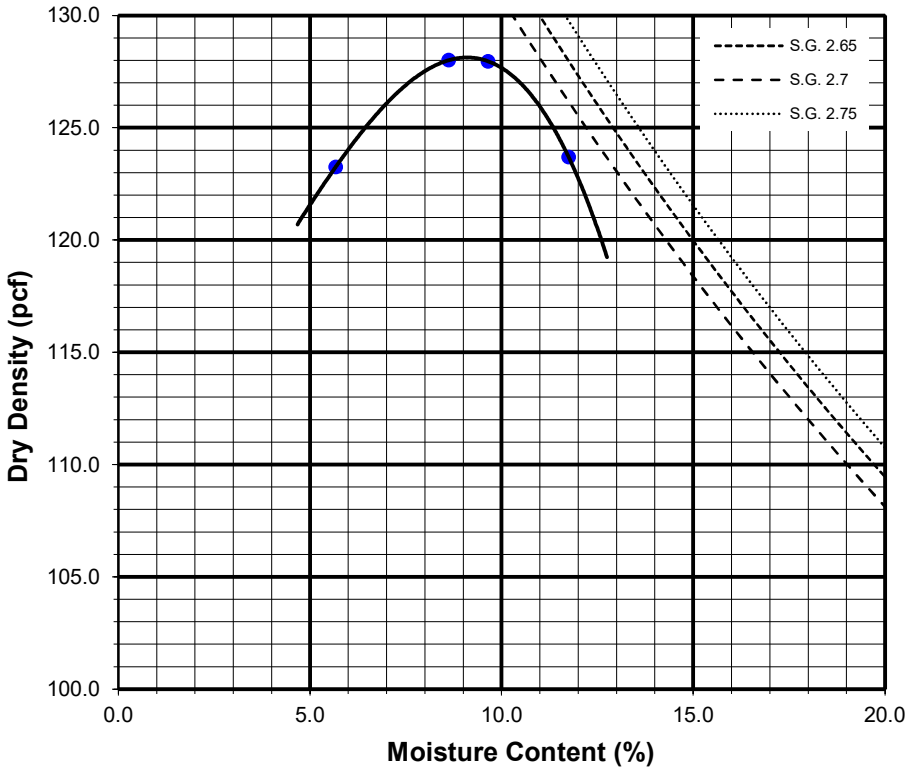
Laboratory tests were performed in general accordance with test methods of ASTM International (ASTM), Caltrans test methods, or other suggested procedures. Selected samples were tested to evaluate maximum dry density and optimum moisture content, expansion index, corrosivity, consolidation characteristics, remolded and in-situ shear strength properties, and in-situ moisture and density content. The results of our laboratory tests are presented on Figures B-1 through B-10. The in-place dry density and moisture content of the samples tested are presented on the boring logs in *Appendix A*.

Sample No:

B2@5-10	Silty SAND (SM), reddish brown

TEST NO.		1	2	3	4	5	6
Wt. Compacted Soil + Mold	(g)	6377	6345	6357	6224		
Weight of Mold	(g)	4257	4257	4257	4257		
Net Weight of Soil	(g)	2119	2088	2100	1967		
Wet Weight of Soil + Cont.	(g)	747.9	634.7	743.5	899.9		
Dry Weight of Soil + Cont.	(g)	704.8	595.3	705.0	865.5		
Weight of Container	(g)	258.1	260.0	258.4	258.8		
Moisture Content	(%)	9.6	11.8	8.6	5.7		
Wet Density	(pcf)	140.3	138.2	139.0	130.2		
Dry Density	(pcf)	128.0	123.7	128.0	123.2		

Maximum Dry Density (pcf)	**128.5**	**Optimum Moisture Content (%)**	**9.0**



Preparation Method: A

GEOCON

COMPACTION CHARACTERISTICS USING MODIFIED EFFORT TEST RESULTS

ASTM D-1557

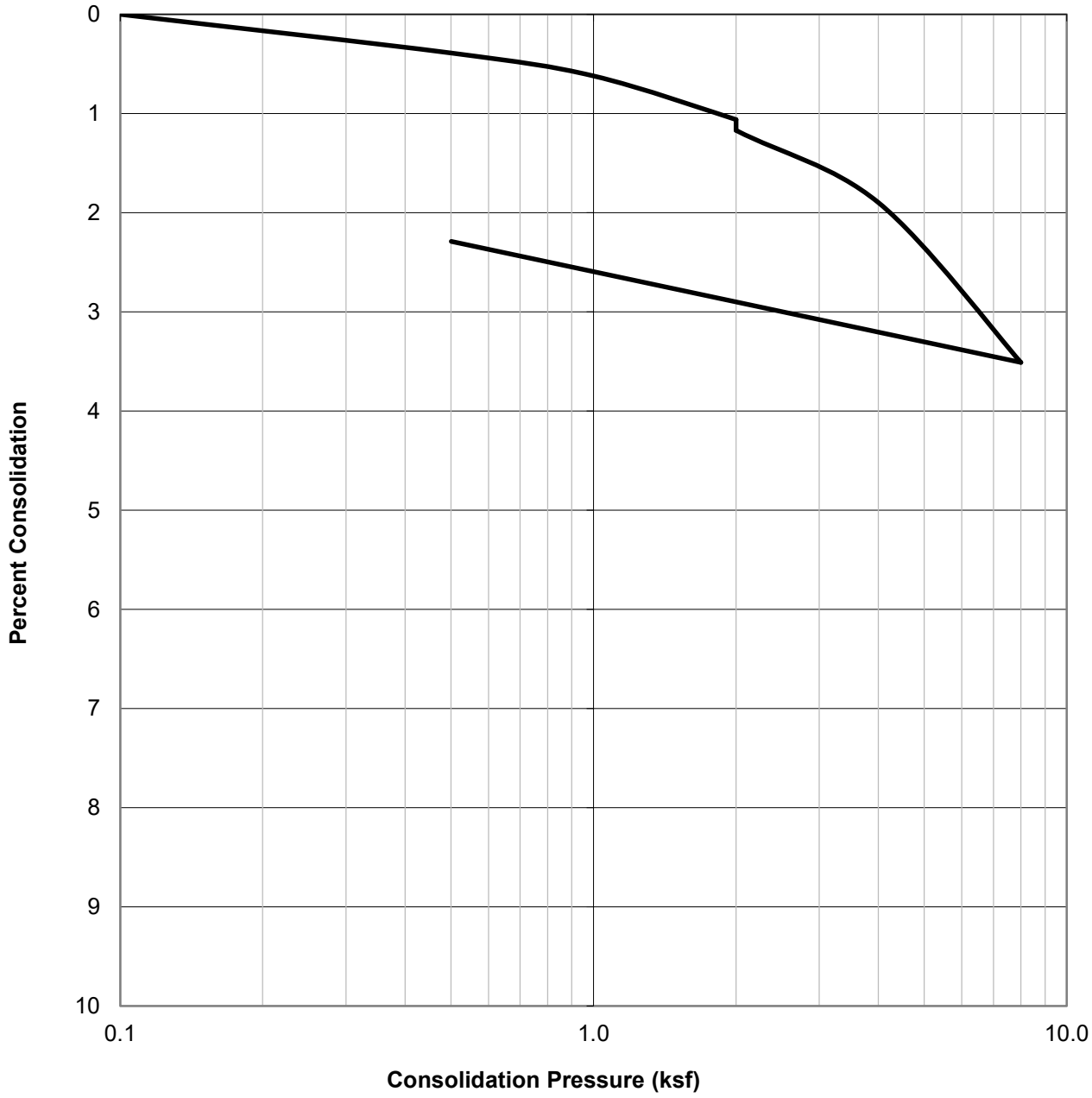
Checked by: ATS

Project No.: T2305-22-10G

Booster Pump Station
Atwell Development
Banning, California

February 2023 Figure B-1

WATER ADDED AT 2.0 KSF



SAMPLE ID.	SOIL TYPE	DRY DENSITY (PCF)	INITIAL MOISTURE (%)	FINAL MOISTURE (%)
B2@5-10	Silty SAND (SM), reddish brown	114.1	10.1	16.3

GEOCON

CONSOLIDATION TEST RESULTS

ASTM D-2435

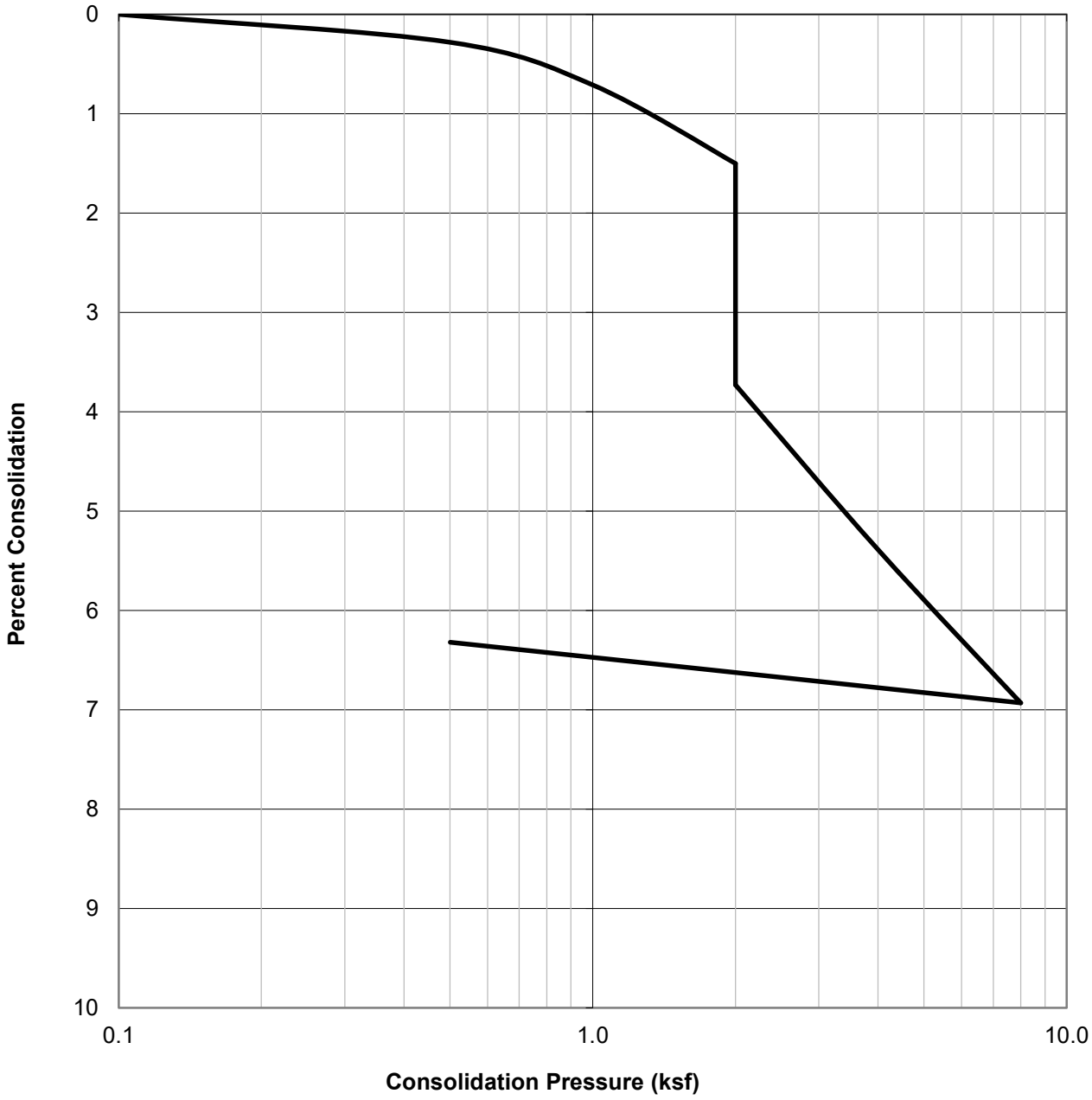
Checked by: ATS

Project No.: T2305-22-10G

Booster Pump Station
Atwell Development
Banning, California

February 2023 Figure B-2

WATER ADDED AT 2.0 KSF



SAMPLE ID.	SOIL TYPE	DRY DENSITY (PCF)	INITIAL MOISTURE (%)	FINAL MOISTURE (%)
B2@10	Silty SAND (SM), yellowish brown	106.2	4.9	16.6

GEOCON

CONSOLIDATION TEST RESULTS

ASTM D-2435

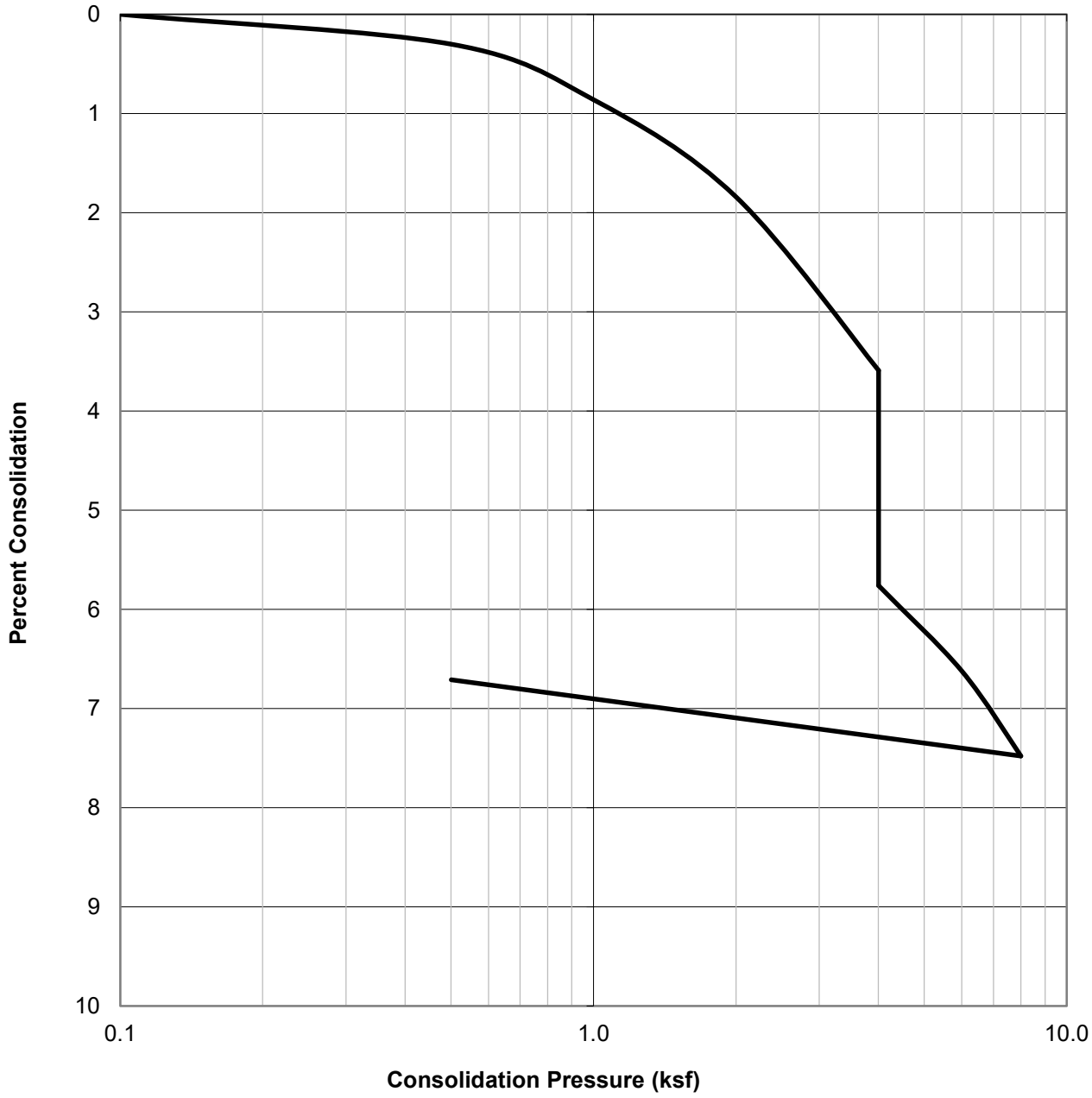
Checked by: ATS

Project No.: T2305-22-10G

Booster Pump Station
Atwell Development
Banning, California

February 2023 Figure B-3

WATER ADDED AT 4.0 KSF



SAMPLE ID.	SOIL TYPE	DRY DENSITY (PCF)	INITIAL MOISTURE (%)	FINAL MOISTURE (%)
B3@15	Silty SAND (SM), light reddish brown	103.0	5.3	18.4

GEOCON

CONSOLIDATION TEST RESULTS

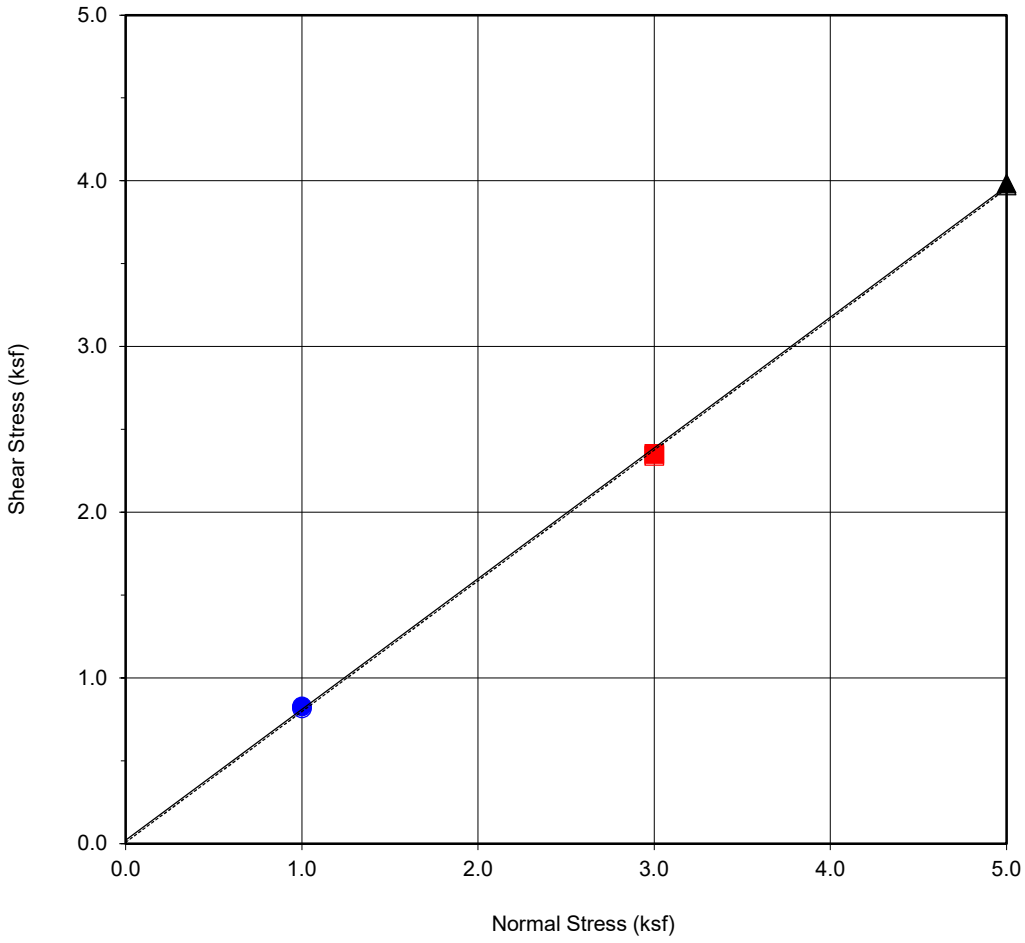
ASTM D-2435

Checked by: ATS

Project No.: T2305-22-10G

Booster Pump Station
Atwell Development
Banning, California

February 2023 Figure B-4



Boring No.	**B1**
Sample No.	**B1@5**
Depth (ft)	**5**
Sample Type:	Ring

Soil Identification:

Silty SAND (SM), yellowish brown

Strength Parameters

	C (psf)	ϕ (^{o})
Peak	21	38
Ultimate	9	38

Normal Strest (kip/ft2)	1	3	5
Peak Shear Stress (kip/ft²)	● 0.83	■ 2.35	▲ 3.98
Shear Stress @ End of Test (ksf)	○ 0.82	□ 2.34	△ 3.97
Deformation Rate (in./min.)	0.05	0.05	0.05
Initial Sample Height (in.)	1.0	1.0	1.0
Ring Inside Diameter (in.)	2.375	2.375	2.375
Initial Moisture Content (%)	8.4	9.1	9.4
Initial Dry Density (pcf)	99.5	96.6	100.1
Initial Degree of Saturation (%)	32.6	32.9	37.1
Soil Height Before Shearing (in.)	1.2	1.2	1.2
Final Moisture Content (%)	20.4	20.7	18.6

GEOCON

DIRECT SHEAR TEST RESULTS

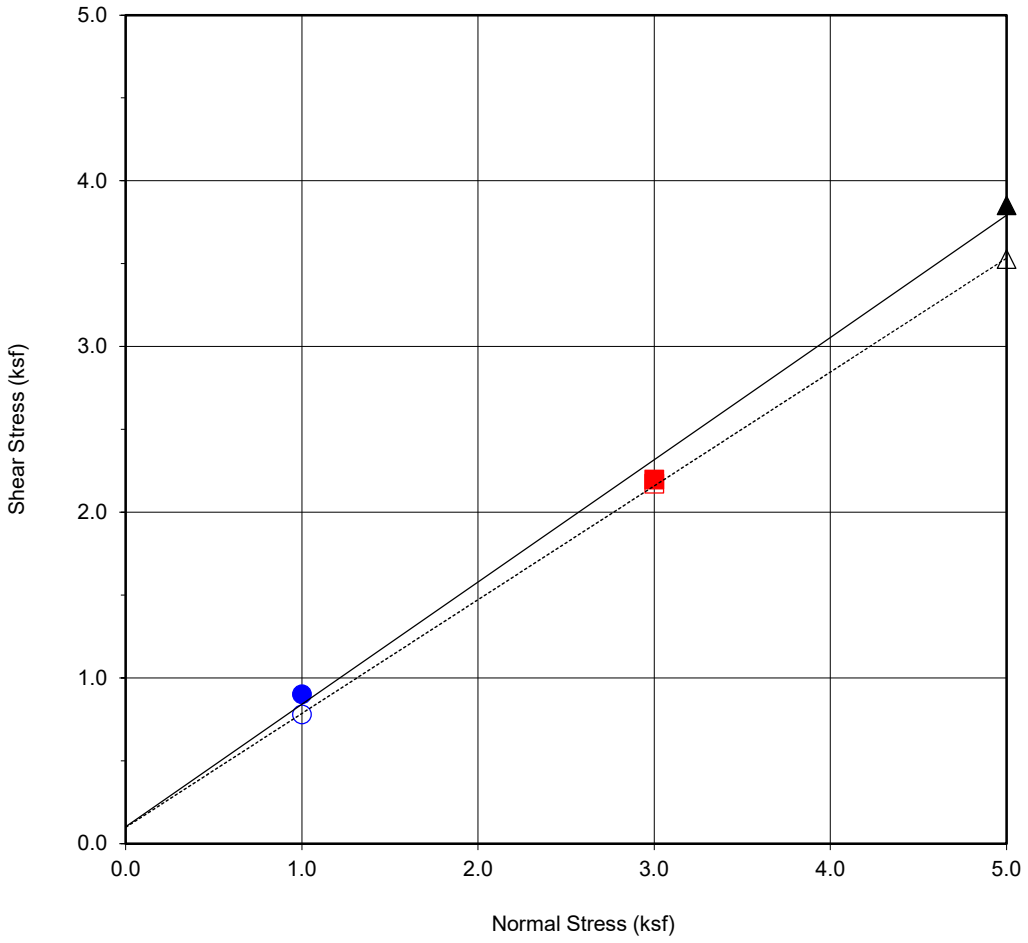
Consolidated Drained ASTM D-3080

Checked by: ATS

Project No.: T2305-22-10G

Booster Pump Station
Atwell Development
Banning, California

February 2023 Figure B-5



Boring No.	**B2**
Sample No.	**B2@2.5**
Depth (ft)	**2.5**
Sample Type:	Ring

Soil Identification:		
Silty SAND (SM), reddish brown		
Strength Parameters		
	C (psf)	ϕ (^{o})
Peak	102	36
Ultimate	99	34

Normal Strest (kip/ft2)	1	3	5
Peak Shear Stress (kip/ft²)	● 0.90	■ 2.20	▲ 3.85
Shear Stress @ End of Test (ksf)	○ 0.78	□ 2.17	△ 3.53
Deformation Rate (in./min.)	0.05	0.05	0.05
Initial Sample Height (in.)	1.0	1.0	1.0
Ring Inside Diameter (in.)	2.375	2.375	2.375
Initial Moisture Content (%)	11.9	11.9	11.7
Initial Dry Density (pcf)	116.1	92.8	114.2
Initial Degree of Saturation (%)	71.0	39.4	66.3
Soil Height Before Shearing (in.)	1.2	1.2	1.2
Final Moisture Content (%)	18.5	13.2	15.7

GEOCON

DIRECT SHEAR TEST RESULTS

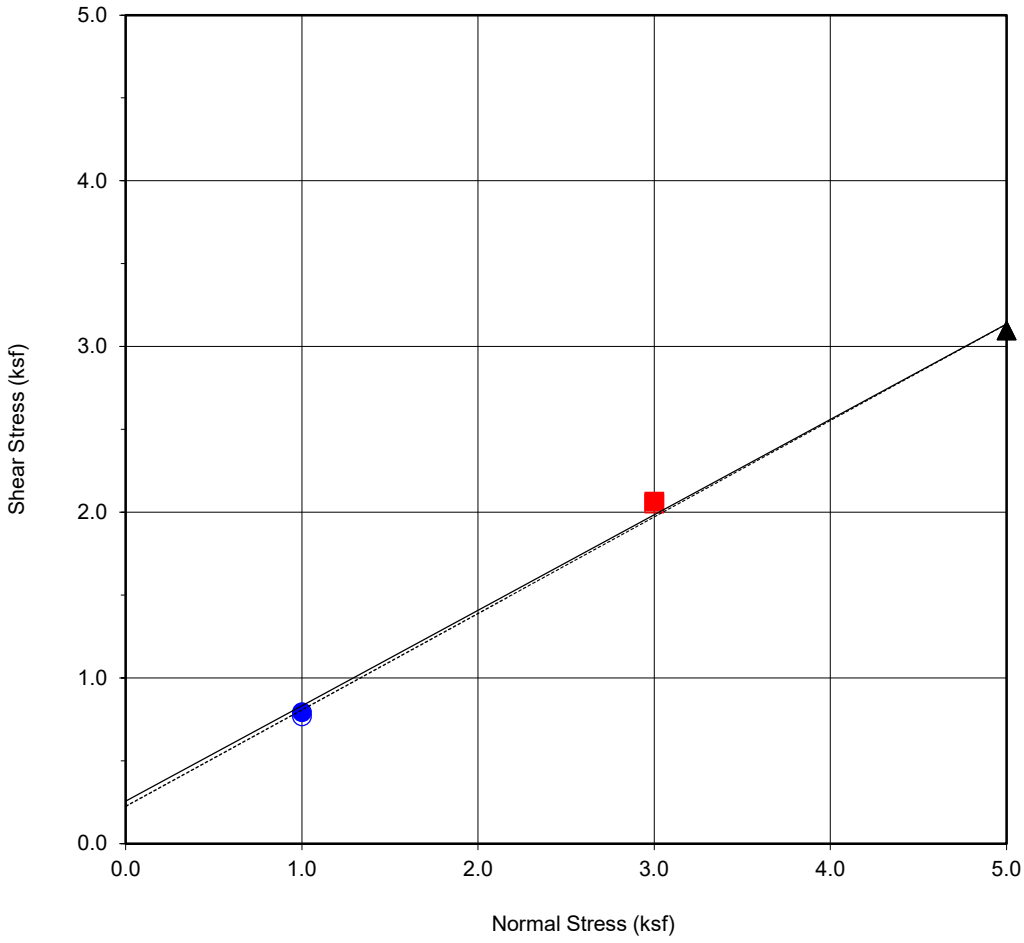
Consolidated Drained ASTM D-3080

Checked by: ATS

Project No.: T2305-22-10G

Booster Pump Station
Atwell Development
Banning, California

February 2023 Figure B-6



Boring No.	**B2**
Sample No.	**B2@5-10**
Depth (ft)	**5-10**
Sample Type:	Bulk

Soil Identification:

Silty SAND (SM), reddish brown

Strength Parameters

	C (psf)	ϕ (^{o})
Peak	256	30
Ultimate	226	30

Normal Strest (kip/ft2)	1	3	5
Peak Shear Stress (kip/ft²)	● 0.79	■ 2.06	▲ 3.10
Shear Stress @ End of Test (ksf)	○ 0.77	□ 2.05	△ 3.10
Deformation Rate (in./min.)	0.05	0.05	0.05
Initial Sample Height (in.)	1.0	1.0	1.0
Ring Inside Diameter (in.)	2.375	2.375	2.375
Initial Moisture Content (%)	9.0	9.0	8.9
Initial Dry Density (pcf)	116.1	116.0	115.9
Initial Degree of Saturation (%)	53.9	53.5	52.7
Soil Height Before Shearing (in.)	1.2	1.2	1.2
Final Moisture Content (%)	15.0	14.1	12.5

GEOCON

DIRECT SHEAR TEST RESULTS

Consolidated Drained ASTM D-3080

Checked by: ATS

Project No.: T2305-22-10G

Booster Pump Station
Atwell Development
Banning, California

February 2023 Figure B-7

SUMMARY OF LABORATORY MAXIMUM DRY DENSITY AND OPTIMUM MOISTURE CONTENT TEST RESULTS ASTM D1557

Sample No.	Description	Maximum Dry Density (pcf)	Optimum Moisture Content (% of dry wt.)
B-5 @ 0-5’	Clayey SAND (SC) trace gravel, Yellowish Brown	131.7	7.1

SUMMARY OF LABORATORY EXPANSION INDEX TEST RESULTS ASTM D4829

Sample No.	Moisture Content		After Test Dry Density (pcf)	Expansion Index
	Before Test (%)	After Test (%)		
B-5 @ 0-5’	9.0	15.3	112.7	11
B-5 @ 5-10’	8.5	15.5	115.5	7

SUMMARY OF CORROSIVITY TEST RESULTS

Sample No.	Chloride Content (ppm)	Sulfate Content (%)	pH	Resistivity (ohm-centimeter)
B-5 @ 0-5’	72	0.001	7.1	3,5000

Chloride content determined by California Test 422.
Water-soluble sulfate determined by California Test 417.
Resistivity and pH determined by Caltrans Test 643.

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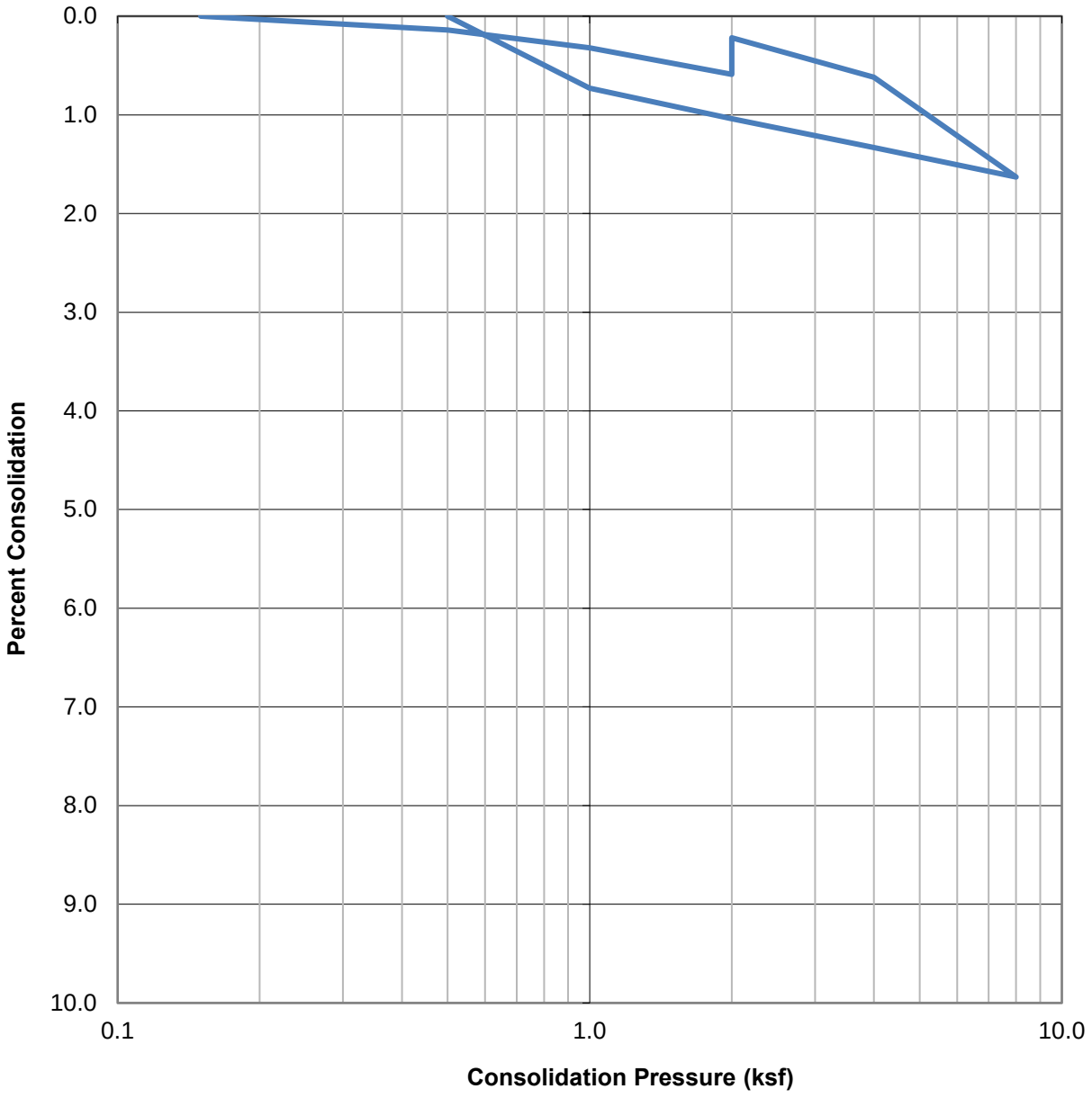
ATS

LABORATORY TEST RESULTS
NON-POTABLE OFF-SITE WATER IMPROVEMENTS
ATWELL DEVELOPMENT
BANNING, CALIFORNIA

SEPTEMBER, 2018 | PROJECT NO. T2305-22-10g | FIG B-8

WATER ADDED AT 2 KSF



SAMPLE ID	SOIL TYPE	DRY DENSITY (PCF)	INITIAL MOISTURE (%)	FINAL MOISTURE (%)
B-5 @ 5'	SM	119.8	7.8	14.5

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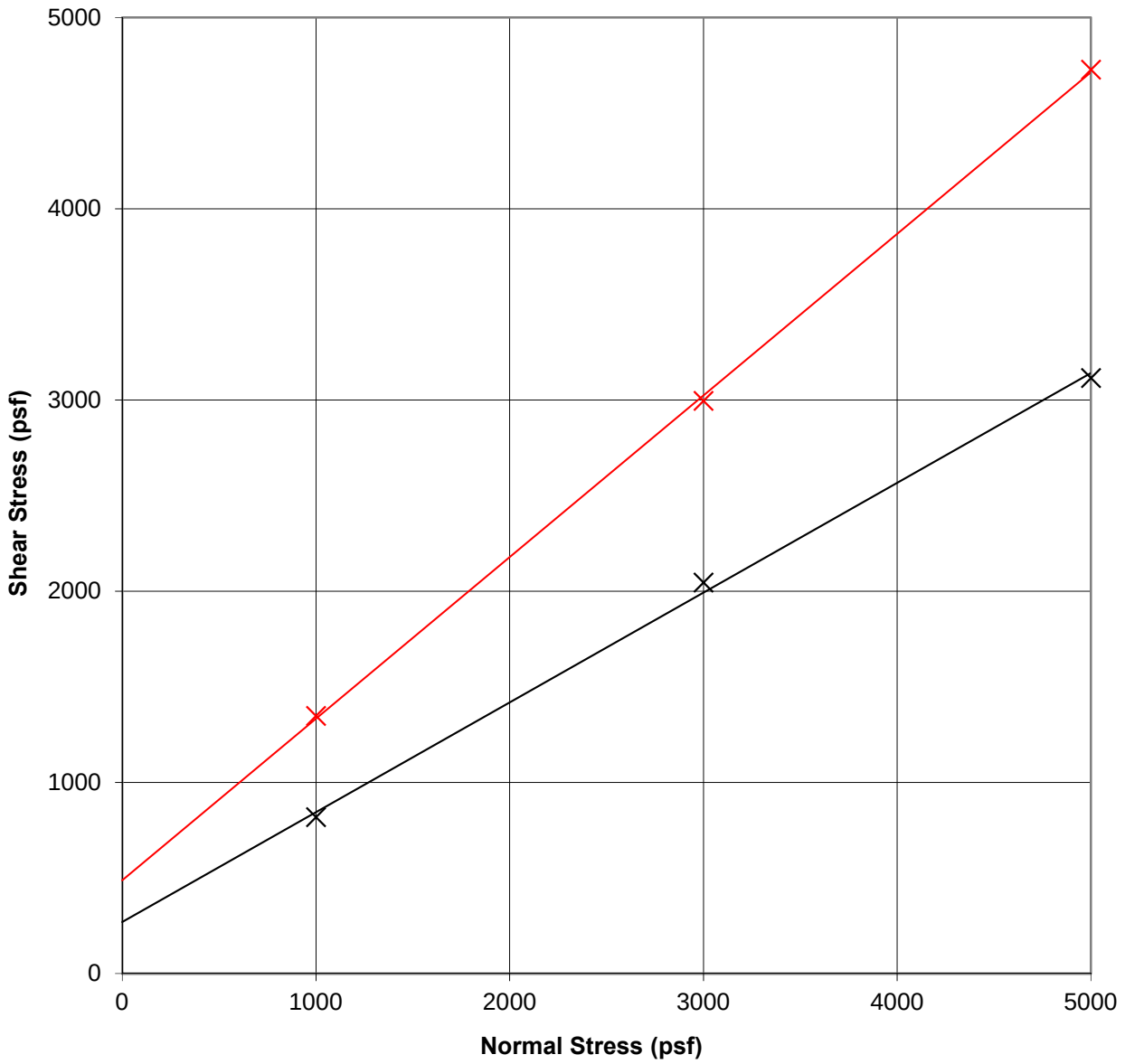
CONSOLIDATION TEST RESULTS

NON-POTABLE OFF-SITE WATER IMPROVEMENTS
ATWELL DEVELOPMENT
BANNING, CALIFORNIA

SEPTEMBER, 2018 | PROJECT NO. T2305-22-10g | FIG B-9



SAMPLE ID	SOIL TYPE	INITIAL DRY DENSITY (pcf)	INITIAL MOISTURE (%)	FINAL MOISTURE (%)	C (psf)	ϕ (deg)
*B-5 @ 0-5'	SC	117.0	7.5	13.1	270	30
B-7 @ 10'	SP-SM	110.9	3.9	16.0	490	40

*Sample remolded to approximately 90% of the test maximum dry density at optimum moisture content.

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DIRECT SHEAR TEST RESULTS

NON-POTABLE OFF-SITE WATER IMPROVEMENTS
ATWELL DEVELOPMENT
BANNING, CALIFORNIA

SEPTEMBER, 2018 | PROJECT NO. T2305-22-10g | FIG B-10

APPENDIX C

APPENDIX C

RECOMMENDED GRADING SPECIFICATIONS

FOR

BOOSTER PUMP STATION
ATWELL DEVELOPMENT
BANNING, CALIFORNIA

PROJECT NO. T2305-22-10G

RECOMMENDED GRADING SPECIFICATIONS

1. GENERAL

1.1 These Recommended Grading Specifications shall be used in conjunction with the Geotechnical Report for the project prepared by Geocon. The recommendations contained in the text of the Geotechnical Report are a part of the earthwork and grading specifications and shall supersede the provisions contained hereinafter in the case of conflict.

1.2 Prior to the commencement of grading, a geotechnical consultant (Consultant) shall be employed for the purpose of observing earthwork procedures and testing the fills for substantial conformance with the recommendations of the Geotechnical Report and these specifications. The Consultant should provide adequate testing and observation services so that they may assess whether, in their opinion, the work was performed in substantial conformance with these specifications. It shall be the responsibility of the Contractor to assist the Consultant and keep them apprised of work schedules and changes so that personnel may be scheduled accordingly.

1.3 It shall be the sole responsibility of the Contractor to provide adequate equipment and methods to accomplish the work in accordance with applicable grading codes or agency ordinances, these specifications and the approved grading plans. If, in the opinion of the Consultant, unsatisfactory conditions such as questionable soil materials, poor moisture condition, inadequate compaction, and/or adverse weather result in a quality of work not in conformance with these specifications, the Consultant will be empowered to reject the work and recommend to the Owner that grading be stopped until the unacceptable conditions are corrected.

2. DEFINITIONS

2.1 **Owner** shall refer to the owner of the property or the entity on whose behalf the grading work is being performed and who has contracted with the Contractor to have grading performed.

2.2 **Contractor** shall refer to the Contractor performing the site grading work.

2.3 **Civil Engineer** or **Engineer of Work** shall refer to the California licensed Civil Engineer or consulting firm responsible for preparation of the grading plans, surveying and verifying as-graded topography.

2.4 **Consultant** shall refer to the soil engineering and engineering geology consulting firm retained to provide geotechnical services for the project.

2.5 **Soil Engineer** shall refer to a California licensed Civil Engineer retained by the Owner, who is experienced in the practice of geotechnical engineering. The Soil Engineer shall be responsible for having qualified representatives on-site to observe and test the Contractor's work for conformance with these specifications.

2.6 **Engineering Geologist** shall refer to a California licensed Engineering Geologist retained by the Owner to provide geologic observations and recommendations during the site grading.

2.7 **Geotechnical Report** shall refer to a soil report (including all addenda) which may include a geologic reconnaissance or geologic investigation that was prepared specifically for the development of the project for which these Recommended Grading Specifications are intended to apply.

3. MATERIALS

3.1 Materials for compacted fill shall consist of any soil excavated from the cut areas or imported to the site that, in the opinion of the Consultant, is suitable for use in construction of fills. In general, fill materials can be classified as *soil* fills, *soil-rock* fills or *rock* fills, as defined below.

3.1.1 **Soil fills** are defined as fills containing no rocks or hard lumps greater than 12 inches in maximum dimension and containing at least 40 percent by weight of material smaller than ¾ inch in size.

3.1.2 **Soil-rock fills** are defined as fills containing no rocks or hard lumps larger than 4 feet in maximum dimension and containing a sufficient matrix of soil fill to allow for proper compaction of soil fill around the rock fragments or hard lumps as specified in Paragraph 6.2. **Oversize rock** is defined as material greater than 12 inches.

3.1.3 **Rock fills** are defined as fills containing no rocks or hard lumps larger than 3 feet in maximum dimension and containing little or no fines. Fines are defined as material smaller than ¾ inch in maximum dimension. The quantity of fines shall be less than approximately 20 percent of the rock fill quantity.

3.2 Material of a perishable, spongy, or otherwise unsuitable nature as determined by the Consultant shall not be used in fills.

3.3 Materials used for fill, either imported or on-site, shall not contain hazardous materials as defined by the California Code of Regulations, Title 22, Division 4, Chapter 30, Articles 9

and 10; 40CFR; and any other applicable local, state or federal laws. The Consultant shall not be responsible for the identification or analysis of the potential presence of hazardous materials. However, if observations, odors or soil discoloration cause Consultant to suspect the presence of hazardous materials, the Consultant may request from the Owner the termination of grading operations within the affected area. Prior to resuming grading operations, the Owner shall provide a written report to the Consultant indicating that the suspected materials are not hazardous as defined by applicable laws and regulations.

3.4 The outer 15 feet of *soil-rock* fill slopes, measured horizontally, should be composed of properly compacted *soil* fill materials approved by the Consultant. *Rock* fill may extend to the slope face, provided that the slope is not steeper than 2:1 (horizontal:vertical) and a soil layer no thicker than 12 inches is track-walked onto the face for landscaping purposes. This procedure may be utilized provided it is acceptable to the governing agency, Owner and Consultant.

3.5 Samples of soil materials to be used for fill should be tested in the laboratory by the Consultant to determine the maximum density, optimum moisture content, and, where appropriate, shear strength, expansion, and gradation characteristics of the soil.

3.6 During grading, soil or groundwater conditions other than those identified in the Geotechnical Report may be encountered by the Contractor. The Consultant shall be notified immediately to evaluate the significance of the unanticipated condition

4. CLEARING AND PREPARING AREAS TO BE FILLED

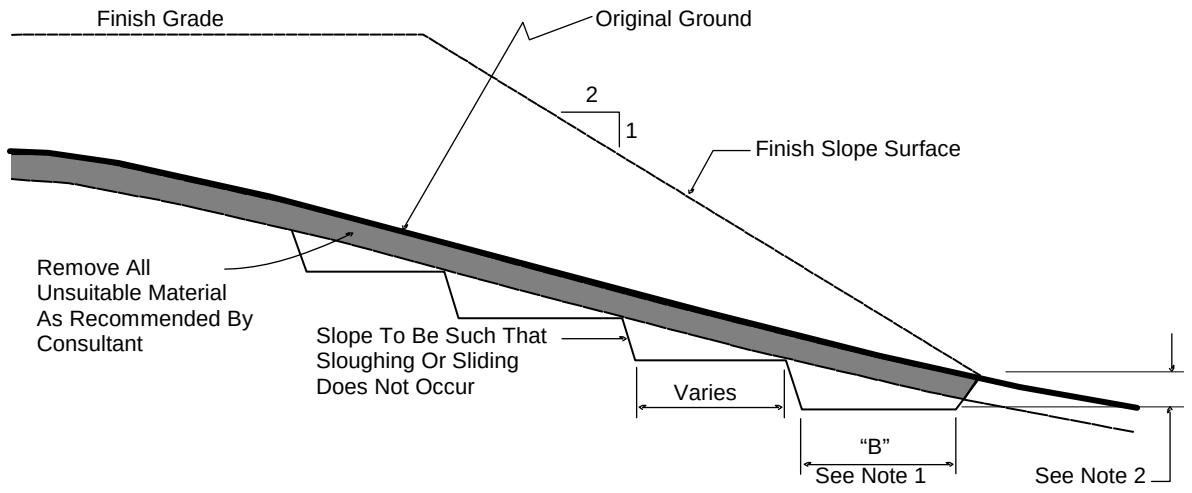
4.1 Areas to be excavated and filled shall be cleared and grubbed. Clearing shall consist of complete removal above the ground surface of trees, stumps, brush, vegetation, man-made structures, and similar debris. Grubbing shall consist of removal of stumps, roots, buried logs and other unsuitable material and shall be performed in areas to be graded. Roots and other projections exceeding 1½ inches in diameter shall be removed to a depth of 3 feet below the surface of the ground. Borrow areas shall be grubbed to the extent necessary to provide suitable fill materials.

4.2 Asphalt pavement material removed during clearing operations should be properly disposed at an approved off-site facility or in an acceptable area of the project evaluated by Geocon and the property owner. Concrete fragments that are free of reinforcing steel may be placed in fills, provided they are placed in accordance with Section 6.2 or 6.3 of this document.

4.3 After clearing and grubbing of organic matter and other unsuitable material, loose or porous soils shall be removed to the depth recommended in the Geotechnical Report. The depth of removal and compaction should be observed and approved by a representative of the Consultant. The exposed surface shall then be plowed or scarified to a minimum depth of 6 inches and until the surface is free from uneven features that would tend to prevent uniform compaction by the equipment to be used.

4.4 Where the slope ratio of the original ground is steeper than 5:1 (horizontal:vertical), or where recommended by the Consultant, the original ground should be benched in accordance with the following illustration.

TYPICAL BENCHING DETAIL



No Scale

DETAIL NOTES: (1) Key width "B" should be a minimum of 10 feet, or sufficiently wide to permit complete coverage with the compaction equipment used. The base of the key should be graded horizontal, or inclined slightly into the natural slope.

(2) The outside of the key should be below the topsoil or unsuitable surficial material and at least 2 feet into dense formational material. Where hard rock is exposed in the bottom of the key, the depth and configuration of the key may be modified as approved by the Consultant.

4.5 After areas to receive fill have been cleared and scarified, the surface should be moisture conditioned to achieve the proper moisture content, and compacted as recommended in Section 6 of these specifications.

5. COMPACTION EQUIPMENT

5.1 Compaction of *soil* or *soil-rock* fill shall be accomplished by sheepsfoot or segmented-steel wheeled rollers, vibratory rollers, multiple-wheel pneumatic-tired rollers, or other types of acceptable compaction equipment. Equipment shall be of such a design that it will be capable of compacting the *soil* or *soil-rock* fill to the specified relative compaction at the specified moisture content.

5.2 Compaction of *rock* fills shall be performed in accordance with Section 6.3.

6. PLACING, SPREADING AND COMPACTION OF FILL MATERIAL

6.1 *Soil* fill, as defined in Paragraph 3.1.1, shall be placed by the Contractor in accordance with the following recommendations:

6.1.1 *Soil* fill shall be placed by the Contractor in layers that, when compacted, should generally not exceed 8 inches. Each layer shall be spread evenly and shall be thoroughly mixed during spreading to obtain uniformity of material and moisture in each layer. The entire fill shall be constructed as a unit in nearly level lifts. Rock materials greater than 12 inches in maximum dimension shall be placed in accordance with Section 6.2 or 6.3 of these specifications.

6.1.2 In general, the *soil* fill shall be compacted at a moisture content at or above the optimum moisture content as determined by ASTM D 1557.

6.1.3 When the moisture content of *soil* fill is below that specified by the Consultant, water shall be added by the Contractor until the moisture content is in the range specified.

6.1.4 When the moisture content of the *soil* fill is above the range specified by the Consultant or too wet to achieve proper compaction, the *soil* fill shall be aerated by the Contractor by blading/mixing, or other satisfactory methods until the moisture content is within the range specified.

6.1.5 After each layer has been placed, mixed, and spread evenly, it shall be thoroughly compacted by the Contractor to a relative compaction of at least 90 percent. Relative compaction is defined as the ratio (expressed in percent) of the in-place dry density of the compacted fill to the maximum laboratory dry density as determined in accordance with ASTM D 1557. Compaction shall be continuous over the entire area, and compaction equipment shall make sufficient passes so that the specified minimum relative compaction has been achieved throughout the entire fill.

6.1.6 Where practical, soils having an Expansion Index greater than 50 should be placed at least 3 feet below finish pad grade and should be compacted at a moisture content generally 2 to 4 percent greater than the optimum moisture content for the material.

6.1.7 Properly compacted *soil* fill shall extend to the design surface of fill slopes. To achieve proper compaction, it is recommended that fill slopes be over-built by at least 3 feet and then cut to the design grade. This procedure is considered preferable to track-walking of slopes, as described in the following paragraph.

6.1.8 As an alternative to over-building of slopes, slope faces may be back-rolled with a heavy-duty loaded sheepsfoot or vibratory roller at maximum 4-foot fill height intervals. Upon completion, slopes should then be track-walked with a D-8 dozer or similar equipment, such that a dozer track covers all slope surfaces at least twice.

6.2 *Soil-rock* fill, as defined in Paragraph 3.1.2, shall be placed by the Contractor in accordance with the following recommendations:

6.2.1 Rocks larger than 12 inches but less than 4 feet in maximum dimension may be incorporated into the compacted *soil* fill, but shall be limited to the area measured 15 feet minimum horizontally from the slope face and 5 feet below finish grade or 3 feet below the deepest utility, whichever is deeper.

6.2.2 Rocks or rock fragments up to 4 feet in maximum dimension may either be individually placed or placed in windrows. Under certain conditions, rocks or rock fragments up to 10 feet in maximum dimension may be placed using similar methods. The acceptability of placing rock materials greater than 4 feet in maximum dimension shall be evaluated during grading as specific cases arise and shall be approved by the Consultant prior to placement.

6.2.3 For individual placement, sufficient space shall be provided between rocks to allow for passage of compaction equipment.

6.2.4 For windrow placement, the rocks should be placed in trenches excavated in properly compacted *soil* fill. Trenches should be approximately 5 feet wide and 4 feet deep in maximum dimension. The voids around and beneath rocks should be filled with approved granular soil having a Sand Equivalent of 30 or greater and should be compacted by flooding. Windrows may also be placed utilizing an "open-face" method in lieu of the trench procedure, however, this method should first be approved by the Consultant.

6.2.5 Windrows should generally be parallel to each other and may be placed either parallel to or perpendicular to the face of the slope depending on the site geometry. The minimum horizontal spacing for windrows shall be 12 feet center-to-center with a 5-foot stagger or offset from lower courses to next overlying course. The minimum vertical spacing between windrow courses shall be 2 feet from the top of a lower windrow to the bottom of the next higher windrow.

6.2.6 Rock placement, fill placement and flooding of approved granular soil in the windrows should be continuously observed by the Consultant.

6.3 *Rock* fills, as defined in Section 3.1.3, shall be placed by the Contractor in accordance with the following recommendations:

6.3.1 The base of the *rock* fill shall be placed on a sloping surface (minimum slope of 2 percent). The surface shall slope toward suitable subdrainage outlet facilities. The *rock* fills shall be provided with subdrains during construction so that a hydrostatic pressure buildup does not develop. The subdrains shall be permanently connected to controlled drainage facilities to control post-construction infiltration of water.

6.3.2 *Rock* fills shall be placed in lifts not exceeding 3 feet. Placement shall be by rock trucks traversing previously placed lifts and dumping at the edge of the currently placed lift. Spreading of the *rock* fill shall be by dozer to facilitate *seating* of the rock. The *rock* fill shall be watered heavily during placement. Watering shall consist of water trucks traversing in front of the current rock lift face and spraying water continuously during rock placement. Compaction equipment with compactive energy comparable to or greater than that of a 20-ton steel vibratory roller or other compaction equipment providing suitable energy to achieve the required compaction or deflection as recommended in Paragraph 6.3.3 shall be utilized. The number of passes to be made should be determined as described in Paragraph 6.3.3. Once a *rock* fill lift has been covered with *soil* fill, no additional *rock* fill lifts will be permitted over the *soil* fill.

6.3.3 Plate bearing tests, in accordance with ASTM D 1196, may be performed in both the compacted *soil* fill and in the *rock* fill to aid in determining the required minimum number of passes of the compaction equipment. If performed, a minimum of three plate bearing tests should be performed in the properly compacted *soil* fill (minimum relative compaction of 90 percent). Plate bearing tests shall then be performed on areas of *rock* fill having two passes, four passes and six passes of the compaction equipment, respectively. The number of passes required for the *rock* fill shall be determined by comparing the results of the plate bearing tests for the *soil* fill and the *rock* fill and by evaluating the deflection

variation with number of passes. The required number of passes of the compaction equipment will be performed as necessary until the plate bearing deflections are equal to or less than that determined for the properly compacted *soil* fill. In no case will the required number of passes be less than two.

6.3.4 A representative of the Consultant should be present during *rock* fill operations to observe that the minimum number of "passes" have been obtained, that water is being properly applied and that specified procedures are being followed. The actual number of plate bearing tests will be determined by the Consultant during grading.

6.3.5 Test pits shall be excavated by the Contractor so that the Consultant can state that, in their opinion, sufficient water is present and that voids between large rocks are properly filled with smaller rock material. In-place density testing will not be required in the *rock* fills.

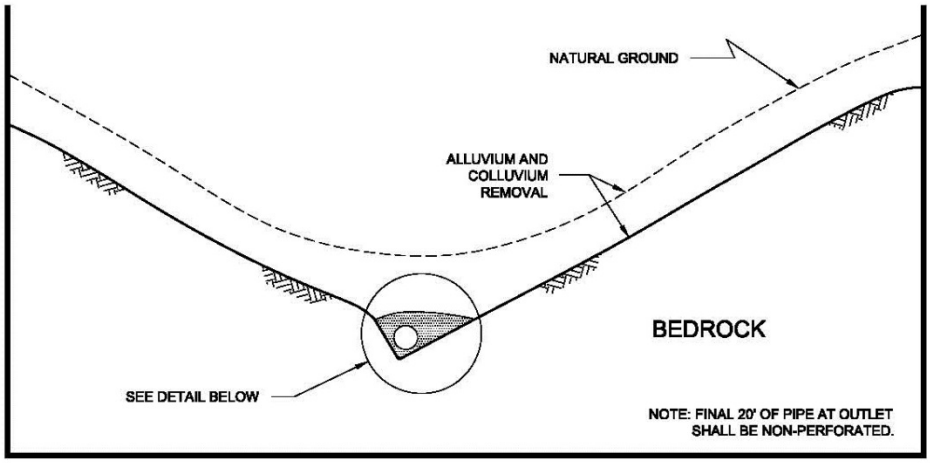
6.3.6 To reduce the potential for "piping" of fines into the *rock* fill from overlying *soil* fill material, a 2-foot layer of graded filter material shall be placed above the uppermost lift of *rock* fill. The need to place graded filter material below the *rock* should be determined by the Consultant prior to commencing grading. The gradation of the graded filter material will be determined at the time the *rock* fill is being excavated. Materials typical of the *rock* fill should be submitted to the Consultant in a timely manner, to allow design of the graded filter prior to the commencement of *rock* fill placement.

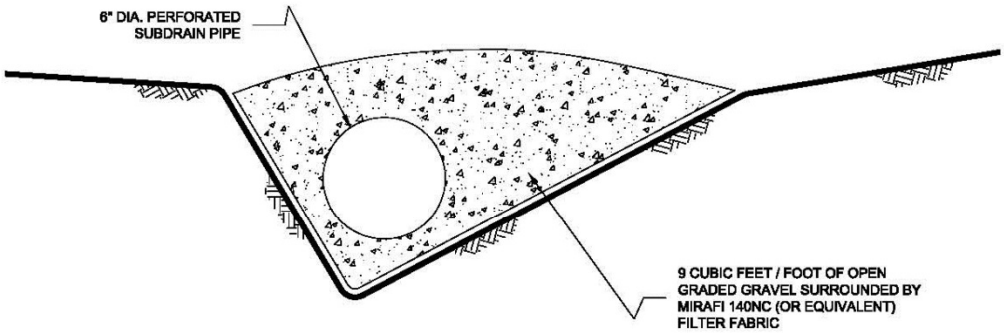
6.3.7 *Rock* fill placement should be continuously observed during placement by the Consultant.

7. SUBDRAINS

7.1 The geologic units on the site may have permeability characteristics and/or fracture systems that could be susceptible under certain conditions to seepage. The use of canyon subdrains may be necessary to mitigate the potential for adverse impacts associated with seepage conditions. Canyon subdrains with lengths in excess of 500 feet or extensions of existing offsite subdrains should use 8-inch-diameter pipes. Canyon subdrains less than 500 feet in length should use 6-inch-diameter pipes.

TYPICAL CANYON DRAIN DETAIL





NOTES:

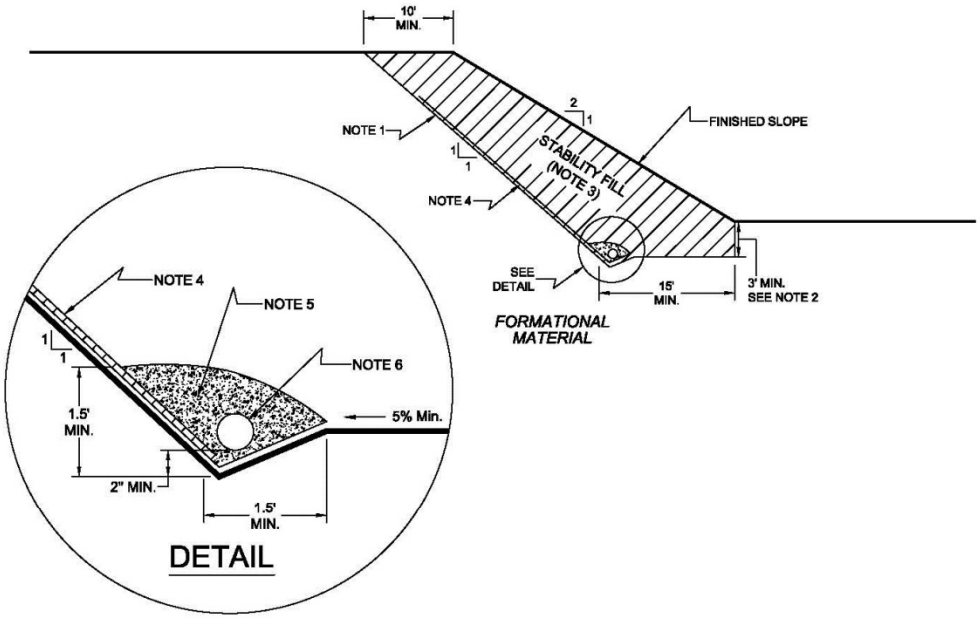
1.....6-INCH DIAMETER, SCHEDULE 80 PVC PERFORATED PIPE FOR FILLS
IN EXCESS OF 100-FEET IN DEPTH OR A PIPE LENGTH OF LONGER THAN 500 FEET.

2.....6-INCH DIAMETER, SCHEDULE 40 PVC PERFORATED PIPE FOR FILLS
LESS THAN 100-FEET IN DEPTH OR A PIPE LENGTH SHORTER THAN 500 FEET.

NO SCALE

7.2 Slope drains within stability fill keyways should use 4-inch-diameter (or lager) pipes.

TYPICAL STABILITY FILL DETAIL



NOTES:

1.....EXCAVATE BACKCUT AT 1:1 INCLINATION (UNLESS OTHERWISE NOTED).

2.....BASE OF STABILITY FILL TO BE 3 FEET INTO FORMATIONAL MATERIAL, SLOPING A MINIMUM 5% INTO SLOPE.

3.....STABILITY FILL TO BE COMPOSED OF PROPERLY COMPACTED GRANULAR SOIL.

4.....CHIMNEY DRAINS TO BE APPROVED PREFABRICATED CHIMNEY DRAIN PANELS (MIRADRAIN G200N OR EQUIVALENT) SPACED APPROXIMATELY 20 FEET CENTER TO CENTER AND 4 FEET WIDE. CLOSER SPACING MAY BE REQUIRED IF SEEPAGE IS ENCOUNTERED.

5.....FILTER MATERIAL TO BE 3/4-INCH, OPEN-GRADED CRUSHED ROCK ENCLOSED IN APPROVED FILTER FABRIC (MIRAFI 140NC).

6.....COLLECTOR PIPE TO BE 4-INCH MINIMUM DIAMETER, PERFORATED, THICK-WALLED PVC SCHEDULE 40 OR EQUIVALENT, AND SLOPED TO DRAIN AT 1 PERCENT MINIMUM TO APPROVED OUTLET.

NO SCALE

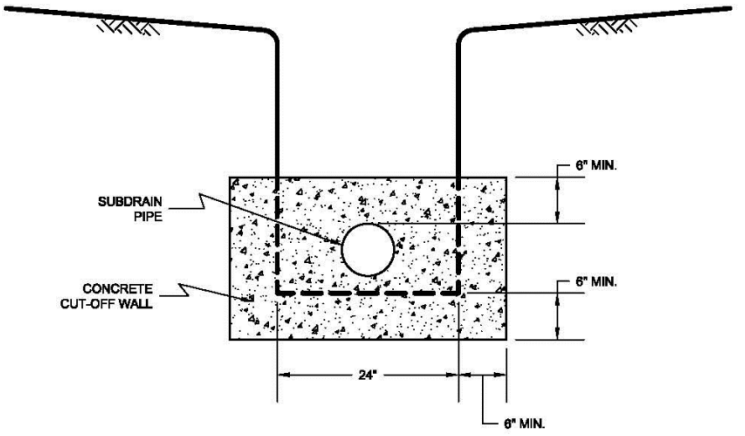
7.3 The actual subdrain locations will be evaluated in the field during the remedial grading operations. Additional drains may be necessary depending on the conditions observed and the requirements of the local regulatory agencies. Appropriate subdrain outlets should be evaluated prior to finalizing 40-scale grading plans.

7.4 *Rock* fill or *soil-rock* fill areas may require subdrains along their down-slope perimeters to mitigate the potential for buildup of water from construction or landscape irrigation. The subdrains should be at least 6-inch-diameter pipes encapsulated in gravel and filter fabric. *Rock* fill drains should be constructed using the same requirements as canyon subdrains.

7.5 Prior to outletting, the final 20-foot segment of a subdrain that will not be extended during future development should consist of non-perforated drainpipe. At the non-perforated/ perforated interface, a seepage cutoff wall should be constructed on the downslope side of the pipe.

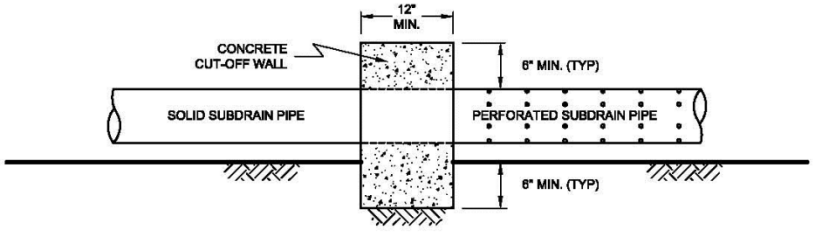
TYPICAL CUT OFF WALL DETAIL

FRONT VIEW



NO SCALE

SIDE VIEW

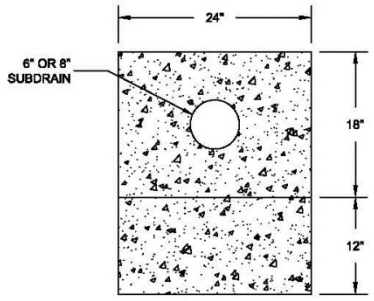


NO SCALE

7.6 Subdrains that discharge into a natural drainage course or open space area should be provided with a permanent headwall structure.

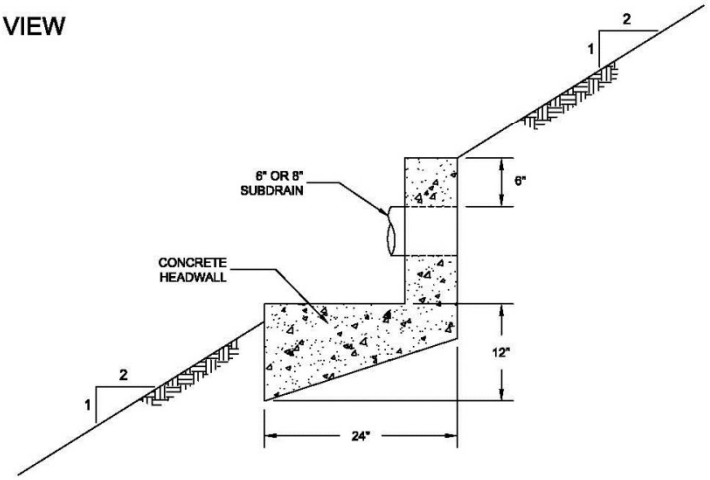
TYPICAL HEADWALL DETAIL

FRONT VIEW



NO SCALE

SIDE VIEW



NOTE: HEADWALL SHOULD OUTLET AT TOE OF FILL SLOPE OR INTO CONTROLLED SURFACE DRAINAGE

NO SCALE

7.7 The final grading plans should show the location of the proposed subdrains. After completion of remedial excavations and subdrain installation, the project civil engineer should survey the drain locations and prepare an "as-built" map showing the drain locations. The final outlet and connection locations should be determined during grading operations. Subdrains that will be extended on adjacent projects after grading can be placed on formational material and a vertical riser should be placed at the end of the subdrain. The grading contractor should consider videoing the subdrains shortly after burial to check proper installation and functionality. The contractor is responsible for the performance of the drains.

8. OBSERVATION AND TESTING

8.1 The Consultant shall be the Owner's representative to observe and perform tests during clearing, grubbing, filling, and compaction operations. In general, no more than 2 feet in vertical elevation of *soil* or *soil-rock* fill should be placed without at least one field density test being performed within that interval. In addition, a minimum of one field density test should be performed for every 2,000 cubic yards of *soil* or *soil-rock* fill placed and compacted.

8.2 The Consultant should perform a sufficient distribution of field density tests of the compacted *soil* or *soil-rock* fill to provide a basis for expressing an opinion whether the fill material is compacted as specified. Density tests shall be performed in the compacted materials below any disturbed surface. When these tests indicate that the density of any layer of fill or portion thereof is below that specified, the particular layer or areas represented by the test shall be reworked until the specified density has been achieved.

8.3 During placement of *rock* fill, the Consultant should observe that the minimum number of passes have been obtained per the criteria discussed in Section 6.3.3. The Consultant should request the excavation of observation pits and may perform plate bearing tests on the placed *rock* fills. The observation pits will be excavated to provide a basis for expressing an opinion as to whether the *rock* fill is properly seated and sufficient moisture has been applied to the material. When observations indicate that a layer of *rock* fill or any portion thereof is below that specified, the affected layer or area shall be reworked until the *rock* fill has been adequately seated and sufficient moisture applied.

8.4 A settlement monitoring program designed by the Consultant may be conducted in areas of *rock* fill placement. The specific design of the monitoring program shall be as recommended in the Conclusions and Recommendations section of the project Geotechnical Report or in the final report of testing and observation services performed during grading.

8.5 We should observe the placement of subdrains, to check that the drainage devices have been placed and constructed in substantial conformance with project specifications.

8.6 Testing procedures shall conform to the following Standards as appropriate:

8.6.1 Soil and Soil-Rock Fills:

8.6.1.1 Field Density Test, ASTM D 1556, *Density of Soil In-Place By the Sand-Cone Method.*

8.6.1.2 Field Density Test, Nuclear Method, ASTM D 6938, *Density of Soil and Soil-Aggregate In-Place by Nuclear Methods (Shallow Depth).*

8.6.1.3 Laboratory Compaction Test, ASTM D 1557, *Moisture-Density Relations of Soils and Soil-Aggregate Mixtures Using 10-Pound Hammer and 18-Inch Drop*.

8.6.1.4. Expansion Index Test, ASTM D 4829, *Expansion Index Test*.

9. PROTECTION OF WORK

9.1 During construction, the Contractor shall properly grade all excavated surfaces to provide positive drainage and prevent ponding of water. Drainage of surface water shall be controlled to avoid damage to adjoining properties or to finished work on the site. The Contractor shall take remedial measures to prevent erosion of freshly graded areas until such time as permanent drainage and erosion control features have been installed. Areas subjected to erosion or sedimentation shall be properly prepared in accordance with the Specifications prior to placing additional fill or structures.

9.2 After completion of grading as observed and tested by the Consultant, no further excavation or filling shall be conducted except in conjunction with the services of the Consultant.

10. CERTIFICATIONS AND FINAL REPORTS

10.1 Upon completion of the work, Contractor shall furnish Owner a certification by the Civil Engineer stating that the lots and/or building pads are graded to within 0.1 foot vertically of elevations shown on the grading plan and that all tops and toes of slopes are within 0.5 foot horizontally of the positions shown on the grading plans. After installation of a section of subdrain, the project Civil Engineer should survey its location and prepare an *as-built* plan of the subdrain location. The project Civil Engineer should verify the proper outlet for the subdrains and the Contractor should ensure that the drain system is free of obstructions.

10.2 The Owner is responsible for furnishing a final as-graded soil and geologic report satisfactory to the appropriate governing or accepting agencies. The as-graded report should be prepared and signed by a California licensed Civil Engineer experienced in geotechnical engineering and by a California Certified Engineering Geologist, indicating that the geotechnical aspects of the grading were performed in substantial conformance with the Specifications or approved changes to the Specifications.

Appendix E.2

Paleontological Resource Assessment

Paleontological Resource Assessment for the Banning NP-2 Booster Pump Station and Reservoir Project City of Banning, Riverside County, California

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December 2023
draft

MANAGEMENT SUMMARY

At the request of Albert A. Webb Associates, Applied EarthWorks, Inc. (Æ) assessed the potential for impacts to significant paleontological resources for the Banning NP-2 Booster Pump Station and Reservoir Project (Project) in the city of Banning within Riverside County, California. The Project involves the construction of a booster pump facility and reservoir tank on approximately 7.51 acres of land in southwest Banning. Æ prepared this Paleontological Resource Assessment (PRA) in partial satisfaction of the California Environmental Quality Act (CEQA) requirements. The City of Banning is the lead agency for CEQA compliance.

This PRA was completed from a combination of desktop studies and fieldwork. The desktop studies included a review of published and unpublished literature and maps as well as museum records searches. The purpose of these studies was to identify the geologic units in the Project area and to determine whether previously recorded paleontological localities occur either within the Project area or within the same geologic units nearby but outside the Project area. As a result of the desktop studies and fieldwork, Æ has determined that the Project area has High A, High B, and Low Sensitivity based on Riverside County's sensitivity rankings.

Æ recommends preparation of a Paleontological Resource Impact Mitigation Program (PRIMP) by a qualified professional paleontologist (Paleontological Principal Investigator, Project Paleontologist) as defined by mitigation paleontology industry standards and/or the Society of Vertebrate Paleontology. The PRIMP will specify the steps to be taken to mitigate impacts to paleontological resources. For instance, Worker's Environmental Awareness Program training should be prepared prior to the start of Project-related ground disturbance and presented in person to all field personnel to describe the types of paleontological resources that may be found and the procedures to follow if any are encountered. The Project-specific PRIMP also will indicate where construction monitoring will be required and the frequency of required monitoring (i.e., full-time, spot-checks, etc.). to ensure adverse impacts to paleontological resources will be reduced to a less than significant level in accordance with CEQA.

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1
INTRODUCTION

At the request of Albert A. Webb Associates, Applied EarthWorks, Inc. (Æ) assessed the potential for impacts to significant paleontological resources for the Banning NP-2 Booster Pump Station and Reservoir Project (Project) in the city of Banning within Riverside County, California (Figure 1-1). Æ prepared this Paleontological Resource Assessment (PRA) in partial satisfaction of the requirements of the California Environmental Quality Act (CEQA). The City of Banning (City) is the lead agency for CEQA compliance.

1.1 PROJECT DESCRIPTION

The Project will be constructed on approximately 7.51 acres of land on the south side of West Lincoln Street, east of South 22nd Avenue in the southwestern portion of Banning. Specifically, the Project area is mapped in the southeast quarter of Section 8 of Township 3 South, Range 1 East, as shown on the Beaumont, California 7.5-minute U.S. Geological Survey (USGS) topographic quadrangle map (Figure 1-2).

The Project involves construction of a booster pump facility and reservoir tank. The station will consist of a housing facility designed to contain vertical turbine pumps capable of transmitting 2,500 gallons of nonpotable water per minute. The associated reservoir tank is an aboveground structure that will store approximately 60,910 gallons of nonpotable water during operation. All these facilities are water system improvements needed to supply nonpotable water to Lions Park, Banning High School, Dysart Park, and the Sun Lakes development near Highland Home Road. The maximum depth of ground disturbance during Project construction is not expected to exceed 10 feet below ground surface (bgs). Project construction is expected to disturb only approximately 0.5 acres of Assessor's Parcel Number 538-280-001.

1.2 PURPOSE OF INVESTIGATION

This PRA is designed to accomplish several goals: (1) identify the geologic units within the Project area and assess their paleontological resource potential; (2) determine whether the Project has the potential to adversely impact scientifically significant paleontological resources; (3) provide Project-specific management recommendations for paleontological resources, as necessary; and (4) demonstrate compliance with state laws and local regulations. Section 1.4 describes the ways in which this PRA meets the stated goals.

1.3 KEY PERSONNEL

Qualifications for Æ's key paleontology personnel can be found in Appendix A. Æ Paleontology Program Manager Amy Ollendorf served as the Principal Investigator for the paleontological investigation. She oversaw each task required for this PRA, including quality control. Ollendorf qualifies as a principal investigator for paleontology per industry standards (Murphey et al., 2019). She has interdisciplinary doctor of philosophy and master of science degrees involving geology and a bachelor of science degree in geology and anthropology (double major), all of which focused on paleontological subject matter. Ollendorf is the principal investigator for

Figure 1-1 Project vicinity in Riverside County, California.

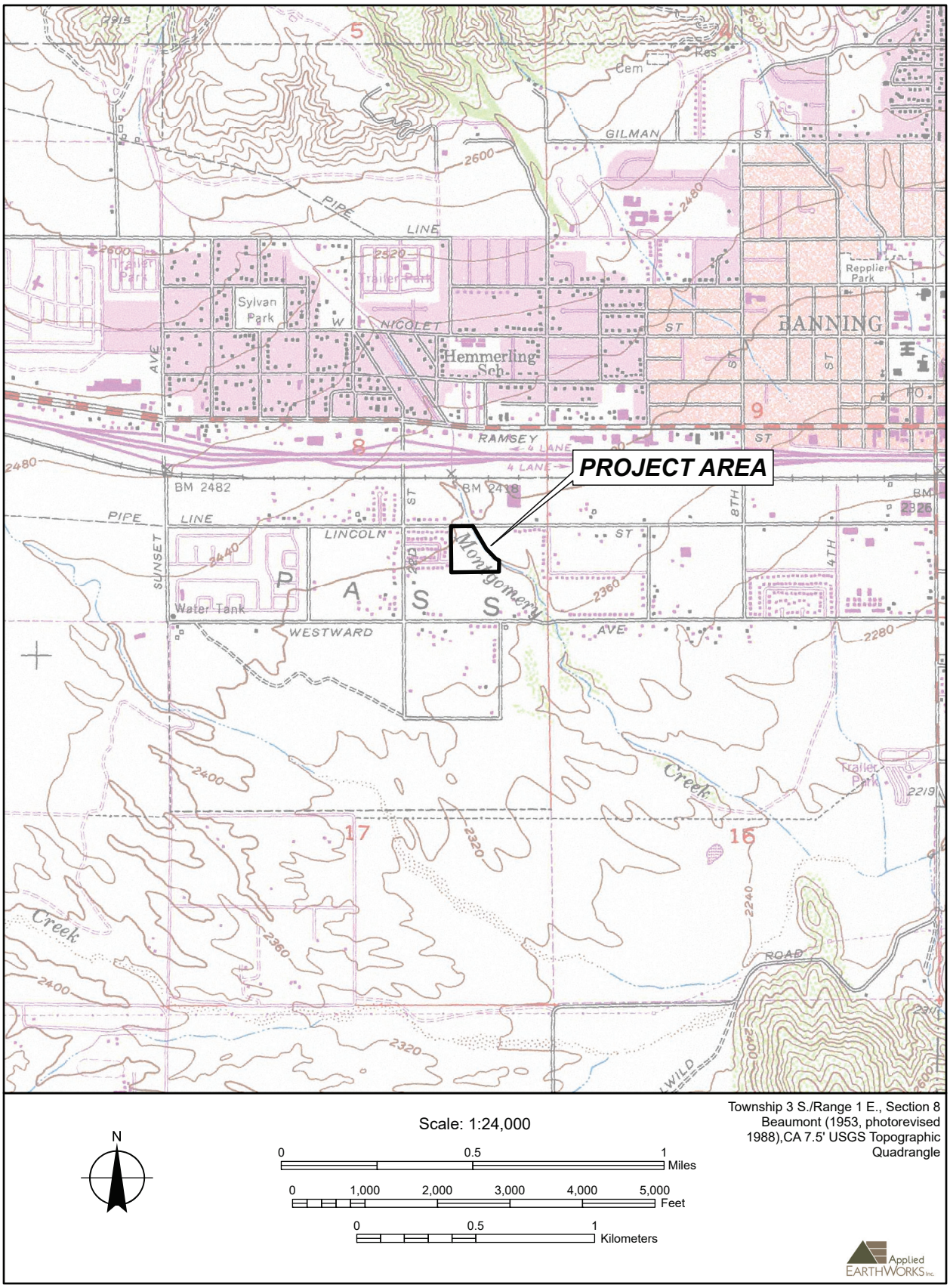

Figure 1-2 Project location on USGS Beaumont 7.5-minute topographic quadrangle.

paleontology on Æ's 2021–2024 California Statewide Paleontological Resource Use Permit (CA-21-06P) from the U.S. Bureau of Land Management (BLM). She also is a Registered Professional Archaeologist (RPA 12588) with over 40 years of experience.

Æ Senior Paleontologist Chris Shi completed the desktop research and wrote the PRA with contributions from Æ Cross-Trained Field Technician Aimee Montenegro. Shi has the necessary qualifications to meet the Society of Vertebrate Paleontology (SVP; 2010) and industry standards (Murphey et al., 2019) for a qualified professional paleontologist and is another principal investigator for paleontology on Æ's BLM permit. He has a master's degree in geology with a focus on paleobotany, and additional graduate studies in invertebrate paleontology. Additionally, he has over 14 years of experience in geology and paleontology, including the past 7 years in paleontological monitoring, recovery, and preparation of fossil remains, laboratory analysis, and report preparation. Montenegro has a bachelor's degree in anthropology as well as 6 years of professional paleontological experience, including management of museum fossil collections and paleontological monitoring.

Æ Geographic Information System (GIS) Analyst Cari Inoway and Æ Senior Paleontologist/GIS Analyst Melissa Macias prepared the figures for the report in coordination with Shi. Æ Paleontological Technician Andrew Vasquez completed the paleontological field survey.

1.4 REPORT ORGANIZATION

Chapter 1 has described the Project, defined the purpose of the investigation, and provided a description of Æ's key personnel for this PRA. Chapter 2 discusses the regulatory framework governing the Project. Chapter 3 presents the paleontological sensitivity criteria and resource guidelines used for this assessment. Chapter 4 provides the methods employed, and Chapter 5 describes the geology and paleontology of the Project area. The results of the desktop studies, and paleontological sensitivity assessment are presented in Chapter 6. Management recommendations can be found in Chapter 7, and references cited are listed in Chapter 8. Appendix A provides qualifications of key personnel.

2
REGULATORY ENVIRONMENT

Paleontological resources (i.e., fossils) are considered nonrenewable because when they are destroyed, they cannot be replaced. As such, paleontological resources are afforded protection under various federal, state, and local laws. This Project is not subject to federal laws. Consequently, all resources are protected under only state and local laws, as described in the following sections.

2.1 STATE

California is among the states that protect significant paleontological resources. CEQA is the legal framework through which this protection is accomplished. Enacted in 1970, CEQA does not directly regulate land uses but instead requires state and local agencies within California to follow a protocol of analysis and public disclosure of unavoidable environmental impacts of proposed projects and adopt all feasible measures to mitigate those impacts.

2.1.1 California Environmental Quality Act

This Project is subject to Section 15002(a)(3) of the Guidelines for Implementation of CEQA (Title 14, California Code of Regulations, Chapter 3), which states one of the basic purposes of CEQA is the intention to "prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible." Therefore, CEQA requires detailed studies that analyze the environmental effects of a proposed project.

If a project is determined to have a potential significant environmental effect, the act requires that alternative plans and mitigation measures be considered. Specifically, Section VII(f) of Appendix G of the CEQA Guidelines, the Environmental Checklist Form, poses the question, "Will the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?" If paleontological resources are identified as being within the proposed project area, the sponsoring agency must take those resources into consideration when evaluating project effects. The level of consideration may vary with the importance of the resource.

2.1.2 CEQA Implementation

Guidelines for implementation of CEQA are codified in the California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq., which requires state and local public agencies to identify the environmental impacts of proposed discretionary activities or projects, determine if the impacts will be significant, and identify alternatives and mitigation measures that will substantially reduce or eliminate significant impacts to the environment. The various agencies within state government all have their own guidance documents to assist with CEQA compliance. The City is the government agency responsible for CEQA compliance for the Project.

2.2 LOCAL

In addition to state-level implementing regulations, policies, and guidance, various counties and municipalities throughout California also have developed environmental goals, policies, and guidance that pertain to paleontological resources. The following sections list all relevant goals, objectives, and policies.

2.2.1 County of Riverside

There are several policies covering paleontological resources within the County of Riverside (County) *General Plan*, *Multipurpose Open Space (OS) Element* (Riverside County Planning Department, 2015:OS-51):

> **OS 19.6:** Whenever existing information indicates that a site proposed for development has high paleontological sensitivity as shown on Figure OS-8, paleontological resource impact mitigation program (PRIMP) shall be filed with the Riverside County Geologist prior to site grading. The PRIMP shall specify the steps to be taken to mitigate impacts to paleontological resources.
>
> **OS 19.7:** Whenever existing information indicates that a site proposed for development has low paleontological sensitivity as shown on Figure OS-8, no direct mitigation is required unless a fossil is encountered during site development. Should a fossil be encountered, the Riverside County Geologist shall be notified and a paleontologist shall be retained by the project proponent. The paleontologist shall document the extent and potential significance of the paleontological resources on the site and establish appropriate mitigation measures for further site development.
>
> **OS 19.8:** Whenever existing information indicates that a site proposed for development has undetermined paleontological sensitivity as shown on Figure OS-8, a report shall be filed with the Riverside County Geologist documenting the extent and potential significance of the paleontological resources on site and identifying mitigation measures for the fossil and for impacts to significant paleontological resources prior to approval of that department.
>
> **OS 19.9:** Whenever paleontological resources are found, the County Geologist shall direct them to a facility within Riverside County for their curation, including the Western Science Center in the City of Hemet.

2.2.2 City of Banning

The City's General Plan does not include any goals or policies pertaining to paleontological resources. As such, this PRA provides recommendations based on the County's guidelines where relevant.

3
PALEONTOLOGICAL RESOURCE ASSESSMENT GUIDELINES

Protection of paleontological resources requires assessment of the potential for geologic units to yield significant paleontological resources that could be directly or indirectly impacted or destroyed during Project development. Successful protection also involves the formulation and implementation of appropriate management measures to mitigate impacts. Mitigation measures are proportional to the potential of individual areas to yield intact and significant paleontological resources.

3.1 DEFINITION OF PALEONTOLOGICAL RESOURCES AND SIGNIFICANCE CRITERIA

The SVP guidelines define paleontological resources as fossils and fossiliferous deposits (SVP, 2010). Fossils are the evidence of once-living organisms as preserved in the rock record. They include both the lithified remains of ancient plants and animals and the traces thereof (trackways, imprints, burrows, etc.). In general, the SVP considers fossils to be greater than 5,000 years old (older than middle Holocene[1]) and to typically be preserved in sedimentary rocks, although certain volcanic rocks and low-grade metamorphic rocks may be fossiliferous if formed under certain conditions.

Well-preserved and identifiable individual fossils are considered significant paleontological resources if they are a type specimen, rare, a complete specimen, or part of an important diverse fossil assemblage. Of particular importance are fossils found in situ, or undisturbed from their primary geologic context. These fossils are important because they are used to examine evolutionary relationships, provide insight on the development of and interaction between biological communities, establish time scales for geologic studies, and for many other scientific purposes, including investigation into paleoenvironments and paleoclimates (Scott and Springer, 2003; SVP, 2010). Among the various types of fossils, intact and in situ vertebrate fossils are usually assigned a greater significance than other types as they are comparatively rare. Consequently, more attention tends to be placed on the recovery of vertebrate fossils than other types.

3.2 PROFESSIONAL STANDARDS AND CLASSIFICATION OF PALEONTOLOGICAL RESOURCE SENSITIVITY

Most professional paleontologists in California adhere to the guidelines set forth by the SVP (2010) and industrywide standards (Murphey et al., 2019) to determine the course of paleontological mitigation for a given project unless specific city, county, state, or federal guidelines are available. The City does not have its own paleontological sensitivity guidelines. However, the County has developed a system that establishes detailed protocols for the assessment of the paleontological sensitivity of a project area and outlines measures to follow in

[1] Middle Holocene: the Holocene Epoch is subdivided into early (11,700 to 8,200 years ago), middle (8,200 to 4,200 years ago), and late (4,200 years ago to present) subepochs, (Cohen et al., 2023). The Quaternary Period also includes the older Pleistocene Epoch, which is also subdivided into early (2.6 million to 1.8 million years ago), middle (1.8 million to 77,400 years ago), and late (77,400 to 11,700 years ago) subepochs (Cohen et al., 2023).

order to mitigate adverse impacts to known or unknown fossil resources during project development (County of Riverside, 2015). Therefore, this PRA utilizes the County's ranking system and mitigation measures.

Following the County's established process, baseline information is used to assign the paleontological sensitivity of a geologic unit(s) (or members thereof) to one of four categories—Low, Undetermined, High A (Ha), and High B (Hb) (County of Riverside, 2015). Table 3-1 below shows the criteria for the categories in comparison with those of the SVP as well as mitigation recommendations for each category.

Table 3-1
Paleontological Sensitivity Classifications

Sensitivity/Potential			
County of Riverside	**SVP**	**Criteria[a]**	**Mitigation Recommendations[b]**
High A High B	High	Rock units from which vertebrate or significant specimens of other fossil types have been recovered are considered to have a high potential. Rock units with high potential also may include rock units that are temporally or lithologically suitable for the preservation of fossils (e.g., Middle Holocene and older, argillaceous and carbonate-rich paleosols, fine-grained marine sandstones, etc.). Rock units with High B Sensitivity are considered to have high potential at depths greater than 4 feet bgs.	Retain a qualified paleontologist and typically complete a field survey, PRIMP, and on-site construction monitoring. Any significant specimens discovered during monitoring will need to be prepared, identified, and curated into a museum. A final report documenting the significance of the finds will also be required.
Undetermined	Undetermined	In some cases, available literature on a particular rock unit will be scarce and a determination of whether or not it is fossiliferous or potentially fossiliferous will be difficult to make. Under these circumstances, further study is needed to determine the unit's paleontological resource potential.	A field survey is required to further assess the unit's paleontological potential. The survey may provide data for development of a PRIMP prior to construction.
Low	Low	Rocks units from which few fossils have been recovered or generally unsuitable for preservation of fossils are considered to have a low potential. These units typically yield fossils only on rare occasions and under unusual circumstances (e.g., basalt flows, recent colluvium, etc.).	Mitigation is not typically required; however, if an unanticipated paleontological resource is encountered, a qualified professional paleontologist (Principal Investigator, Project Paleontologist) may need to evaluate the resource to consider mitigation.
N/A	No Potential	Rock units that have no potential for paleontological resources are those that are formed under or exposed to immense heat and pressure, such as high-grade metamorphic rocks and plutonic igneous rocks.	No mitigation required.

a - Criteria based on County of Riverside (2015) and SVP (2010).
b - Recommendations based on County of Riverside (2015).

4
METHODS

This PRA was completed through desktop studies and a field survey. The twofold purpose of the off- and on-site research was: (1) to identify the geologic units in the Project area and immediate vicinity to determine whether previously recorded paleontological localities occur either within the Project area or within the same geologic units elsewhere nearby and (2) to determine the sensitivity of the geologic units in the Project area for their potential to yield paleontological resources.

4.1 LITERATURE REVIEWS AND MUSEUM RECORDS SEARCHES

In many areas, the near-surface layers of sediments and sedimentary rocks are broken down and converted to soil (pedogenesis) through chemical and physical weathering processes (Boggs, 2012). During pedogenesis, any fossils preserved within the near-surface layers often are destroyed or rendered unrecognizable. Therefore, intact and identifiable fossils are unlikely to be found in soil. Reviews of relevant geologic maps, regional geological publications, and unpublished reports are necessary to ascertain the geology and stratigraphy of a project area to determine the potential for significant subsurface paleontological resources.

To supplement the map and literature reviews, Æ requested searches of records of the invertebrate and vertebrate collections maintained by the Natural History Museum of Los Angeles County (NHMLAC) and the Western Science Center of Hemet (WSC). Æ also completed online searches of two databases readily available to the public—the Paleobiology Database (PBDB) and the database maintained by the University of California Museum of Paleontology (UCMP). All records searches were completed to identify known fossil localities within or near the Project area. In addition to the museum records searches, Æ examined the geotechnical investigation report for the Project (Weidman et al., 2023).

4.2 FIELD SURVEY

Prior to the field survey, Æ examined recent aerial photographs of the entire Project area in Google Earth to determine likely locations of geologic outcrops and potential survey routes. Andrew Vasquez conducted the paleontological field survey for the Project on August 31, 2023, alongside Æ Associate Archaeologist Andrew DeLeon, who conducted the cultural field survey. The purpose of the survey was to confirm presence or absence of exposed fossils on the ground surface and to evaluate geologic exposures for their potential to yield subsurface fossil material.

Vasquez started the survey at the northwest corner of the Project area and walked 15-foot north–south transects proceeding eastward. Vasquez completed the survey with a combination of close visual inspection and spot-checking. Close visual inspection was conducted where the ground surface was visible and intact sediments were exposed, including the West. Lincoln Street right-of-way and the streambed and banks of Montgomery Creek along the east boundary of the Project area. Vasquez spot-checked the remainder of the Project area where the ground surface was obscured by vegetation. He used a cellular Global Positioning System receiver to navigate through the Project area, kept notes on the geology observed, and took photographs to document the survey. Any fossils encountered were to be field-documented and not collected.

5
GEOLOGY AND PALEONTOLOGY

The following sections provide the geological context of the Project area, descriptions of the geologic units mapped as surface exposures within the boundaries of the Project area, and units exposed nearby and thought to be present in the subsurface. The section also includes any paleontological information reported from the units.

5.1 REGIONAL GEOLOGY

The Project area is in the northwest portion of the San Gorgonio Pass, which forms a major geologic divide between the Transverse Ranges and the Peninsular Ranges geomorphic provinces (California Geological Survey, 2002)[2]. North of the San Gorgonio Pass, the Transverse Ranges are an east–west-trending series of mountain ranges and valleys, which extend from the Northern Channel Islands in the west to the San Bernardino Mountains in the east (California Geological Survey, 2002). South of the San Gorgonio Pass, the Peninsular Ranges consist of several northwest-trending mountain ranges separated by valleys, extending from the Southern Channel Islands in the west to the Salton Trough in the east (California Geological Survey, 2002). The San Gorgonio Pass represents the single largest discontinuity along the San Andreas Fault, resulting from a system of irregular and discontinuous right-lateral, reverse, thrust, and oblique-normal faults (Yule, 2009). Together, these faults contribute to uplifting the San Bernardino Mountains and overall movement between the North American plate and the Pacific plate (Spotila et al., 1998).

The Banning Fault lies approximately 4 miles north of the Project area, dividing the basement rocks in the region into the Peninsular Ranges Assemblage south of the fault and the San Gabriel Mountains Assemblage north of the fault (Morton et al., 2006a, 2006b). In the vicinity of the Project area, rocks of the Peninsular Ranges Assemblage date from the Paleozoic to the present, with most of the assemblage represented by the Mesozoic[3] Peninsular Ranges batholith and prebatholithic metasedimentary and metavolcanic rocks (Jahns, 1954; Morton et al., 2006b). Thick sequences of Cenozoic[4] sediments and sedimentary rocks have accumulated above these, including the early Pliocene to early Pleistocene San Timoteo Formation and various Pleistocene

---

[2] A geomorphic province is a region of unique topography and geology that is readily distinguished from other regions based on its landforms and tectonic history (American Geological Institute, 1976).

[3] Mesozoic Era: Approximately 252 to 66 million years ago, subdivided into three periods—Triassic (252–201 million years ago), Jurassic (201–145 million years ago), and Cretaceous (145–66 million years ago) (Cohen et al., 2023).

[4] Cenozoic Era (formerly Tertiary): 66 million years ago to present, subdivided into three periods—Paleogene (66–23 million years ago), Neogene (23–2.6 million years ago), and Quaternary (2.6 million years ago to present). The Paleogene Period is subdivided into the Paleocene, Eocene, and Oligocene epochs; the Paleocene Epoch lasted from approximately 66 to 56 million years ago, the Eocene Epoch lasted from approximately 56 to 34 million years ago, and the Oligocene Epoch lasted from approximately 34 to 23 million years ago. The Neogene Period is subdivided into the Miocene and Pliocene epochs; the Miocene Epoch lasted from approximately 23 to 5.3 million years ago and the Pliocene Epoch lasted from approximately 5.3 to 2.6 million years ago. The Quaternary Period is subdivided into the Pleistocene and Holocene epochs; the Pleistocene Epoch, or last Ice Age, lasted from approximately 2.6 million to 11,700 years ago when the Holocene Epoch began; all dates according to Cohen et al. (2023).

and Holocene sedimentary units (Dibblee and Minch, 2003; Lancaster et al., 2012). The highly fossiliferous San Timoteo Formation is particularly well exposed in the badlands 4–5 miles west-southwest of the Project area.

5.2 GEOLOGY AND PALEONTOLOGY OF THE PROJECT AREA

The Project area is mapped at a scale of 1:24,000 by Dibblee and Minch (2003) and more recently at a scale of 1:100,000 by Lancaster et al. (2012) as part of the Geologic Compilation of Quaternary Surficial Deposits in Southern California (Bedrossian et al., 2012). Figure 5-1 is based on Lancaster et al. (2012) as it is the most recent map, but the following subsections may provide additional information on equivalent units from Dibblee and Minch (2003) where relevant. According to Lancaster et al. (2012), three geologic units are mapped in the Project area and vicinity: middle to late Pleistocene old alluvial fan deposits (Qof), early to middle Holocene young alluvial fan deposits (Qyf), and late Holocene alluvial wash deposits (Qw).

The geotechnical investigation report summarizes the findings from four borings completed at the northwest corner of the Project area, which reached depths of 26–50 feet bgs (Weidman et al., 2023). No geotechnical borings were completed elsewhere within the Project area.

5.2.1 Old Alluvial Fan Deposits (Qof)

According to Lancaster et al. (2012), middle to late Pleistocene old alluvial fan deposits (Qof) are mapped in the west to southwest and central to southeast portions of the Project area. These deposits consist of slightly to moderately consolidated and moderately dissected silts, sands, gravels, cobbles, and boulders issued from a confined valley or canyon. The unit may be temporally and lithologically equivalent to Pleistocene units Qof and Qf by Dibblee and Minch (2003), who note the grains are mostly composed of gneissic and plutonic detritus derived from the San Bernardino Mountains.

All boring logs from the geotechnical report show a 0.5–1.0-foot-thick layer of topsoil consisting of silty sand (Weidman et al., 2023). In three of the borings (B-1, B-2, and B-3), beds of dense brown clayey sand occur just below the topsoil and extend down to the maximum depths. The authors interpreted these to be deposits of Qof from Dibblee and Minch (Weidman et al., 2023). One of the borings near the northernmost edge of the Project area (B-5) also shows loose dark yellowish brown clayey sand below the topsoil from 0.5 to 5.0 feet bgs, which the authors interpreted as Qf from Dibblee and Minch (2023). The dense brown clayey sand beds occur throughout the remaining depth. Based on the boring locations, the dense beds may be equivalent to Qof from Lancaster et al. (2012). However, the loose beds they observed may instead be equivalent to the Holocene unit Qyf from Lancaster et al. (2012) rather than the Pleistocene unit Qf mapped by Dibblee and Minch (2003), which the latter interpret to cover the entire ground surface of the Project area. This is described in further detail under the next subsection.

Unit Qof is potentially fossiliferous because Pleistocene alluvial deposits are well documented to have yielded a wide variety of megafauna as well as numerous invertebrate and plant taxa throughout inland valleys of Riverside and San Bernardino counties (Reynolds and Reynolds, 1991; Scott, 2007; Springer et al., 2009). Additionally, the slightly older San Timoteo Formation, which is lithologically similar to unnamed Pleistocene alluvial deposits, occurs in the badlands to the west-southwest of the Project area (not shown in Figure 5-1). Numerous fossils of megafauna

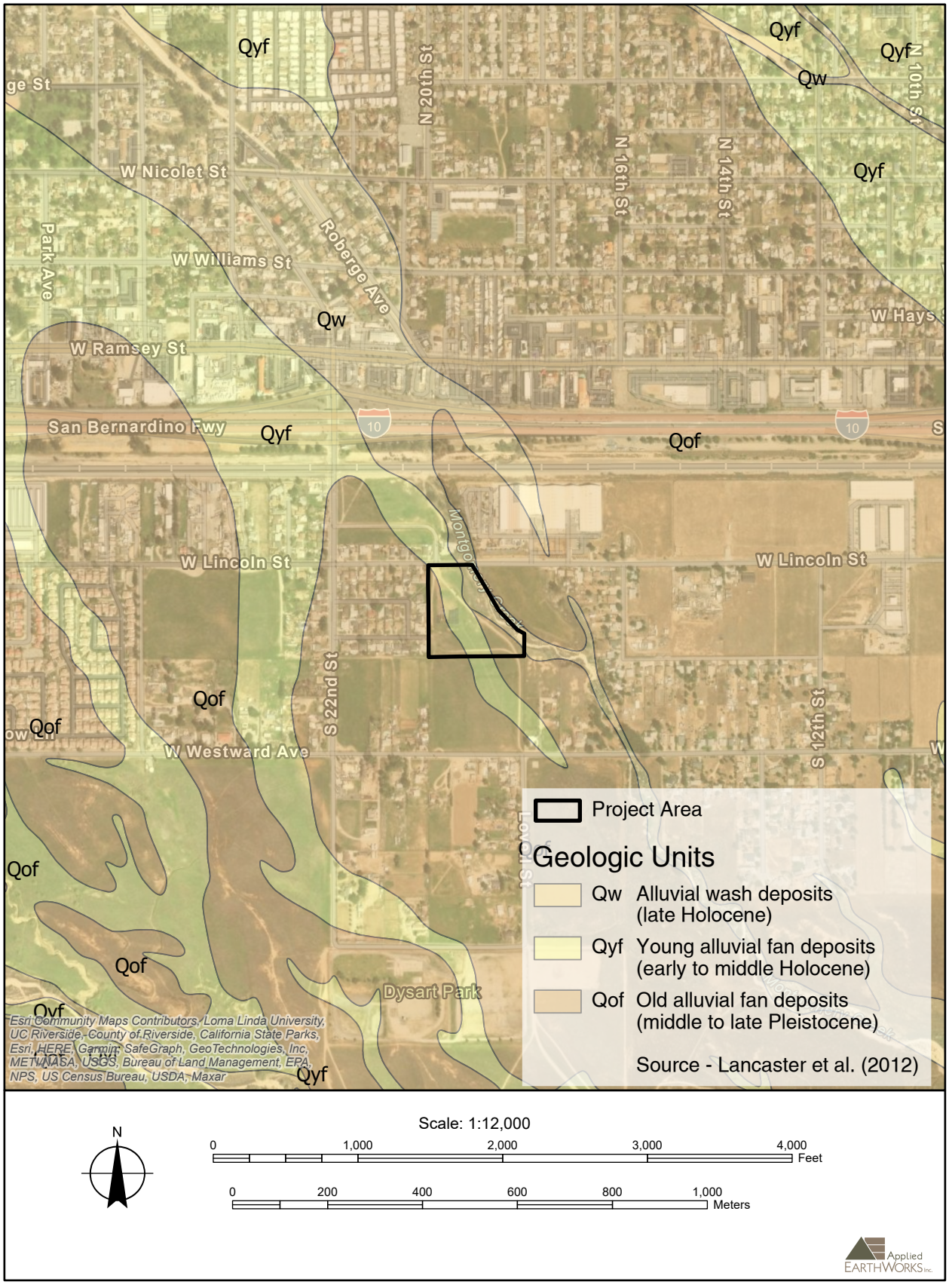

Figure 5-1 Geologic map for the Project area and vicinity.

and microfauna have been reported from this highly fossiliferous unit (Frick, 1921; Reynolds and Reynolds, 1991; Albright, 1999).

5.2.2 Young Alluvial Fan Deposits (Qyf)

Lancaster et al. (2012) show an approximately 250-foot-wide wedge of early to middle Holocene young alluvial fan deposits (Qyf) that bifurcates the Project area from the northwest corner through the south-central portion. They describe the deposits as unconsolidated to slightly consolidated and undissected to slightly dissected silts, sands, gravels, cobbles, and boulders issued from a confined valley or canyon. The unit is temporally and lithologically equivalent to Holocene unit Qa from Dibblee and Minch (2003). However, Dibblee and Minch do not map Qa within the Project area; rather, they mapped this unit 0.75 miles to the southeast.

The loose dark yellowish brown clayey sand seen in Boring B-5 of the geotechnical report more closely matches the descriptions of Qyf from Lancaster et al. (2012) and Qa from Dibblee and Minch (2003) than Qf from the latter, as both units are described as “unconsolidated” and “unindurated,” which contrasts from “weakly indurated” in the case of Qf (Weidman et al., 2023).

The early Holocene beds of Qyf are potentially fossiliferous, but those that are middle Holocene in age are typically too young for fossilization (Scott and Springer, 2003; Society of Vertebrate Paleontology, 2010). These Holocene deposits may overlie Pleistocene deposits at unknown depths with greater likelihood of preserving fossils, as described above for the adjacent unit Qof.

5.2.3 Alluvial Wash Deposits (Qw)

Late Holocene alluvial wash deposits (Qw) are mapped within Montgomery Creek, which occurs along the east boundary of the Project area (Lancaster et al., 2012). This unit consists of unconsolidated silts, sands, and gravels deposited in recently active stream and river channels. The unit is temporally and lithologically equivalent to Holocene unit Qg from Dibblee and Minch (2003), not shown in the Project area but mapped 1.25 miles to the southeast.

Unit Qw or its equivalent is not observed in the geotechnical investigation as the borings were only conducted in the northwest corner of the Project area and not where the unit is mapped along the east border (Weidman et al., 2023). More so than Qyf, the late Holocene Qw is too young for fossilization (Scott and Springer, 2003; Society of Vertebrate Paleontology, 2010) but may overlie deposits with greater likelihood of preserving fossils such as Qyf or Qof.

6
RESULTS AND ANALYSIS

This chapter reports on the results of the desktop studies and fieldwork completed for this Project. Paleontological sensitivity rankings also are assigned to the geologic units mapped at the ground surface as well as those likely present at unknown depths based on the available information.

6.1 GEOTECHNICAL REPORT

The geotechnical investigation for the Project included excavation of four hollow-stem auger borings (B-1, B-2, B-3, and B-5 [completed in 2018]) to depths of 26–50 feet bgs in the northwest corner of the Project area (Weidman et al., 2023). From the boring logs, a layer of topsoil with loose silty sand is present at 0.5–1.0 feet bgs, followed by dense clayey sand that the authors refer to as older alluvial fan deposits (Qof; Dibblee and Minch, 2003), which extend to the maximum depths of the borings. The only exception to this is in Boring B-5, which shows loose clayey sand interpreted as younger alluvial fan deposits (Qf; Dibblee and Minch, 2003) at 0.5–5.0 feet bgs between the topsoil and unit Qof. As discussed in the previous chapters, the Qof and Qf units of Dibblee and Minch (2003) may be equivalent to Qof and Qyf of Lancaster et al. (2012), respectively. No paleontological resources were encountered in the geotechnical borings.

6.2 RECORDS SEARCHES

The UCMP online database does not list any localities within a 10-mile radius of the Project area. The WSC records search does not list any localities within or near the Project area. Records search results from the PBDB and NHMLAC are detailed below in Table 6-1, which shows all listings within a 10-mile radius of the Project area. The PBDB online database does not list any fossil localities from Pleistocene alluvial deposits within the Project area but shows numerous localities from the upper member of the badlands 4–5 miles west-southwest of the Project area. This unit is included in the search as it is lithologically similar to the various unnamed Pleistocene alluvial deposits of Riverside County. The San Timoteo Formation localities are documented in published paleontological literature, including Frick (1921), Reynolds and Reynolds (1991), and Albright (1999), in which numerous fossil vertebrates are described. The NHMLAC records search results do not report any localities within the Project area, although several nearby localities to the south-southwest are listed from geologic units similar to those mapped in or in the vicinity of the Project area.

6.3 FIELD SURVEY RESULTS

Æ's close examinations of the surficial geology in the Project area were limited due to low ground visibility—overall approximately 15 percent (Figure 6-1). The ground surface was mostly obscured by vegetation, although Vasquez observed sediments in occasional patches of barren landscape, such as dirt recreational paths, and within the streambed and banks of Montgomery Creek. Much of the ground surface in the Project area likely has been previously disturbed by plowing. Because of the previous disturbances throughout most of the Project area, much of the geologic information from the survey came from stratigraphic observations within exposures along Montgomery Creek (Figure 6-2).

Table 6-1
Fossil Localities Reported near the Project Area

Locality No.	Geologic Unit (Date)	Taxa	Depth	Approx. Distance from Project Area
San Timoteo Badland Localities[a]	San Timoteo Formation, upper (Pleistocene)	Osteichthyes (bony fish) *Gasterosteus* (stickleback) *Equus* (horse) *Bison antiquus* (ancient bison) *Megalonyx* (ground sloth) *Mammuthus columbi* (Columbian mammoth) *Dipodomys* (kangaroo rat) Numerous other megafauna and microfauna	Unknown	4–5 miles
LACM[b] VP 1782	Unknown formation (Pleistocene)	Camelidae (camel family)	Unknown	5 miles
LACM[b] VP 4540	Unknown formation, gravel pit (Pleistocene)	Equidae (horse family)	Unknown	7 miles
LACM[b] VP 7618–7622, (CIT) 132, 133	San Timoteo Formation (Pliocene to Pleistocene)	Equidae (horse family) Camelidae (camel family)	Surface	7 miles
LACM[b] VP 1653, LACM IP 437	Unknown formation (Pleistocene)	*Squatina* (monkfish) *Gasterosteus* (stickleback) *Sobobapteron kirkbyae* (protoorthopteran insect)	Unknown	8 miles

a - PBDB.
b - NHMLAC collection.

Within the streambed and banks of the creek, Vasquez observed deposits of light gray (10YR 7/2) poorly sorted coarse-grained sand with angular gravel and pebbles at the north end of the Project that gradually shifted to brownish yellow (10YR 6/6) fine-grained sand toward the south end of the Project area (Figure 6-3). The depth of the streambed relative to the surrounding terrain ranged from 5 to 15 feet, deeper toward the south. Vasquez did not observe any vertical changes in lithology within the exposures. He observed refuse throughout the Project area with the heaviest concentrations found near Lincoln Street. Lastly, he encountered modern animal bones near burrows but did not observe any paleontological resources during the field survey.

Figure 6-1 Overview of the Project area from the south, facing northwest.

Figure 6-2 Overview of Montgomery Creek from the southeast corner of the Project area, facing northwest.

Figure 6-3 **Detailed view of an approximately 8-foot-thick section of the southwest bank of Montgomery Creek at the east-central border of the Project area showing deposits of Qw.**

6.4 DETERMINATION OF PALEONTOLOGICAL RESOURCE POTENTIAL WITHIN THE PROJECT AREA

Using information obtained from the desktop studies and field survey, Æ determined the paleontological resource potential of the Project area. Æ's paleontological sensitivity rankings follow the County of Riverside (2015) classification system. Based on the findings, Æ recommends the assignment of High A Sensitivity to locations mapped as Qof, High B Sensitivity to locations mapped as Qyf, and Low Sensitivity to locations mapped as Qw in the Project area (Figure 6-4).

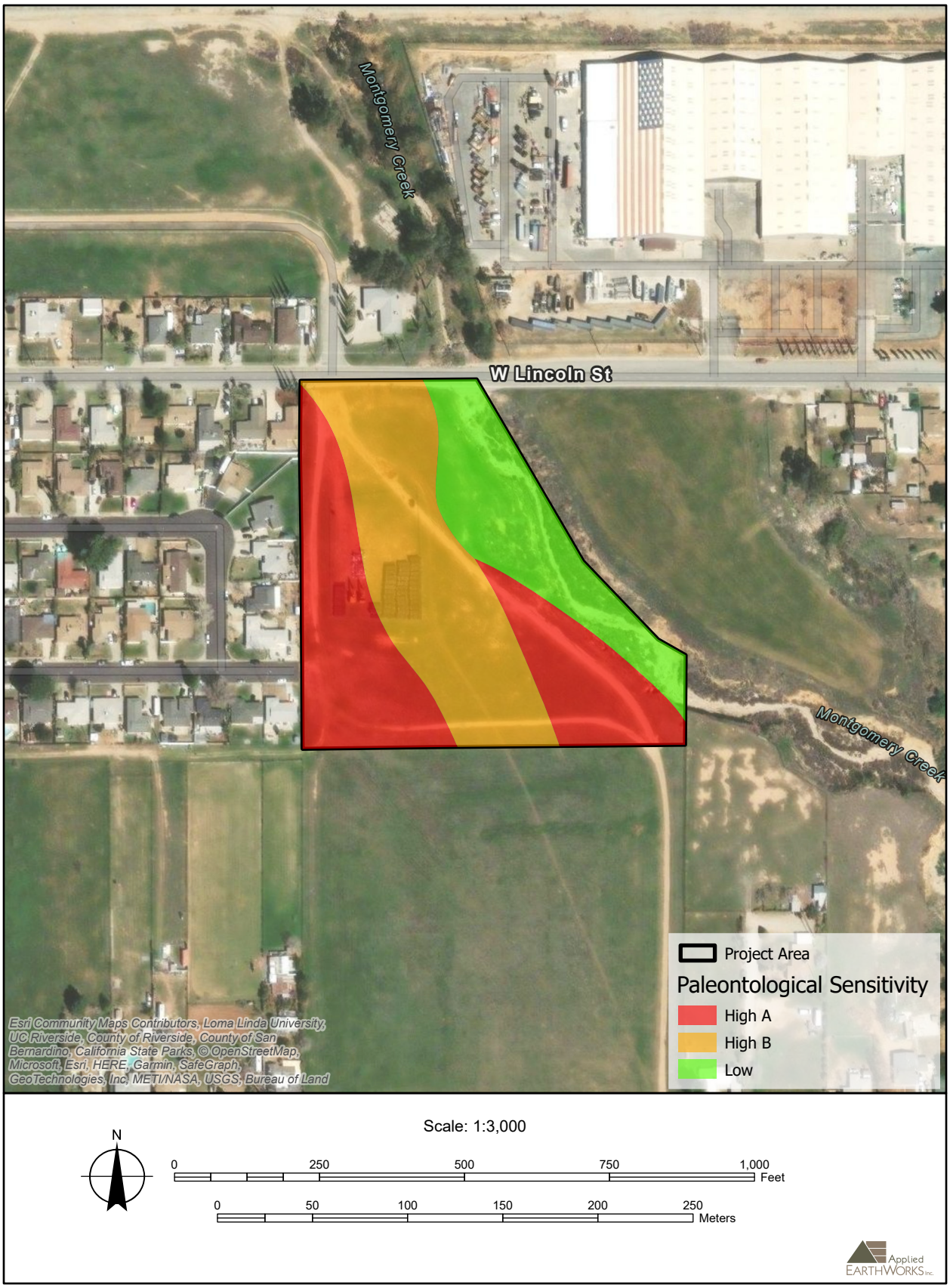

Figure 6-4 Paleontological sensitivity of the Project area.

Æ's desktop studies indicate Qof deposits mapped in the west and southwest portions of the Project area as well as in the center to southeast corner have a high potential of preserving significant paleontological resources. Weidman et al. (2023) described sediments matching the descriptions of Qof at a depth of 0.5–1.0 feet bgs, just below topsoil, in the northwest corner of the Project area. However, apart from a few locations without vegetation such as the previously disturbed dirt roads, Æ did not observe any diagnostic exposures of Qof deposits during the survey. Therefore, our ranking for Qof is based on the desktop studies alone. Similarly, Æ did not observe any diagnostic exposures of Qyf during the survey. Based on the desktop studies, these deposits have a low to moderate potential of preserving significant paleontological resources. The geotechnical boring data from Weidman et al. (2023) shows deposits matching the descriptions of Qyf within the upper 5 feet near the north border of the Project area. These are immediately underlain by deposits of Qof. As such, locations mapped as Qyf may have a high potential for preserving significant paleontological resources at depths greater than 4 feet bgs. Lastly, during the survey, Æ observed deposits of Qw, considered to have low potential for paleontological resources, within the streambed and banks of Montgomery Creek. Based on the thickness of the exposures within the creekbed and the lack of any changes in lithology within the exposures, Project-related ground-disturbing activities as presently proposed within locations mapped as Qw are unlikely to affect any fossiliferous deposits to a maximum depth of 15 feet bgs. Observations from construction monitoring can help to further refine the geology within the Project area.

7
RECOMMENDATIONS

Æ concludes that construction activities may impact significant paleontological resources in various locations throughout the Project area. Æ's desktop studies and field survey indicate the Project area has High A, High B, and Low Sensitivity for paleontological resources.

Prior to the issuance of grading permits and consistent with applicable policies (County of Riverside, 2015), Æ recommends a PRIMP be prepared by a qualified professional paleontologist (Paleontological Principal Investigator, Project Paleontologist) as defined by mitigation paleontology industry standards (Murphey et al., 2019) and/or the SVP (2010). The PRIMP will specify the steps to be taken to mitigate impacts to paleontological resources. For instance, Worker's Environmental Awareness Program training should be prepared prior to the start of Project-related ground disturbance and presented in person to all field personnel to describe the types of paleontological resources that may be found and the procedures to follow if any are encountered.

The Project-specific PRIMP also will indicate where construction monitoring will be required and the frequency of required monitoring (i.e., full-time, spot-checks, etc.). In addition to construction monitoring procedures, a PRIMP also will provide details about fossil collection, analysis, and preparation for permanent curation at an approved repository, such as the NHMLAC or WSC. Lastly, the PRIMP describes the different reporting standards to be used, such as monitoring with negative findings versus monitoring resulting in fossil discoveries.

8
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APPENDIX A

Qualifications of Key Personnel

Applied EARTHWORKS Inc.

CHRISTOPHER SHI

Senior Paleontologist/Project Manager

Areas of Expertise

- Paleontological resource technical and project management
- CEQA/NEPA compliance

Years of Experience

- 14

Education

Ph.D., Geology (studies), UCLA, 2012-2016

M.S., Geology, UCLA, 2011

B.S., Biology, University of Minnesota, Minneapolis, 2006

Registrations/Certifications

- Paleontologist Consultants List, Santa Cruz County (2022-present)
- Certified Paleontologist, Orange County (2020-present)
- Qualified Paleontologist, Riverside County (2019-present)

Permits

- Field Director, California BLM Statewide Paleontological Permit CA-21-06P

Classes/Training

- OSHA Excavation Competent Person Seminar, Mar. 11, 2019
- OSHA Hazardous Waste Operations Worker (HAZWOPER) Training, 40-Hour, January 20-23, 2020 and 8-Hour Refreshers, January 21, 2021, June 10, 2022, and June 20, 2023

Professional Experience

2020–	Senior Paleontologist/Project Manager, Applied EarthWorks, Inc., Pasadena, California.
2018–2020	Associate Paleontologist/Project Manager, Applied EarthWorks, Inc., Pasadena, California.
2016–2018	Paleontological Laboratory and Field Technician, Applied EarthWorks, Inc., Pasadena, California.
2017–2018	Lead Paleontology Monitor, Rincon Consultants, Los Angeles, California.

Technical Qualifications

Mr. Shi is a paleontologist and geologist with 14 years of experience in paleontology, evolutionary biology, mineralogy, and sedimentary geology, and meets the Society of Vertebrate Paleontology's (SVP) standards for a qualified professional paleontologist/project paleontologist/principal investigator. He has a background in plant and invertebrate taphonomy, and his master's thesis focused on the characterization of fossilized Eocene ferns using a novel three-dimensional imaging technique. Additionally, Mr. Shi spent several years working toward a Ph.D. in geology with research focused on the link between the trend in changing seawater chemistry and the evolution of the first animals to develop shells from calcium carbonate during the Cambrian explosion. He has completed several professional publications and presentations throughout his career.

Mr. Shi completes various tasks within the Paleontology Program of Applied EarthWorks. He coordinates and schedules paleontological monitors throughout Æ's 5 offices. In the field, Mr. Shi's responsibilities include stratigraphic analyses, geological and paleontological data collection, bulk-sediment sampling, collection paleontological resources, and documentation of fossil localities. In the lab, Mr. Shi picks microvertebrate fossils, identifies, analyzes, and prepares collected fossils for permanent curation, including jacketing of large vertebrate specimens. Mr. Shi also regularly completes paleontological desktop literature and map reviews and coordinates with various paleontology curators for museum records searches; authors paleontology monitoring plans, inventory and evaluation reports, resource impact management plans, and worker environmental awareness training materials. In the past, Mr. Shi served as Æ's lead monitor on construction monitoring projects for utility, transportation, and residential and commercial development projects.

Selected Project Experience

San Jacinto Master Drainage Plan Line E Project, City of San Jacinto, Riverside County, California. Project Paleontologist/Project Manager (2023). Will oversee ground-reconnaissance field survey and complete Paleontological Resource Assessment report (PRA) for CEQA compliance. Paleontologically sensitive geologic units: Pleistocene to Holocene alluvium. Client: Albert A. Webb Associates for City of San Jacinto.

California High-Speed Rail Construction Package 1, Madera and Fresno Counties, California. Project Manager (2023-present). Æ is providing multi-year paleontological monitoring during construction of the 32-mile segment from Avenue 19 in Madera County to East American Avenue in Fresno County with 12 grade separations, two viaducts, one tunnel, and a major crossing over the San Joaquin River. Overseeing paleontological resource monitoring for construction, completing daily quality control of field forms, and preparing biweekly summaries of fieldwork for client. Completing for CEQA compliance (California High-Speed Rail Authority) and NEPA compliance (Federal Railroad Administration). Paleontologically sensitive geologic units: Mehrten, Laguna, Tulare, Turlock Lake, Riverbank, and Modesto Formations; North Merced Gravel; and Pleistocene to Holocene alluvium. Client: formerly Tutor Perini Zachry Parsons, currently Wong+Harris, JV.

South Coast 101 HOV Lanes Segment 4D-4E North Project, Santa Barbara County, California. Project Paleontologist/Project Manager (2023–present). Completed Paleontological Mitigation Plan (PMP) for construction of a 3.2-mile HOV lane on South Coast 101 in Montecito. Will oversee Worker Environmental Awareness Program (WEAP) and paleontological resource monitoring for construction for CEQA compliance. Paleontologically sensitive geologic units: Casitas Formation, Pleistocene marine terrace deposits, Pleistocene to Holocene alluvium, and Holocene beach deposits. Client: ICF Jones & Stokes, Inc. for California Department of Transportation.

State Route 46 Widening Project, Wye Section, San Luis Obispo County, California. Project Paleontologist/Project Manager (2023–present). Completed PMP and oversaw WEAP for improvements along a 3.7-mile segment of State Route 46, including the interchange with State Route 41 north of Cholame. Overseeing paleontological resource monitoring for construction for CEQA compliance. Paleontologically sensitive geologic units: Temblor, Monterey, and Paso Robles Formations, and Pleistocene to Holocene alluvium. Client: ICF Jones & Stokes, Inc. for California Department of Transportation.

Eastern Municipal Water District Good Hope and Mead Valley Water-System Improvements Project, Riverside County, California. Project Paleontologist/Project Manager (2023). Co-authored paleontological technical memorandum for CEQA compliance. Paleontologically sensitive geologic units: Pleistocene to Holocene alluvium. Client: Albert A. Webb Associates for County of Riverside.

Westside Purple Line Extension Section 3 Project, City of Los Angeles, Los Angeles County, California. Project Paleontologist/Project Manager (2022-present). Oversaw and provided paleontological resource monitoring for construction over a 2.56-mile extension of the Purple Line along Wilshire Boulevard, including construction of two underground stations, for CEQA compliance. Paleontologically sensitive geologic units: Pleistocene to Holocene alluvium. Client: Kleinfelder for Los Angeles County Metropolitan Transportation Authority.

East San Fernando Valley Transit Corridor, City of Los Angeles, Los Angeles County, California. Project Paleontologist/Project Manager (2023). Oversaw and provided paleontological resource monitoring for CEQA compliance. Paleontologically sensitive geologic units: Pleistocene to Holocene alluvium. Client: Kleinfelder for Los Angeles County Metropolitan Transportation Authority.

600 Tank Farm Road Project, City of San Luis Obispo, San Luis Obispo County, California. Project Paleontologist/Project Manager (2023-present). Completed (PMP) and will oversee WEAP training and paleontological resource monitoring for construction for CEQA compliance. Paleontologically sensitive geologic units: Pleistocene to Holocene alluvium. Client: CoVelop, Inc.

Fairmead Landfill Expansion, City of Chowchilla, Madera County, California. Principal Paleontologist/Project Manager (2020-2023) and Project Manager (2019-2020). 121-acre fossil-rich landfill. Oversaw Worker Environmental Awareness Program (WEAP) training and paleontological resource monitoring

Selected Project Experience (continued)

for construction. Oversaw and assisted in identification and preparation of approximately 4,000 fossil specimens housed in the County of Madera's temporary repository as well as transfer of all significant specimens to the University of California Museum of Paleontology in Berkeley for accessioning. Completed quarterly paleontological findings reports for 2019 –2022 and annual reports for 2019 –2022 for CEQA compliance. Paleontologically sensitive geologic units: Turlock Lake, Riverbank, and Modesto Formations. Client: County of Madera.

Other Paleontological Research and Experience

Æ Annual Paleontologist/Cross-Trained Monitor Training. Senior Paleontologist (2020-present). Collaborated for the creation and implementation of an annual training program for all paleontological and cross-trained monitors. Topics varied by year: 2020 introduction to geology and paleontology, with an emphasis on fossil identification and field techniques; 2021 sedimentary geology, geologic descriptions, and field monitoring forms; 2022 federal and state laws and regulations regarding paleontology. Monitors completed two hours of training per session plus assessments, such as a quiz, sediment samples, or essay, and received a certificate of completion. Training sessions are ongoing and must be completed each year in order to mobilize for fieldwork. Co-collaborators were Melissa Macias and Amy Ollendorf.

Ph.D. Studies.
Establishing a link between the trend in changing seawater chemistry and the evolution of the first animals that built shells and skeletons from calcium carbonate during the Cambrian explosion. Advisor: Dr. Bruce N. Runnegar

M.S. Thesis.
Demonstrating the application of confocal laser scanning microscopy in the characterization of a fossil fern from the Eocene. Advisor: Dr. J. William Schopf

Relevant Publications

Shi, C. S. 2013. Use of Confocal Laser Scanning Microscopy for Studies in Paleobotany: Documentation of Stem Anatomy of the Eocene Fern *Dennstaedtiopsis aerenchymata* (Dennstaedtiaceae). LAP LAMBERT Academic Publishing: 88 p.

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Selected Presentations

Shi, C. S. and A. J. W. Hendy. "Pleistocene fossil assemblages from Ponte Vista, San Pedro, California: Contributions from Mitigation Paleontology. Prepared and delivered a 15-minute-long presentation for the 55th Annual Meeting of the Western Society of Malacologists, June 25, 2022.

Shi, C. S. 2022. "Paleontological Mitigation for the Ponte Vista Project" presentation. Prepared and delivered 30-minute-long presentation for the Southern California Paleontological Society, January 9, 2022.

Applied EarthWorks, Inc. Paleontology Program. 2020. "National Fossil Day" video. Co-created 5-minute-long video by paleontology staff (Aimee Montenegro, Chris Shi, Melissa Macias, and Amy Ollendorf). Posted to Facebook and LinkedIn; available for distribution.

Applied EARTHWORKS Inc.

AMY L. OLLENDORF

Vice President/Managing Principal/Paleontology Program Manager

Areas of Expertise

- Paleontology, mineralogy, and sedimentary geology
- CEQA/NEPA compliance
- Project management

Years of Experience

40

Education

Postdoctoral Research Associate, 2006–2007, World Heritage Studies, University of Minnesota

Ph.D., Ancient Studies, University of Minnesota, 1993

M.S., Ancient Studies, University of Minnesota, 1986

B.S., Anthropology and Geology, Beloit College, 1983

Registrations/Certifications

- Registered Professional Archaeologist 12588
- Licensed Professional Geologist, Minnesota #30084 (6/1998–6/2018, expired)
- Paleontologist Consultants List, Santa Cruz County (2022–present)
- Certified Paleontologist and Archaeologist, Orange County (2020–present)
- Paleontology and Cultural Consultant, Riverside County (2018–present)

Permits/Licenses

Principal Investigator, Nevada BLM Statewide Paleontological Permit N-090758

Principal Investigator, California BLM Statewide Paleontological Permit CA-21-06P

Professional Experience

2018–	Vice President (2022–present) and Managing Principal/ Paleontology Program Manager (2018–present), Applied EarthWorks, Inc.
2015–2018	President and Senior Project Manager, ALO Environmental Associates, LLC
2006–2015	Program Manager, Cultural Heritage Planning and Management, AECOM
2005–2008	President and Senior Project Manager, ALO Environmental Associates, LLC
2003–2005	Director, Cultural Resources Management, Peterson Environmental Consulting, Inc.
2000–2003	Director, Cultural Resources Management, HDR Engineering, Inc.
1996–2000	Director, Cultural Resources Management, Braun Intertec Corporation, Inc.

Technical Qualifications

Dr. Ollendorf has 40 years of experience in paleontology, paleoecology, environmental compliance, and geoarchaeology at the global, national, tribal, state, and local levels. She meets industry standards for principal investigator in paleontology and she is also a principal investigator on Æ's California and Nevada statewide Paleontological Resource Use Permits for paleontology from the U.S. Bureau of Land Management (BLM).

Dr. Ollendorf has supervised and/or participated in paleontological services, tribal negotiations, and agency coordination throughout her career. She also has managed Environmental Impact Statements (EIS) and Environmental Assessments (EA). Her project experience includes work in 35 states, including California and other western states, and abroad on a wide range of client projects across many different industry sectors.

During her career, Dr. Ollendorf has written or overseen hundreds of compliance reports in addition to having published multiple articles in peer-reviewed professional journals and presented to a wide variety of audiences, including professional peers.

Selected Project Experience

California High-Speed Rail Merced-to-Fresno Counties, California. Principal Investigator/Managing Principal, Paleontology and Cultural Resources (2023–present). Æ is providing as-needed multi-year paleontological services and occasional cultural resources services to support all environmental work within the approximately 57-mile-long corridor. Paleontologically sensitive geologic units: early to middle Pliocene-age Mehrten, Pliocene- to Pleistocene-age Laguna, Pliocene- to Holocene-age Tulare, early Pleistocene-age Turlock Lake, middle Pleistocene-age Riverbank, and late Pleistocene-age Modesto Formations; Pliocene- or Pleistocene-age North Merced Gravel; undifferentiated Modesto Formation and post-Modesto Holocene-age sediment; and Pleistocene-age non-marine sediment. Completing for CEQA compliance (California High-Speed Rail Authority) and NEPA compliance (Federal Railroad Administration). Working closely with paleontology staff (Chris Shi and Melissa Macias). Client: T.Y. Lin.

Recurrent Energy 350 MW Crimson Battery Energy Storage System, Riverside County, California. Principal Investigator/Paleontology Program Manager (2018–present). Directed paleontological services for construction of the Battery Energy Storage System (BESS) and generation tie-lines. Paleontologically sensitive geologic units: Pliocene- to Pleistocene-age alluvial deposits of the Mule Mountains and Pleistocene- to Holocene-age alluvial fan deposits. Provided QA/QC and finalized approvals of the Paleontological Resource Mitigation and Monitoring Plan (PRMMP); obtained all BLM fieldwork authorizations; oversaw completion and provided QA/QC of and Worker Environmental Awareness Program (WEAP) training materials; oversaw preconstruction- and construction-phase fossil collection; and oversaw fulltime construction monitoring over approximately 9 months on approximately 80 acres, resulting in 93 paleontological localities and 157 sediment samples. Presently overseeing laboratory analysis and preparation Also will provide QA/QC of all associated reporting. Completing for federal (BLM) and state (California Department of Fish & Wildlife [CDFW]) compliance. Client: AECOM (2021–present) and Recurrent Energy, LLC (2018 and 2020).

California High-Speed Rail Construction Package 1, Madera and Fresno Counties, California. Paleontology Program Manager and Project Manager (2018–present). Æ is providing multi-year paleontological monitoring during construction of the 32-mile segment from Avenue 19 in Madera County to East American Avenue in Fresno County with 12 grade separations, two viaducts, one tunnel, and a major crossing over the San Joaquin River. Overseeing daily construction monitoring and reporting; onsite and offsite screening of sediments and rock matrices; and offsite fossil analyses. Will complete treatment and preparation of significant fossils for permanent curation at UCMP. Paleontologically sensitive geologic units: early to middle Pliocene-age Mehrten, Pliocene- to Pleistocene-age Laguna, Pliocene- to Holocene-age Tulare, early Pleistocene-age Turlock Lake, middle Pleistocene-age Riverbank, and late Pleistocene-age Modesto Formations; Pliocene- or Pleistocene-age North Merced Gravel; undifferentiated Modesto Formation and post-Modesto Holocene-age sediment; and Pleistocene-age non-marine sediment. Completing for CEQA compliance (California High-Speed Rail Authority) and NEPA compliance (Federal Railroad Administration). Working closely with paleontology staff (Melissa Macias, Erik Pino, and Michael George). Client: Tutor Perini Zachry Parsons.

Pacific Gas and Electric Company (PG&E) Groundwater Remediation, Hinkley, San Bernardino County, California. Paleontology Program Manager and Project Manager (2018–present). Over a multi-year period, completing Release-To-Construction (RTC) project-by-project reviews for cultural and paleontological resource management. Tasks include assessing project areas for sensitivity for cultural and paleontological resources in previously surveyed areas and recorded locations of cultural resources. Also overseeing cultural and paleontological construction monitoring on a project-by-project basis. Requires project-specific reporting, annual reporting, regular client communication, and coordination with cultural and paleontological staff. Paleontologically sensitive geologic units: Pleistocene-age alluvium and middle to late Pleistocene-age lacustrine deposits associated with Pluvial Harper Lake. Reports to date include individual cultural and paleontological RTC reports of field findings as a result of preconstruction surveys and construction monitoring, and co-authored 2018-2021 Annual Reports. Completing for CEQA compliance (State of California's Lahontan Regional Water Quality Control Board) and NEPA compliance (U.S. Fish & Wildlife Service). Working closely with paleontology staff (Chris Shi). Client: Arcadis for PG&E.

Fairmead Landfill Expansion, City of Chowchilla, Madera County, California. Paleontology Program Manager (2019–present). Oversaw pre-construction WEAP training and construction monitoring over the 121-acre Project area immediately adjacent to the paleontologically diverse Fairmead Locality (Pleistocene, Irvingtonian). Continuing to oversee additional phases of preconstruction WEAP training and construction monitoring; recovered inventory, condition assessment, treatment, and transfer of over 4,000 fossils for permanent curation at University of California Museum of Paleontology (UCMP); quarterly and annual reports; and post-construction monitoring reports. Completed QA/QC of quarterly paleontological findings reports and annual reports for 2019–2021; completing QA/QC quarterly and annual reports through 2022. Paleontologically sensitive geologic units: early Pleistocene-age Turlock Lake, middle Pleistocene-age Riverbank, and late Pleistocene-age Modesto Formations. Completing for CEQA compliance (County). Working closely with paleontology staff (Chris Shi and Michael George). Client: County of Madera.

Purple Line Extension Section 3, Los Angeles Light-Rail, Los Angeles County, California. Paleontology Program Manager (2022–present). Supervising construction monitors for paleontological resources and will provide QA/QC of final construction monitoring report. Approximately 2.6-mile-long segment will add two new stations, including tunneling, at Wilshire/Westwood. Paleontologically sensitive geologic units: Pliocene- to middle Pleistocene-age Fernando Formation; early to late Pleistocene-age San Pedro Formation; and nonasphaltic Quaternary Period older alluvium. Completing for CEQA compliance (Metropolitan Transportation Authority [LA Metro]). Working closely with paleontology staff (Chris Shi, Melissa Macias). Client: Kleinfelder for LA Metro.

Phase 1A of the Port of Los Angeles (POLA) West Harbor Development Project in the Community of San Pedro, Los Angeles County, California. Paleontology Program Manager (2023–present). Oversaw WEAP training and overseeing construction monitoring for paleontological resources, and will complete QA/QC of final reporting for approximately 20-acre Project area along Harbor Boulevard. Paleontologically sensitive geologic units: Pleistocene-age San Pedro Sand and Quaternary Period Older Alluvium, including Palos Verdes Sand. Completing for CEQA compliance (POLA). Working closely with paleontology staff (Melissa Macias). Client: ICF Jones & Stokes.

State Route 46 (SR 46) Widening Project, Wye Segment, San Luis Obispo County, California. Managing Principal and Paleontology Program Manager (2023–present). Completed QA/QC and editing of Paleontological Monitoring Plan (PMP) for widening the northbound and southbound lanes of State Route (SR) 46 from Post Mile 54.1 to 57.8 and reconstructing the SR 41/SR 46 interchange (Caltrans District 5 Task Order 15 to prime contractor). Overseeing WEAP training and full-time monitoring for paleontological resources; will complete QA/QC and editing of Paleontological Mitigation Report (PMR) at the conclusion of construction. Paleontologically sensitive geologic units: Cretaceous-age Gravelly Flat and Panoche Formations, Miocene-age Temblor Formation and Monterey Shale, and Pleistocene-age Paso Robles Formation and older alluvial deposits. Completing for compliance with federal laws and CEQA. Working closely with paleontology staff (Chris Shi). Client: ICF Jones & Stokes.

Armet Residence and Accessory Dwelling Unit Project near Templeton, San Luis Obispo County, California. Managing Principal and Paleontology Program Manager (2023). Completed QA/QC and editing of Paleontological Resource Assessment (PRA) for new residence with outdoor swimming pool, accessory dwelling unit, and driveway on approximately 2 acres. Paleontologically sensitive geologic units: Miocene-age Monterey Shale, Pleistocene-age Paso Robles Formation, and Pleistocene-age older alluvial sediments. Completed for compliance with federal laws and CEQA. Worked closely with paleontology staff (Chris Shi). Client: Rick Armet.

South Coast U.S. Highway 101 High-Occupancy Vehicle Lanes Segments 4D & 4E, Santa Barbara County, California. Paleontology Program Manager (2023). Completed QA/QC and editing of Paleontological Monitoring Plan (PMP) covering northbound and southbound lanes from Post Mile 9.1 to 12.3 along U.S. Highway 101 (Caltrans District 5 Task Order 16 to prime contractor). Paleontologically sensitive geologic units: Pleistocene-age Older alluvial deposits, marine-terrace deposits, intermediate alluvial deposits-uncertain, and late Pleistocene- to Holocene-age alluvium and colluvium. Completed for compliance with federal laws and CEQA. Worked closely with paleontology staff (Melissa Macias). Client: ICF Jones & Stokes.

Applied EARTHWORKS Inc.

AIMEE MONTENEGRO

Cross-Trained Archaeological/Paleontological Field/Lab Technician

Areas of Expertise

- Mitigation paleontology
- Cultural resource management
- Prehistoric and historic archaeology

Years of Experience

- 6

Education

B.A., Anthropology, Biola University, La Mirada, California, 2017

Professional Affiliations

- Pacific Coast Archaeological Society
- Society for California Archaeology

Registrations/Certifications

- 40-Hour Hazardous Waste Operations Worker (HAZWOPER) and 8-Hour HAZWOPER Refreshers
- OSHA 10-Hour Construction Worker
- PG&E/ISNetWorld Safety
- Æ Annual Training for Paleontology/Cross-Trained Field Technicians, 2020 through 2023

Professional Experience

2019–	Cross-Trained Field/Lab Technician, Applied EarthWorks, Inc., Pasadena, California
2019–	Archaeological Crew Chief, Heritage Resource Consultants, Los Angeles, California
2018–2019	Archaeological Research and Collections Intern, Bowers Museum, Santa Ana, California
2017–2018	Paleontology Collections Intern, Department of Vertebrate Paleontology, Natural History Museum of Los Angeles
2015–2017	Research Assistant, Biola University Anthropology Department, La Mirada, California

Summary of Qualifications

Miss Montenegro is a cross-trained archaeologist/paleontologist with 6 years of professional experience in cultural resource management and mitigation paleontology throughout California. As a Cross-Trained Field/Lab Technician with Applied EarthWorks, Montenegro has served as a lead field technician on various surveys and construction monitoring projects for paleontological and archaeological resources in Los Angeles, Orange, San Bernardino, San Luis Obispo, and Riverside Counties. In the field, her responsibilities include the identification of paleontological and archaeological resources and documentation of stratigraphy. In the lab, her responsibilities include picking microvertebrates and other small fossils from paleontological sediment samples through wet-screen processing.

Montenegro has experience in survey, excavation, monitoring, curation, lab work, and reporting. As an undergraduate student, she participated in the on-campus excavation of a Columbian mammoth from the Rancholabrean North American Land Mammal Age. As a Collections Intern at the Natural History Museum of Los Angeles, she participated in the conservation and curation of vertebrate fossils, assisting in the fossil photography, jacketing of specimens for long term storage, and mapping of associated paleontological localities. Additionally, Montenegro served as an archaeological collections and research intern within Museo Egizio in Turin, Italy, and the Bowers Museum in Santa Ana, California.

Selected Project Experience

East San Fernando Transit Corridor, City of Los Angeles, Los Angeles County, California. Paleontological Field Technician (2023–present). The Los Angeles County Metropolitan Transportation Authority (Metro) is currently constructing a new rail line and 14 new stations between the G Line (Orange) Van Nuys Station and the Sylmar/San Fernando Metrolink Station located in Los Angeles County, California. Paleontologically sensitive geologic units: Pleistocene alluvium. Client: Kleinfelder.

Westside Purple Line Extension Section 3 Project, City of Los Angeles, Los Angeles County, California. Cross-Trained Field Technician (2022–present). The Los Angeles County Metropolitan Transportation Authority (Metro) is currently constructing two underground rail stations within the 2.6-mile Section 3 of the Purple Line Transit System along Wilshire Boulevard in West Los Angeles. Completing paleontological construction monitoring for CEQA compliance. Paleontologically sensitive geologic units: Pleistocene alluvium. Client: Kleinfelder.

California High-Speed Rail Construction Package 1, Madera and Fresno Counties, California. Paleontological Technician (2020–present). Æ is providing multi-year paleontological monitoring during construction of the 32-mile segment from Avenue 19 in Madera County to East American Avenue in Fresno County. Providing support to Senior Paleontologist and assisting in general project management such as organization of daily construction monitoring and reporting and tracking of fossils and fossil localities. Paleontologically sensitive geologic units: early to middle Pliocene-age Mehrten, Pliocene- to Pleistocene-age Laguna, Pliocene- to Holocene-age Tulare, early Pleistocene-age Turlock Lake, middle Pleistocene-age Riverbank, and late Pleistocene-age Modesto Formations; Pliocene- or Pleistocene-age North Merced Gravel; undifferentiated Modesto Formation and post-Modesto Holocene-age sediment; and Pleistocene-age non-marine sediment. Completing for CEQA compliance (California High-Speed Rail Authority) and NEPA compliance (Federal Railroad Administration). Client: Tutor Perini Zachry Parsons.

Hinkley Remediation Project, Community of Hinkley, San Bernardino County, California. Cross-Trained Field Technician (2020–present). Completing archaeological surveys and construction monitoring for paleontological and archaeological resources for various Release to Construction projects for 30,000-acre groundwater remediation area. Completed for CEQA (State) and NEPA (USFWS) compliance. Paleontologically sensitive geologic units: Pleistocene to Holocene alluvium and lacustrine deposits. Client: Arcadis for Pacific Gas and Electric Company.

West Gen-Tie and 500-foot-wide Buffer Adjacent to the Crimson Solar Project, Riverside County, California. Cross-Trained Field Technician (2022). Completed ground-reconnaissance field survey for paleontological resources for federal (BLM) and state (California Department of Fish & Wildlife) compliance. Paleontologically sensitive geologic units: Alluvial deposits of the Mule Mountains and Pleistocene to Holocene alluvium. Client: AECOM.

Crimson Energy Storage Project, Riverside County, California. Cross-Trained Field Technician (2021–2023). Completed pre-construction collection of paleontological resources and paleontological construction monitoring for construction of a battery energy storage system (BESS) and generation tie-lines for 2,500-acre fossil-rich 350 MW solar farm. Also completed onsite wet-screen processing of paleontological sediment samples and sorting/ identifying microvertebrates and other small fossils from the sediment samples in the lab. All tasks completed for federal (BLM) and state (California Department of Fish & Wildlife) compliance. Paleontologically sensitive geologic units: Alluvial deposits of the Mule Mountains and Pleistocene to Holocene alluvium. Client: AECOM.

Crossroads North Storm Drain Facilities Improvement Project, Community of Winchester, Riverside County, California. Cross-Trained Field Technician (2021). Completed paleontological construction monitoring for CEQA compliance. Paleontologically sensitive geologic units: Pleistocene alluvium. Client: Albert A. Webb Associates.

Mitigation Monitoring and Reporting Program (MMRP)

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared for use in implementing the mitigation measures that are part of the Mitigated Negative Declaration that will be approved by the City of Banning ("City") for the Banning NP-2 Booster Station and Reservoir ("Project").

The MMRP has been prepared in compliance with State law and the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Project.

The California Environmental Quality Act (CEQA) requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid adverse effects on the environment (California Public Resources Code§ 21081.6). The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation.

The MMRP contains the following elements:

1) The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
2) A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom compliance will be reported.
3) The MMRP has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the MMRP.

Mitigation Monitoring and Responsibilities

As the Lead Agency, the City is responsible for ensuring full compliance with the mitigation measures adopted for the proposed Project. The City will monitor and report on all mitigation activities. Mitigation measures will be implemented at different stages of development throughout the project area. In this regard, the responsibilities for implementation have been assigned to the City, Contractor, or a combination thereof. If during the course of project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City will then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the project is required and/or whether alternative mitigation is appropriate.

Acronyms Used in the Mitigation Measures

The following acronyms are used in the mitigation measures.

PRMMP	Paleontological Resource Mitigation Monitoring Plan
WEAP	Workers Environmental Awareness Program

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Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method	Compliance Verification
Biological Resources	**MM BIO-1: Temporary Exclusionary/Construction Fencing.** To protect Montgomery Creek sensitive habitats (RAFSS) and the riverine habitat which are adjacent to the Project footprint, within the BSA, temporary exclusionary construction fencing will be installed at the Project footprint boundary where they are adjacent to Montgomery Creek with the Project Biologist present to ensure the fencing is placed in the correct areas of the site (see Figure 6 – Exclusionary Fencing of Appendix B). The purpose of fencing shall be to prevent disturbances to adjacent sensitive habitats and to avoid the spread of debris from the construction zone into adjacent areas.	Prior to ground disturbing activities.	City of Banning, Public Works Department, in conjunction with construction contractor and qualified biologist.	Construction specifications shall include exclusionary fencing; report documenting fence installation submitted to City Public Works Department.	
Cultural Resources	**MM CR-1: Inadvertent Discovery.** In the event cultural resources are discovered during Project construction, all ground disturbance activities within 100 feet of the discovered cultural resource shall be halted until a qualified archaeologist (meeting the Secretary of the Interior Standards) can visit the site of discovery, assess the significance and integrity of the find, and determine the appropriate treatment (documentation, recovery, avoidance, etc.) and disposition of the cultural resource. Further ground disturbance shall not resume within the area of the discovery until the appropriate treatment has been accomplished. Work on the	During ground disturbing activities.	City of Banning, Public Works Department, and qualified archaeologist	Report documenting evaluation of the find and subsequent treatment, if applicable.	

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Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method	Compliance Verification
	other portions of the Project outside of the buffered area may continue. Any such discoveries and subsequent evaluation and treatment, shall be documented and submitted to the EIC for archival purposes.				
Geology and Soils	**MM GEO-1: Paleontological Resources Workers Environmental Awareness Program (WEAP).** To educate construction crews about the types of paleontological resources that may be encountered at the NP-2 Booster Pump Station and Reservoir Project, prior to the start of the construction the City of Banning shall retain a professional paleontologist (the "Project Paleontologist") to prepare a Paleontological Resources Workers Environmental Awareness Program (WEAP). The Paleontological Resources WEAP shall provide a description of the laws and ordinances protecting fossil resources, the types of fossil resources that may be encountered in the area, the role of the paleontological monitor, outline steps to follow in the event that a fossil discovery is made, and provide contact information for the Project Paleontologist. The Project Paleontologist or designee(s) shall present the Paleontological Resources WEAP to the construction contractor and each of the construction crews working on the Project during a preconstruction meeting. The Paleontological Resources WEAP shall be taped and presented to	Prior to any ground disturbing activities.	City of Banning, Public Works Department and Project Paleontologist.	Confirmation of retention of a qualified paleontological consultant, preparation and implementation of an education program.	

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Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method	Compliance Verification
	any construction crew members not present at the preconstruction meeting during which it was initially presented prior to such crew members working on the Project. This training may be conducted concurrent with other preconstruction training (e.g., biological resources, safety).				
Geology and Soils	**MM GEO-2: Paleontological Mitigation Monitoring.** Prior to the commencement of ground- disturbing activities, the Project Paleontologist (retained under **MM GEO-1**) shall prepare and implement a Paleontological Resources Mitigation Monitoring Plan (PRMMP) for the Project. The PRMMP shall describe the monitoring required during excavations that extend into older Quaternary (Pleistocene) age sediments, and the location of areas deemed to have a high paleontological resource potential. Paleontological Monitoring shall entail the visual inspection of excavated or graded areas and trench sidewalls. If the Project Paleontologist determines full-time monitoring is no longer warranted, based on the geologic conditions at depth, the Project Paleontologist may recommend monitoring be reduced or ceased entirely.	Prior to any ground disturbing activities and during construction.	City of Banning, Public Works Department and Project Paleontologist.	Preparation and implementation of the Paleontological Resource Mitigation Monitoring Plan, on-going monitoring as deemed necessary	

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Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method	Compliance Verification
Geology and Soils	**MM GEO-3: Fossil Discoveries.** In the event that a paleontological resource is discovered, the Project Paleontologist shall have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and, if appropriate, collected. If the resource is determined to be of scientific significance, the Project Paleontologist shall complete the following: 1. Salvage of Fossils. If fossils are discovered, all work in the immediate vicinity should be halted to allow the paleontological monitor, and/or Project Paleontologist to evaluate the discovery and determine if the fossil may be considered significant. If the fossils are determined to be potentially significant, the Project Paleontologist (or paleontological monitor) should recover them following standard field procedures for collecting paleontological as outlined in the PRMMP prepared per **MM GEO-1**. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the Project Paleontologist shall have the authority to temporarily direct, divert or halt	During construction	City of Banning, Public Works Department, in conjunction with construction contractor, and qualified Project Paleontologist.	Submittal of report of findings and evidence of mitigation and curation of discovered resources, if applicable.	

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Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method	Compliance Verification
	construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. 2. Fossil Preparation and Curation. The PRMMP shall identify the museum that has agreed to accept fossils that may be discovered during project-related excavations. Upon completion of fieldwork, all significant fossils collected shall be prepared in a properly equipped laboratory to a point ready for curation. Preparation may include the removal of excess matrix from fossil materials and stabilizing or repairing specimens. During preparation and inventory, the fossil specimens will be identified to the lowest taxonomic level practical prior to curation at an accredited museum. The fossil specimens must be delivered to the accredited museum or repository no later than 90 days after all fieldwork is completed. The cost of curation will be assessed by the repository and will be the responsibility of the City of Banning. 3. Final Paleontological Mitigation Report. Upon completion of ground disturbing activity (and curation of fossils if necessary) for the Project, the Project Paleontologist shall prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report shall include discussion of the location, duration and				

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Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method	Compliance Verification
	methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated.				

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JASON E. UHLEY
General Manager-Chief Engineer

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RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

256053

May 3, 2024

City of Banning
99 East Ramsey Street
Banning, CA 92220-0998

Attention: Adam Rush Re: EA 24-0051, APN 538-280-001

The Riverside County Flood Control and Water Conservation District (District) does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check City land use cases or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

The District's review is based on the above-referenced project transmittal, received April 25, 2024. The District **has not** reviewed the proposed project in detail, and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety, or any other such issue:

☐ This project would not be impacted by District Master Drainage Plan facilities, nor are other facilities of regional interest proposed.

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☐ This project involves District proposed Master Drainage Plan facilities, namely, _____. The District will accept ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. All regulatory permits (and all documents pertaining thereto, e.g., Habitat Mitigation and Monitoring Plans, Conservation Plans/Easements) that are to be secured by the Applicant for both facility construction and maintenance shall be submitted to the District for review. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.

☒ If this project proposes channels, storm drains larger than 36 inches in diameter, or other facilities that could be considered regional in nature and/or a logical extension a District's facility, the District would consider accepting ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of

the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.

☐ An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities, namely, _____. If a proposed storm drain connection exceeds the hydraulic performance of the existing drainage facilities, mitigation will be required. For further information, contact the District's Encroachment Permit Section at 951.955.1266.

☐ The District's previous comments are still valid.

A-1 Cont.

GENERAL INFORMATION

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation, or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans, and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation, or other final approval of the project and a Letter of Map Revision (LOMR) prior to occupancy.

The project proponent shall bear the responsibility for complying with all applicable mitigation measures defined in the California Environmental Quality Act (CEQA) document (i.e., Negative Declaration, Mitigated Negative Declaration, Environmental Impact Report) and/or Mitigation Monitoring and Reporting Program, if a CEQA document was prepared for the project. The project proponent shall also bear the responsibility for complying with all other federal, state, and local environmental rules and regulations that may apply.

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

A-2

Very truly yours,

Amy McNeill

AMY MCNEILL
Engineering Project Manager

EM:sm

RESPONSE TO COMMENTS

FOR THE

CITY OF BANNING NP-2 BOOSTER STATION AND RESERVOIR PROJECT

PREPARED FOR

City of Banning
99 E. Ramsey Street
Banning, CA 92220
Contact: Arturo Vela, Director of Public Works
(951) 922-3130

PREPARED BY

Albert A. Webb Associates
3788 McCray Street
Riverside, CA 92506
(951) 686-1070

May 30, 2024

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SECTION 2.0 Comment Letters and Response to Comments 1
Comment Letter A – Riverside County Flood Control and Water Conservation District 2
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SECTION 1.0 INTRODUCTION

Pursuant to the California Environmental Quality Act (CEQA), the potential environmental effects of the proposed NP-2 Booster Station and Reservoir (Project) have been analyzed in an Initial Study/Mitigated Negative Declaration (IS/MND) dated April 2024. The public review period was set for 30 days beginning April 26, 2024 to May 27, 2024. The City distributed a Notice of Intent (NOI) to adopt an MND along with the IS; the NOI and IS/MND were distributed to appropriate agencies and organizations.

SECTION 2.0 COMMENT LETTERS AND RESPONSE TO COMMENTS

CEQA Guidelines Section 15074(b) states that prior to approving a project, the lead agency must consider the proposed IS/MND together with any comments received during the public review process. There is no requirement for a formal response to each of the comments received (unlike the requirement for a Final Environmental Impact Report). However, in order to provide the City of Banning with additional information upon which to base their decision whether to approve or deny the proposed Project, the following Responses to Comments have been prepared. Each comment letter is labeled alphabetically with each individual comment identified by a number. The responses are provided following each letter. All written comments have been made a part of the public record.

List of Persons, Organizations and Agencies that Commented on the Initial Study

Letter	Commenting Party	Date
A	Riverside County Flood Control and Water Conservation District	May 3, 2024

Comment Letter A – Riverside County Flood Control and Water Conservation District

Comment letter A commences on the next page.

JASON E. UHLEY
General Manager-Chief Engineer

1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
951.788.9965 FAX
www.rcflood.org

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

256053

May 3, 2024

City of Banning
99 East Ramsey Street
Banning, CA 92220-0998

Attention: Adam Rush Re: EA 24-0051, APN 538-280-001

The Riverside County Flood Control and Water Conservation District (District) does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check City land use cases or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

The District's review is based on the above-referenced project transmittal, received April 25, 2024. The District **has not** reviewed the proposed project in detail, and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety, or any other such issue:

☐ This project would not be impacted by District Master Drainage Plan facilities, nor are other facilities of regional interest proposed.

A-1

☐ This project involves District proposed Master Drainage Plan facilities, namely, _____. The District will accept ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. All regulatory permits (and all documents pertaining thereto, e.g., Habitat Mitigation and Monitoring Plans, Conservation Plans/Easements) that are to be secured by the Applicant for both facility construction and maintenance shall be submitted to the District for review. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.

☒ If this project proposes channels, storm drains larger than 36 inches in diameter, or other facilities that could be considered regional in nature and/or a logical extension a District's facility, the District would consider accepting ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of

the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.

☐ An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities, namely, _____. If a proposed storm drain connection exceeds the hydraulic performance of the existing drainage facilities, mitigation will be required. For further information, contact the District's Encroachment Permit Section at 951.955.1266.

☐ The District's previous comments are still valid.

A-1 Cont.

GENERAL INFORMATION

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation, or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans, and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation, or other final approval of the project and a Letter of Map Revision (LOMR) prior to occupancy.

The project proponent shall bear the responsibility for complying with all applicable mitigation measures defined in the California Environmental Quality Act (CEQA) document (i.e., Negative Declaration, Mitigated Negative Declaration, Environmental Impact Report) and/or Mitigation Monitoring and Reporting Program, if a CEQA document was prepared for the project. The project proponent shall also bear the responsibility for complying with all other federal, state, and local environmental rules and regulations that may apply.

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

A-2

Very truly yours,

Amy McNeill

AMY MCNEILL
Engineering Project Manager

EM:sm

Response to Comment Letter A – Riverside County Flood Control and Water Conservation District

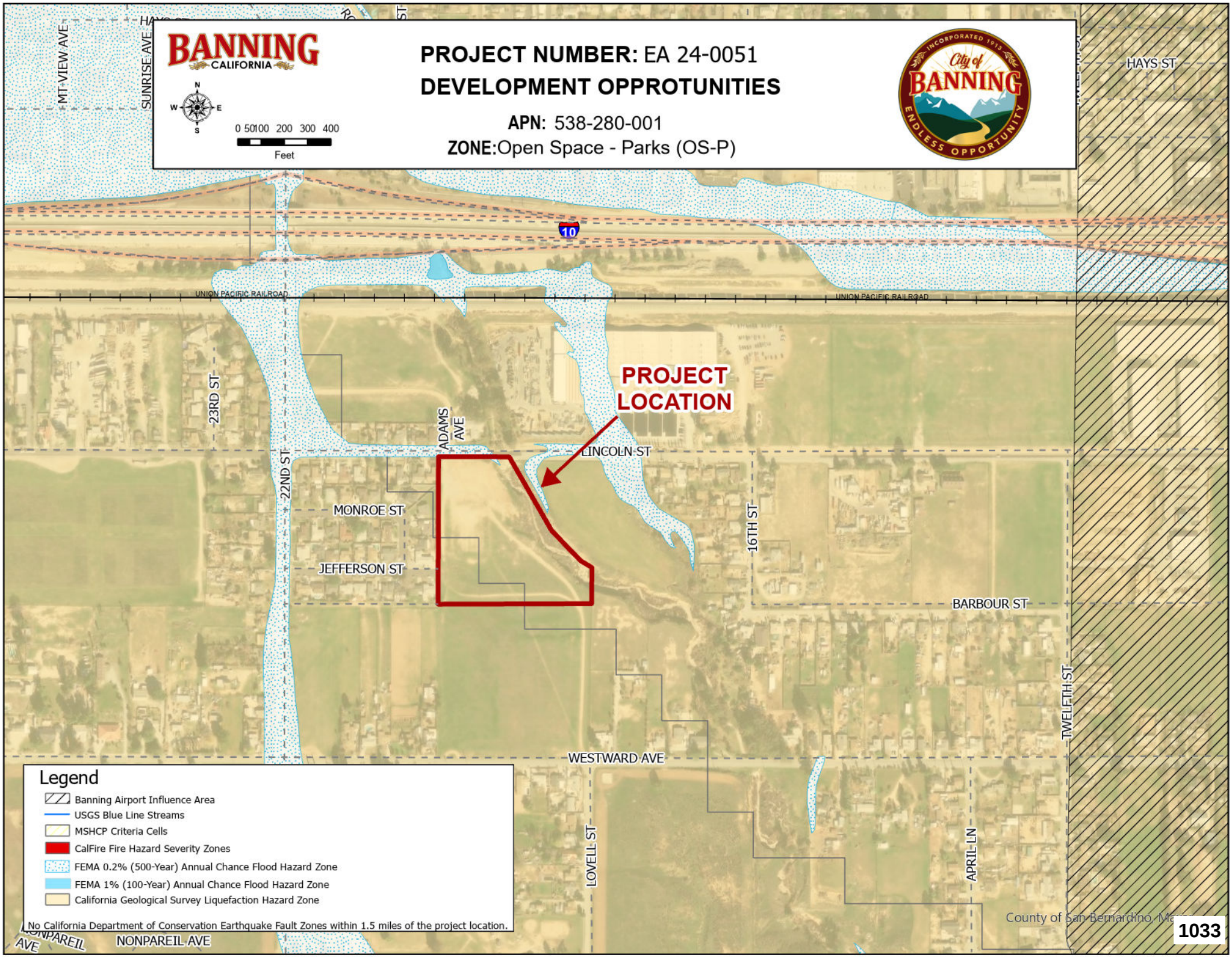
Response to Comment A-1:

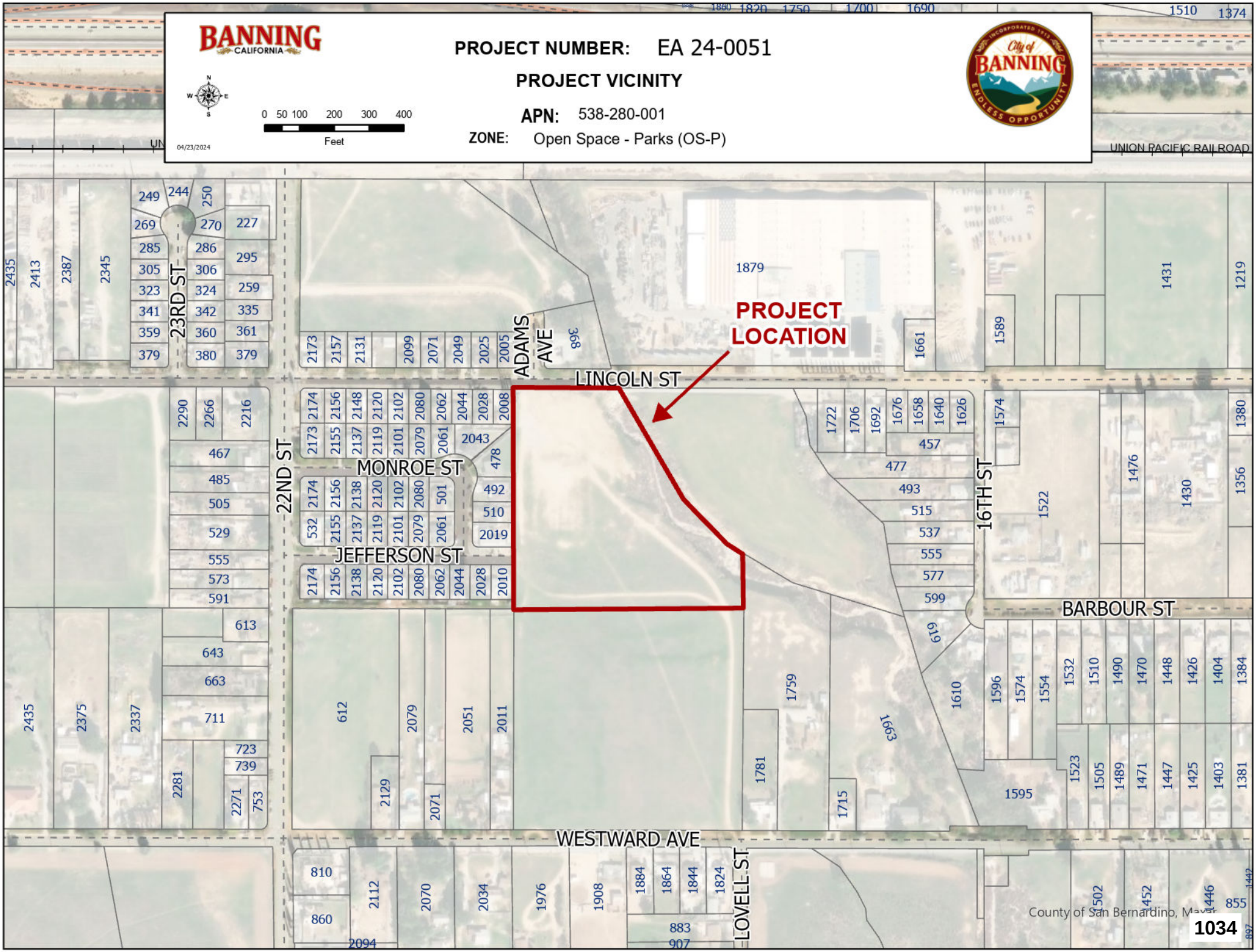
The comment letter provided by the Riverside County Flood Control and Water Conservation District has been reviewed. The Project does not propose any storm drains larger than 36-inches in diameter or other facilities that would be considered regional in nature. The proposed storm drain pipeline is 18-inches in diameter (IS/MND, p. 2). The comment letter does not question the content or conclusions of the IS/MND, and no new environmental issues are raised. Therefore, no further analysis or revisions to the IS/MND is required.

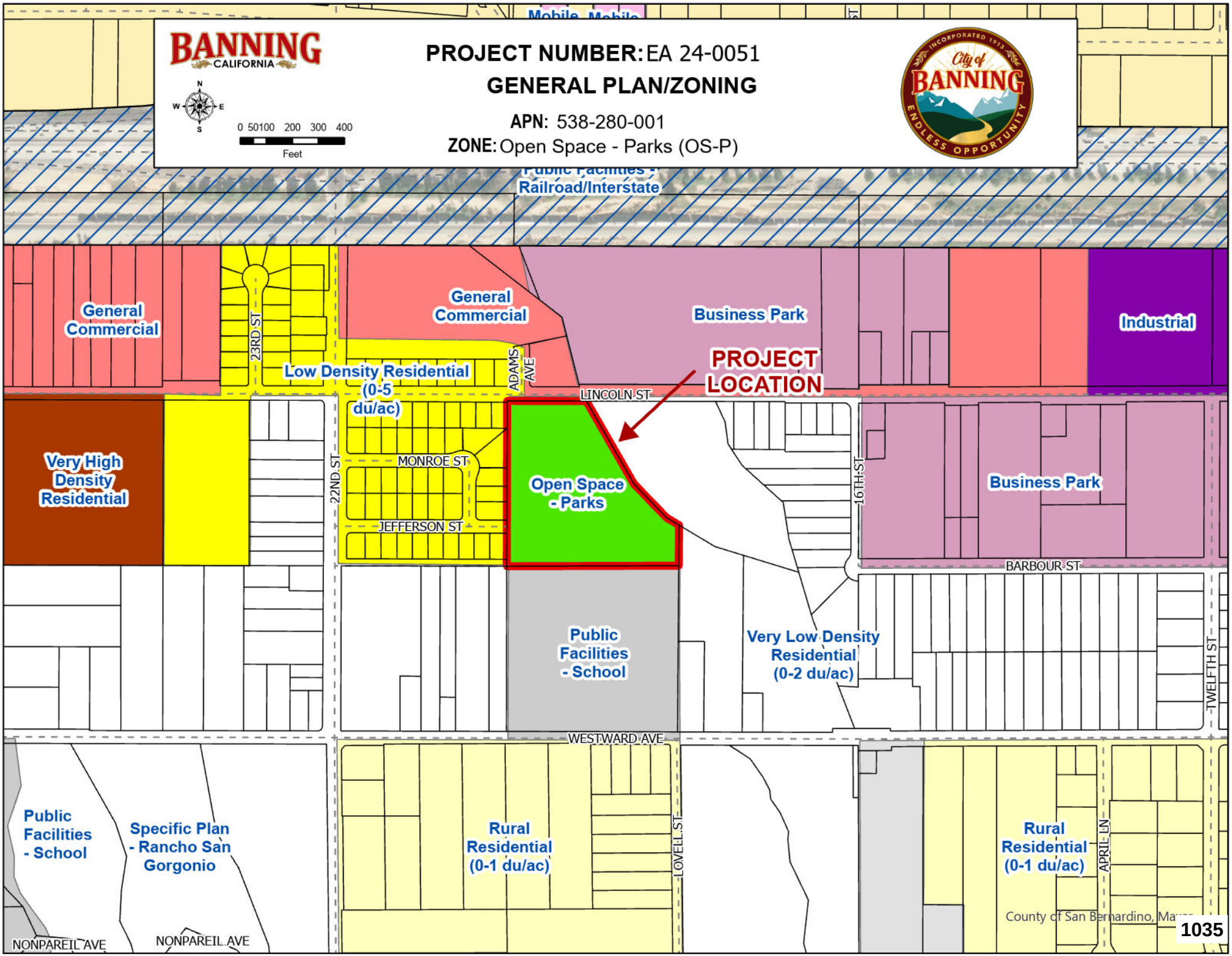
Response to Comment A-2:

This comment is noted and does not raise an environmental concern or question the content or conclusions of the IS/MND.

BANNING
CALIFORNIA
PROJECT NUMBER: EA 24-0051
AERIAL BASE MAP
APN: 538-280-001
ZONE: Open Space - Parks (OS-P)
0 50100 200 300 400
Feet
City of BANNING
INCORPORATED 1913
ENDLESS OPPORTUNITY
UNION PACIFIC RAILROAD
23RD ST
ADAMS AVE
PROJECT LOCATION
LINCOLN ST
MONROE ST
22ND ST
JEFFERSON ST
16TH ST
BARBOUR ST
TWELFTH ST
WESTWARD AVE
LOVELL ST
APRIL LN
NONPAREIL AVE
County of San Bernardino, Maxar
1032


BANNING
CALIFORNIA
PROJECT NUMBER: EA 24-0051
DEVELOPMENT OPPROTUNITIES
APN: 538-280-001
ZONE:Open Space - Parks (OS-P)
0 50100 200 300 400
Feet
City of BANNING
ENDLESS OPPORTUNITY
PROJECT LOCATION
MT VIEW AVE
SUNRISE AVE
HAYS ST
10
UNION PACIFIC RAILROAD
23RD ST
22ND ST
ADAMS AVE
LINCOLN ST
MONROE ST
JEFFERSON ST
16TH ST
BARBOUR ST
TWELFTH ST
WESTWARD AVE
LOVELL ST
APRIL LN
NONPAREIL AVE
Legend
Banning Airport Influence Area
USGS Blue Line Streams
MSHCP Criteria Cells
CalFire Fire Hazard Severity Zones
FEMA 0.2% (500-Year) Annual Chance Flood Hazard Zone
FEMA 1% (100-Year) Annual Chance Flood Hazard Zone
California Geological Survey Liquefaction Hazard Zone
No California Department of Conservation Earthquake Fault Zones within 1.5 miles of the project location.
County of San Bernardino, Ma
1033


BANNING
CALIFORNIA
PROJECT NUMBER: EA 24-0051
PROJECT VICINITY
APN: 538-280-001
ZONE: Open Space - Parks (OS-P)
0 50 100 200 300 400
Feet
04/23/2024
City of BANNING
ENDLESS OPPORTUNITY
PROJECT LOCATION
UNION PACIFIC RAILROAD
23RD ST
ADAMS AVE
LINCOLN ST
MONROE ST
22ND ST
JEFFERSON ST
16TH ST
BARBOUR ST
WESTWARD AVE
LOVELL ST
1879
County of San Bernardino, Maxar
1034


BANNING
CALIFORNIA
PROJECT NUMBER: EA 24-0051
GENERAL PLAN/ZONING
APN: 538-280-001
ZONE: Open Space - Parks (OS-P)
0 50100 200 300 400
Feet
City of BANNING
INCORPORATED 1913
ENDLESS OPPORTUNITY
Railroad/Interstate
General Commercial
23RD ST
General Commercial
Business Park
Industrial
Low Density Residential (0-5 du/ac)
ADAMS AVE
PROJECT LOCATION
LINCOLN ST
Very High Density Residential
22ND ST
MONROE ST
JEFFERSON ST
Open Space - Parks
16TH ST
Business Park
BARBOUR ST
Public Facilities - School
Very Low Density Residential (0-2 du/ac)
TWELFTH ST
WESTWARD AVE
Public Facilities - School
Specific Plan - Rancho San Gorgonio
Rural Residential (0-1 du/ac)
LOVELL ST
Rural Residential (0-1 du/ac)
APRIL LN
NONPAREIL AVE
NONPAREIL AVE
County of San Bernardino, Map

CITY OF BANNING
PLANNING COMMISSION REPORT

TO: **PLANNING COMMISSION**

SUBMITTED BY: **Emery J. Papp**

PREPARED BY: **Emery J. Papp, Senior Panner**

MEETING DATE: **July 10, 2024**

SUBJECT: **CONSIDERATION OF EA 24-0051, AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE PROPOSED CONSTRUCTION AND OPERATION OF A NEW NON-POTABLE WATER STORAGE RESERVOIR THAT IS 24-FEET IN DIAMETER AND 21-FEET TALL WITH A CAPACITY OF APPROXIMATELY 61,000 GALLONS, ASSOCIATED APPURTENANCES, ONSITE ACCESS ROAD, AND THE CONSTRUCTION AND OPERATION OF A NEW BOOSTER PUMP STATION DESIGNED FOR THE FUTURE ULTIMATE FLOW OF 2,500 GALLONS PER MINUTE (GPM). THE PROPOSED RESERVOIR AND BOOSTER STATION WILL BE LOCATED ON A PORTION OF ASSESSOR'S PARCEL NUMBER (APN) 538-280-001 THAT IS APPROXIMATELY 7.51 ACRES. THE PROJECT SITE IS LOCATED ON A CITY-OWNED PROPERTY WITHIN THE OPEN SPACE-PARKS (OS-P) ZONING DISTRICT AND IS GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LINCOLN STREET AND EAST OF 22ND STREET, WITHIN THE CITY OF BANNING, CALIFORNIA.**

SUGGESTED ACTION:

Adopt Resolution 2024-10, adopting a Mitigated Negative Declaration (EA 24-0051) for the Project.

PROJECT / APPLICANT INFORMATION:

Project Location: South Side of West Lincoln Street and East of 22nd Street

APN Information: 538-280-001

Project Applicant:	Arturo Vela Director of Public Works City of Banning, CA
Property Owner:	City of Banning, CA 99 E. Ramsey Street Banning, CA 92220

BACKGROUND:

The Project is a part of the City of Banning's ("the City") expansion of non-potable water system identified in the City's Integrated Master Plan (IMP) (BIMP, 2018). The City's existing customer of non-potable water (otherwise known as recycled water) is the Sun Lakes Country Club golf course. Future potential customers may include: Lions Park, Banning High School, Dysart Park, a neighborhood park and the Rancho San Gorgonio development. The proposed Project was not specifically identified in the City's IMP; however, it is needed to provide non-potable water supplies to existing and potential customers on the west side of the City.

The Project is located south of the I-10 freeway in the City of Banning and is more specifically located on vacant land south of Lincoln Street between South 22nd Street and South 16th Street within APN 538-280-001, on a site of approximately 7.51 acres. There is an existing wood and chain link fence along the western Project site boundary. The Project site receives routine weed abatement and sits at an elevation between 2,401 to 2,403 feet above mean sea level (amsl).

The General Plan Land Use designation and the Zoning for the subject site are the same, Open Space-Parks (OS-PA). The proposed Project's facilities are permitted uses under the OS-PA designation of the City of Banning Municipal Code (BMC) (BMC, 17.20.020).

Surrounding land uses and setting:
The existing built environment to the north, west and northwest generally includes residential homes. Land to the south of the Project area is vacant and undeveloped land. Land adjacent to the Project area to the east is Montgomery Creek, followed by vacant and undeveloped properties. The built environment to the northeast consists of industrial buildings.

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):
- County of Riverside, American Resue Plan Act (ARPA) – funding allocation through the Coronavirus State and Local Fiscal Recovery Funds Final Rule
- Regional Water Quality Control Board (RWQCB), Colorado River Region – National Pollutant Discharge Elimination System (NPDES) Construction General Permit and Stormwater Pollution Prevention Plan (SWPPP)
- South Coast Air Quality Management District – permit for backup generator

DESCRIPTION:

The Project entails the construction and operation of a new non-potable water storage reservoir with a capacity of approximately 61,000 gallons, associated appurtenances, on-site access road, and the construction and operation of a new booster pump station designed for the future ultimate flow of 2,500 gallons per minute (gpm). The proposed Project will only utilize a portion of the parcel it is located on. The total disturbance area during construction is approximately 1.39 acres, which includes construction staging. This is approximately 18.4 percent of the parcel. Once construction is complete, the proposed Project's disturbance area is approximately 0.48 acres, which represents approximately 6.4 percent of the total parcel acreage.

Reservoir:
The reservoir entails the construction of a circular above-ground, bolted steel tank measuring 24-feet in diameter with a shell height of 21 feet which will sit on an elevation of 2,404.20 amsl. The reservoir will have a capacity to store approximately 60,910 gallons of non-potable water. The reservoir will be designed in accordance with the American Water Works Association (AWWA) D103 standards, which sets guidelines for the construction of welded steel water tanks. The interior of the reservoir will be factory-coated in epoxy and the exterior will be coated with polyester powder coating that will blend in with the local surrounding environment. Interior support columns and foundations will be provided as needed. The reservoir will include standard tank appurtenances such as roof vent, roof hatch and platform, exterior stairway, ladder, minimum ring wall, valves, piping, inspection hatch, level gauge and transmitter, and conduits. Reservoir design also includes an overflow catch basin located on the southeastern side of the reservoir that is 3-feet wide and 8-feet long. From the catch basin, approximately 160 linear feet of 18-inch diameter storm drain pipeline will be installed underground and will outlet through the proposed headwall at Lincoln Street. The reservoir will connect to the existing 24-inch diameter non-potable water transmission pipeline in Lincoln Street. Non-potable water will be diverted to the reservoir, routed to the proposed booster pump station and ultimately pumped back into the existing pipeline.

Booster Station:
The booster station building will be located at the north of the reservoir at an elevation of approximately 2,403 feet amsl, on a concrete slab on grade foundation with split face masonry exterior walls and tile roof. The building will be approximately 38-feet long. 24-feet wide and 12-feet tall. Roof hatches will be provided over each pump to facilitate pump removal. The building will be ventilated with a power exhaust fan and automatic air inlet wall louvers. Interior and exterior lights will be provided along with intrusion alarms and cameras. The booster pumps will be vertical turbine pumps designed for an ultimate future flow of 2,500 gpm. Space for three electric pumps will be provided. Two 75 horsepower (hp) pumps will be constructed (one for standby) and space for a third pump will be provided. The two pumps will be sized for existing non-potable water demand of 1,000 gpm each and both will have variable speed pump controls. The third

pump will be sized for a capacity of 1,500 gpm. The ultimate future flow of 2,500 gpm assumes three (3) pumps at 1,250 gpm each. Two (2) firm pumps and one (1) standby pump. The booster pumps will connect to the existing non-portable water transmission main located in Lincoln Street.

Appurtenances for the booster station will include a motor control center, flow meter, valves, pressure transmitter, and one portable diesel-fueled emergency generator that will only be used during emergencies and routine testing. A new SCADA system will be installed on the Project site. The system will include a control panel process controller and software components to communicate with the City's SCADA system. The SCADA antennae will be mounted on the top of the reservoir and the antennae will not extend more than five feet above the top of the reservoir.

Site Access:
Access to the Project site consists of a new asphalt driveway near the western Project site boundary that will transition to a 20-foot-wide asphalt access road leading to the reservoir and booster station. A cable railing fence will be installed near the driveway entrance, extending to the western property boundary from the northwest corner of a proposed perimeter wall that encloses the booster station building and reservoir. A 20-foot-wide swinging pipe gate will be installed across the access road, connecting to the cable railing fence. A new cable railing fence will also be installed between the western property boundary and the southwest corner of the perimeter wall; this fence will include a swinging gate for access to the rest of the parcel. The booster station building and reservoir will be enclosed by an approximately 6-foot tall combination masonry block wall topped with a four-foot-tall tubular steel fence that is accessible on the western boundary via a 20-foot-wide sliding gate. Inside the perimeter wall, the 20-foot-wide access road is paved and bisects the two structures (the booster station building and reservoir). The area south of the access road surrounding the reservoir will be paved whereas the area north of the access road that surrounds the booster station building will include both concrete and gravel.

Lighting and Security:
Light and camera poles will be installed within the perimeter wall surrounding the booster station building and reservoir. Lighting will be shielded or downward facing to avoid light pollution or light spillage and will be installed in accordance with Section 17.24.100 (Lighting) of the City Municipal Code.

Electrical:
New electrical service will be required for the Project site and provided by the City of Banning from an existing adjacent electrical system source. The Project site is proposing to connect to an existing overhead electric pole on the north side of Lincoln Street, across from the proposed Project driveway. The Project will require a 480/240 volt electrical system sized for two booster pumps. The new electric line will be underground, and service will include a new electrical vault and transformer. Fiber optic service to the site is also proposed with the electrical.

Drainage:
Currently, storm water generally sheet flows across the Project site in a southeasterly direction. The proposed Project improvements will increase impervious surfaces on the site and is expected to result in a negligible increase in storm water runoff that will maintain the existing drainage pattern. All on-site storm water will be captured on site in accordance with State and Regional Water Quality Control Board requirements. A concrete drainage swale will surround the reservoir and convey storm water to the proposed 18-inch diameter storm drain pipeline east of the perimeter wall. The runoff from the booster station area will be collected in a four-inch diameter pipeline and connect to the proposed 18-inch diameter storm drain pipeline east of the perimeter wall. Storm water discharged to the 18-inch storm drain pipeline will be conveyed off-site where it would flow east to the municipal storm drain system at Lincoln Street. Frontage Improvements: The Project proposes to widen the southern portion of Lincoln Street within existing right-of-way along the Project frontage and create a new paved driveway for access. Pavement width will vary from approximately two to eight feet wide. The existing pavement edge will be sawcut and the surface will be ground and overlaid with new pavement. An asphalt curb will be installed at the new edge of pavement.

Construction:
Construction activities include removal of existing on-site vegetation, grading and excavation, paving, construction of the proposed facilities in addition to associated improvements and utility connections. The construction footprint is approximately 1.39 acres. Construction staging will occur on site within the construction footprint and south of the proposed reservoir as shown on the Project Site Plan. During remedial grading, on-site soils will be excavated and recompacted and are expected to require approximately 317 cubic yards of import. The maximum depth of excavation is approximately six feet. During Project construction, it is possible there would be temporary lane closures along Lincoln Street. Construction is anticipated to take approximately 12 months and will begin in August 2024.

Maintenance:
During operations, routine maintenance will occur and may include, but is not limited to, daily maintenance vehicle trips to inspect the booster station and reservoir. Maintenance vehicles would visit the Project site during the City's normal business hours.

FINDINGS:

Pursuant to the California Environmental Quality Act (CEQA) (Cal. Pub. Res. Code § 21000 et seq.), the State Guidelines (14 Cal. Code Regs. § 15000 et seq.), City Staff prepared an Initial Study of the potential environmental effects of the Project as described in the Initial Study. Based upon the findings contained in the Initial Study, City Staff determined that, with the incorporation of mitigation measures, there is no substantial evidence that the Project will have a potentially significant effect on the environment and a Mitigated Negative Declaration (MND) was prepared in full compliance with the requirements of CEQA. Thereafter, City Staff provided public notice

of the public comment period and of the intent to adopt the MND as required by law. The MND and the MMRP are on file with the Planning Department and incorporated herein by this reference. The public comment period began on April 26, 2024, and expired on May 27, 2024. Copies of the documents are available for public review and inspection at City Hall, 99 E. Ramsey Street, Banning, California 92220, the Banning Public Library, located at 21 West Nicolet Street, Banning, California 92220, and the City of Banning website. The City received one comment letter from Riverside County Flood Control and Water Conservation District, during the public review period. The Letter and the response to the comments are attached to this Staff Report.

In light of the whole record regarding the Project, the Planning Commission determines and finds, in its independent judgment that:

(1) the MND was prepared in compliance with CEQA;
(2) with the incorporation of mitigation measures, there is no substantial evidence that the Project will have a significant effect on the environment.

Accordingly, the Planning Commission recommends that the City Council adopt the MND and MMRP for the Project.

The Project is located outside of any MSHCP criteria cell areas and plan compliance is provided through payment of the MSHCP Mitigation Fee at the time of building permit issuance.

ENVIRONMENTAL DETERMINATION:

Pursuant to the California Environmental Quality Act (CEQA) (Cal. Pub. Res. Code § 21000 et seq.), the State Guidelines (14 Cal. Code Regs. § 15000 et seq.), City Staff prepared an Initial Study of the potential environmental effects of the Project as described in the Initial Study. Based upon the findings contained in that the Initial Study, City Staff determined that, with the incorporation of mitigation measures, there is no substantial evidence that the Project will have a potentially significant effect on the environment and a Mitigated Negative Declaration (MND) was prepared in full compliance with the requirements of CEQA. The California Environmental Quality Act (CEQA) requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid adverse effects on the environment (California Public Resources Code§ 21081.6). The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation. An MMRP has been prepared in compliance with State law and the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Project.

As the Lead Agency, the City is responsible for ensuring full compliance with the mitigation measures adopted for the proposed Project. The City will monitor and report on all mitigation activities. Mitigation measures will be implemented at different stages of development throughout the project area. In this regard, the responsibilities for implementation have been assigned to the City, Contractor, or a combination thereof. If during the course of project implementation, any of the mitigation measures identified

herein cannot be successfully implemented, the City shall be immediately informed, and the City will then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the project is required and/or whether alternative mitigation is appropriate. A Notice of Determination will be filed with the County of Riverside and the State of California.

PUBLIC COMMUNICATION:

In accordance with Government Code Sections 65353, 65854, 65090, and 65091, on April 26, 2024 the City provided a 30-day public notice by advertisement in the Record Gazette newspaper of a public hearing before the Planning Commission concerning the Project, and Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) for the Project. The public hearing notice/NOI was also mailed to the owners of the subject properties within 300-feet of the Project boundary. One comment letter was received prior to the Planning Commission meeting from the Riverside County Flood Control and Water Conservation District, neither for or opposed to the project, but to express potential concern about potential concerns regarding the sizing of stormwater. A copy of this letter and the response is attached to this staff report. The project was also advertised in the Record Gazette newspaper on June 28, 2024 of a public hearing before the Planning Commission concerning the Project, and Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) for the Project. The public hearing notice/NOI was also mailed to the owners of the subject properties within 300-feet of the Project boundary. As of the time this report was written, staff had not received any additional comments regarding the proposed project.

Prepared by:

Emery J Papp

Emery J. Papp
Senior Planner

ATTACHMENTS: (Typical, add and reorder as needed)

1. Resolution 2024-10
2. EA 24-0051 NP-2 Booster Station and Reservoir Project IS/MND w/Appendices
3. Draft MMRP Banning NP-2 Booster Station and Reservoir 5-14-24
4. Draft CC Resolution 2024-xxx NP-2 CIP
5. RCFCD Comment Letter
6. A-RCFC (Response to Comment Letter)
7. Public Hearing Notice
8. GIS Exhibits

City of Banning

Community Development Department

NOTICE OF PUBLIC HEARING AND NOTICE OF INTENT (NOI) TO ADOPT A MITIGATED NEGATIVE DECLARATION (MND)(EA 24-0051) FOR CONSIDERATION OF THE CONSTRUCTION AND OPERATION OF A NEW NON-POTABLE WATER STORAGE RESERVOIR THAT IS 24-FEET IN DIAMETER AND 21-FEET TALL WITH A CAPACITY OF APPROXIMATELY 61,000 GALLONS, ASSOCIATED APPURTENANCES, ON-SITE ACCESS ROAD, AND THE CONSTRUCTION AND OPERATION OF A NEW BOOSTER PUMP STATION DESIGNED FOR THE FUTURE ULTIMATE FLOW OF 2,500 GALLONS PER MINUTE (GPM). THE PROPOSED RESERVOIR AND BOOSTER STATION WILL BE LOCATED ON A PORTION OF ASSESSOR'S PARCEL NUMBER (APN) 538-280-001 THAT IS APPROXIMATELY 7.51 ACRES. THE PROJECT SITE IS LOCATED ON A CITY-OWNED PROPERTY WITHIN THE OPEN SPACE-PARKS (OS-P) ZONING DISTRICT AND IS GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LINCOLN STREET AND EAST OF 22ND STREET, WITHIN THE CITY OF BANNING, CALIFORNIA.

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning City Council, to be held on Tuesday, August 27, 2024, at 5:00 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider an Initial Study/Mitigated Negative Declaration for the proposed construction and operation of a new non-potable water storage reservoir that is 24-feet in diameter and 21-feet tall with a capacity of approximately 61,000 gallons, associated appurtenances, on- site access road, and the construction and operation of a new booster pump station designed for the future ultimate flow of 2,500 gallons per minute (gpm). The proposed reservoir and booster station will be located on a portion of assessor's Parcel Number (APN) 538-280-001 that is approximately 7.51 acres. The project site is located on a City-owned property within the Open Space-Parks (OS-P) zoning district and is generally located on the south side of West Lincoln Street and east of 22nd Street, within the City of Banning, California.

An Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the project was made available for public review and comment for a 30-day public review and comment period prior to the public hearing beginning FRIDAY, APRIL 26, 2024, and concluding MONDAY, MAY 27, 2024.

PLANNING COMMISSION ACTION: At a duly noticed public hearing held on July 10, 2024, the Planning Commission of the City of Banning adopted Resolution 2024-10, recommending that the City Council approve the Mitigated Negative Declaration for the proposed Project.

Information regarding the Initial Study/Mitigated Negative Declaration can be obtained by contacting the City's Community Development Department at (951) 922-3125, or by visiting the following link: https://banningca.gov/Archive.aspx?AMID=60&Type=&ADID=

To observe the live meeting through your personal computer, but not participate with video or oral comments, you may use your computer or smart phone to enter the following or click on the link: https://banninglive.viebit.com or on the Banning Government Channel on Cable Television.

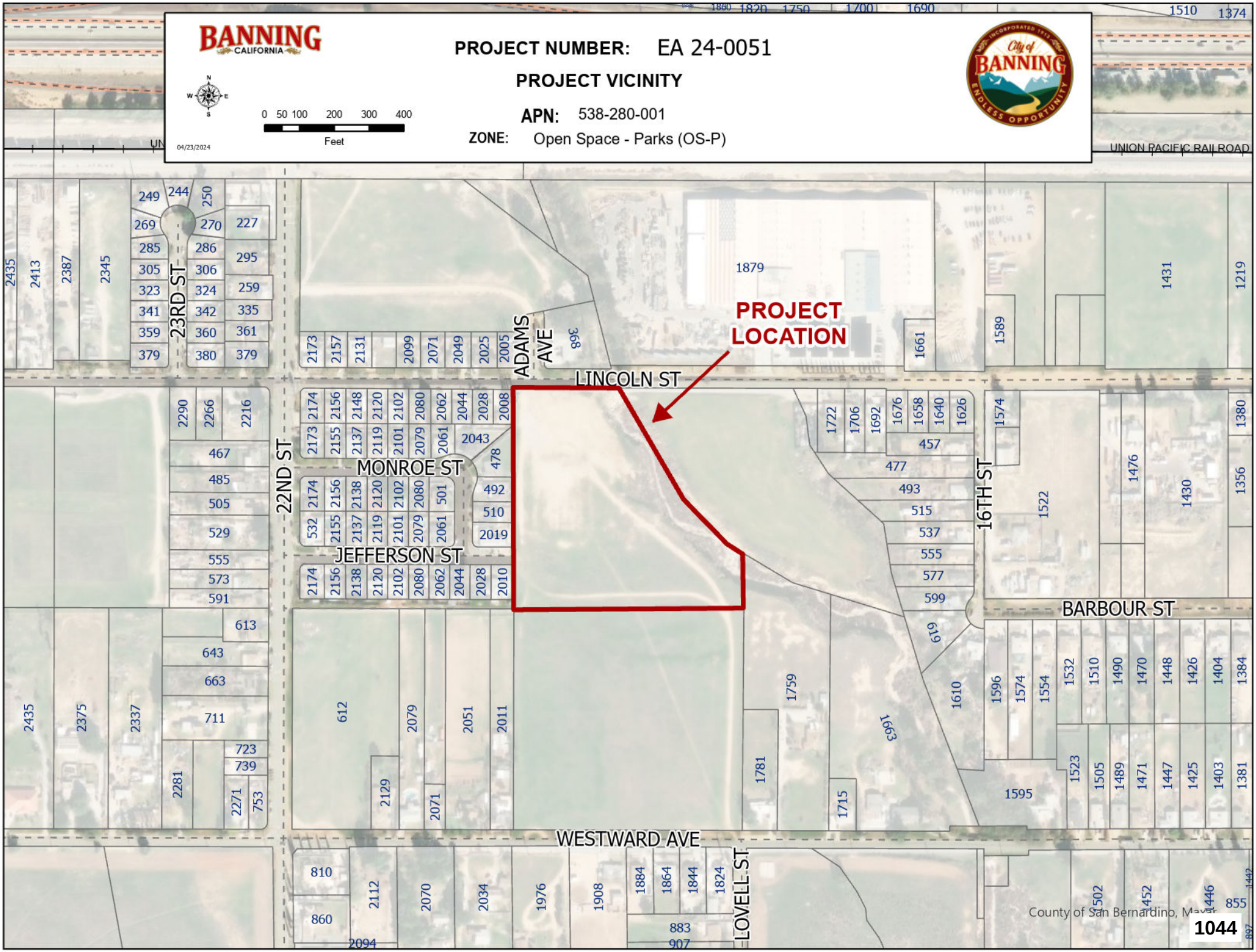
All parties interested in speaking either in support of or in opposition to this item are invited to attend the public hearing or by sending their written comments by email to the Administrative City Clerk at cityclerks@banningca.gov or by mail to the City Clerk at City of Banning at PO Box 998, Banning, CA 92220.

If you challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the Administrative City Clerk prior to, at, or during the time the City Council makes its recommendation on the proposal; or you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code, Section 65009).

BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA.

/s/ Emery J. Papp
Senior Planner

Dated: August 6, 2024
Publish: August 9, 2024


BANNING
CALIFORNIA
PROJECT NUMBER: EA 24-0051
PROJECT VICINITY
APN: 538-280-001
ZONE: Open Space - Parks (OS-P)
0 50 100 200 300 400
Feet
04/23/2024
City of BANNING
INCORPORATED 1913
ENDLESS OPPORTUNITY
PROJECT LOCATION
UNION PACIFIC RAILROAD
LINCOLN ST
ADAMS AVE
23RD ST
22ND ST
MONROE ST
JEFFERSON ST
16TH ST
BARBOUR ST
WESTWARD AVE
LOVELL ST
1879
County of San Bernardino, Maxar
1044

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Caroline Patton, Administrative City Clerk** **Doug Schulze, City Manager**
MEETING DATE:	**August 27, 2024**
SUBJECT:	**Consideration of the Ring of Honor Selection Committee's Nomination to City Council to Place Arthur Lee "Art" Welch in the City of Banning's Ring of Honor**

RECOMMENDATION:

Accept or reject the Ring of Honor Selection Committee's nomination of Arthur Lee "Art" Welch to the City's Ring of Honor.

BACKGROUND:

To date, three members of the community have been honored as part of the City of Banning's Ring of Honor Program. In the years 2000, 2002, and 2004, a selection committee was formed and met for the purpose of recommending new members for the City's program.

At the January 9, 2024 Regular Meeting of the City Council, Mayor Pro Tem Minjares requested staff restart the City's Ring of Honor Program. The City Clerk's Office launched a recruitment program for the Ring of Honor Selection Committee. At the May 28, 2024 Special Meeting - Workshop of the City Council, the Council selected five members to sit on the Ring of Honor Selection Committee.

On July 17, 2024, the Ring of Honor Selection Committee met at City Hall. In total, ten nominations were received and considered by the Committee, which came to a unanimous decision to nominate Arthur Lee "Art" Welch for placement in the City's Ring of Honor.

JUSTIFICATION:

In accordance with the Ring of Honor policies (attached), the Ring of Honor Selection Committee was seated and met to consider nominations to the City's Ring of Honor Program. The group unanimously recommended the addition of Mr. Arthur Lee "Art" Welch to the City's Ring of Honor. Now, the City Council must consider the nomination of the Ring of Honor Selection Committee. If approved, the City Clerk's Office will work with Mr. Welch's family to design the plaque. Photos of the existing three plaques as well as formatting samples of the adjoining information have been provided for your reference.

FISCAL IMPACT:

The anticipated fiscal impact of this decision is roughly $4,000 plus tax. That is based on a "soft" quote provided to us from the memorial supplier (provided as an attachment).

ALTERNATIVES:

The City Council could choose not to approve the nomination, ending the Ring of Honor Program process for 2024.

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. Ring of Honor Policies.pdf
2. Price Quote for Bas Relief Plaque.pdf
3. Sample Plaques - Existing Ring of Honor Members.pdf
4. Ring of Honor - Existing Plaques.pdf

CITY OF BANNING "RING OF HONOR"

The purpose of the Banning "Ring of Honor" program is to honor very special citizens who, through their efforts over a significant period of time, have enhanced the community. This program will provide a lasting monument to those persons qualifying for such special honor.

The "Ring of Honor" is located in Carpenter Hamilton Park, just west of City Hall. The circular structure in the park contains eleven pillars. Both sides of each pillar are reserved for honored citizens with the placement of a bronze plaque containing a bas-relief picture of his/her bust, name and other information relating to his/her service to the community. ·

The "Ring of Honor" will express the appreciation of the community for the service and generosity of those individuals honored. Due to the special significance of the award and the established criteria, it will take a considerable number of years to complete the "Ring of Honor". This program will also serve to raise individual and collective pride in the community.

"Ring of Honor" Criteria

The criteria for being selected as a member of the "Ring of Honor" is as follows:

1. Honorees shall be those citizens whose service to the community exceeds by a considerable degree that service provided by most citizens during their lifetime or tenure in the community. Service to the community is defined as donation of time and effort in community projects, active participation in community organizations and service clubs, long time service as an elected city official, active participation in appointed positions in city government, active participation in charitable programs and activities, etc. Service should not normally require service in all the above but must include a substantial part of the described service. Additional service not listed here may be considered by the selecting committee if they regard such service as so outstanding that it would otherwise be included in the current list.
2. Any citizen may submit a nomination on the form provided.
3. Awards may be made posthumously.
4. No current member of the City Council or the Selection Committee will be eligible.

Selection Committee

1. The Selection Committee shall consist of five (5) members and be appointed by the City Council. It shall consist of representatives from service clubs, churches, the school district and other community organizations.
2. The Selection Committee shall meet on a bi-annual basis to consider nominations and forward any nomination to the City Council. This particular committee would cease to exist after completing this task. Subsequent committees would be selected on a bi-annual basis. Meetings shall be held in April of each even-numbered year.
3. Any nomination to the City Council requires unanimous affirmation by the Selection Committee. The Council would then render a decision to accept or reject the nomination. All nominations shall be kept confidential.
4. Only one nomination will be permitted bi-annually, however none is required if the committee decides not to forward a nomination to the City Council. Nominations may carry over to be considered by a subsequent committee.
5. Only one selection will be permitted bi-annually, however, none are required if the committee decides not to forward a selection to the City Council. Nominations may be carried over to be considered by a subsequent committee.

Caroline Patton

From: Tracy at Custom Trophies <customtrophies@verizon.net>
Sent: Friday, July 19, 2024 1:22 PM
To: Caroline Patton
Subject: Re: Banning Ring of Honor

RESENDING...my first reply came back as undeliverable. Microsoft problem? Please let me know that you've received.

Good Morning -

I can definitely help with this project as I do offer Memorial Plaques.

Here is a soft quote:

12" x 24" bronze plaque - $1800.00

4" - 10" Single Head Bas relief* - $2200.00

Subtotal: approximately $4000.00 plus tax

*I don't belief the bas relief would be larger than 10", but if it is, then the price for the bas relief increases. Obviously on the 12" x 24" plaque, there is a limit to the size allowed.

I can provide a firm quote when a quality photograph for the bas relief and the text is provided.

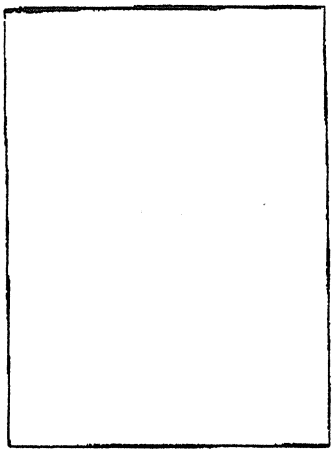
Expect production to take a minimum of 4-6 weeks from final approval.

Please let me know if I can answer any additional questions.

Thank you,

Tracy

A MINIMUM of TWO WEEKS (10 Business Days) is REQUIRED to PROCESS ALL ORDERS
Custom Trophies & U-Neek Awards
38925 Cherry Valley Blvd, Suite B
Cherry Valley, CA 92223 Ph 951.845.6311
STORE HOURS: Tuesday - Friday 9am - 5pm



BRIGITTE PAGE

EXEMPLIFIYING THE SPIRIT OF ALTRUISM THROUGH HER DISTINGUISHED RECORD OF SERVICE TO THE COMMUNITY.

CITY OF BANNING

MAYOR
1976-1980 AND 1982-1984

CITY COUNCILMEMBER
1980-1982

SAN GORGONIO CHILD CARE CONSORTIUM

FOUNDER & PRESIDENT
1981-1986

BOARDMEMBER
1981-PRESENT

RIVERSIDE COUNTY COMMUNITY ACTION AGENCY

FOUNDING CHAIRPERSON
1980-1982

BOARDMEMBER
1980-1989

RIVERSIDE COUNTY NATIONAL DATE FESTIVAL

BOARDMEMBER
1984-1992

PRESIDENT
1991-1992

SAN GORGONIO MEMORIAL HOSPITAL FOUNDATION

PRESIDENT
1987-1990

BOARDMEMBER
1982-PRESENT

SAN GORGONIO MEMORIAL HOSPITAL CORPORATION

TRUSTEE
1990-1999

TRUSTEE EMERITUS
1999-PRESENT

SOROPTIMIST INTERNATIONAL

1959-PRESENT

HOUSE OF HOPE (CO-FOUNDER)

1981-PRESENT

PLAYHOUSE BOWL ASSOCIATION

1974-1986

JAMES "JIM" HESLOP

EXEMPLIFYING THE SPIRIT OF ALTRUISM THROUGH HIS DISTINGUISHED RECORD OF SERVICE TO THE COMMUNITY.

★★★

BANNING UNIFIED SCHOOL DISTRICT - HIGH SCHOOL

TEACHER/COACH - 1965-1968 ASSISTANT PRINCIPAL - 1969-1972
PRINCIPAL - 1972-1980

BANNING UNIFIED SCHOOL DISTRICT - DISTRICT OFFICE

ASSISTANT SUPERINTENDENT - 1980-1986
DOCTOR OF EDUCATION - UNIVERSITY OF LA VERNE - 1983
ASSISTANT SUPERINTENDENT, PERSONNEL - 1986-1989
INTERIM, SCHOOL BOARD MEMBER - 2002
INTERIM, DIRECTOR HUMAN RESOURCES - 2003-2004
DIRECTOR OF PERSONNEL COMMISSION - 2004-2006

RETIRED TEACHERS ASSOCIATION MEMBER - 1996-PRESENT

NATIONAL UNIVERSITY

ADMINISTRATOR, PALM SPRINGS CENTER - 1989-1991
ADJUNCT PROFESSOR, EDUCATION - 1991-1998

CITY OF BANNING

HUMAN RELATIONS COMMITTEE 1969-1971
PUBLIC UTILITIES BOARD 1985-1989

BANNING LIONS CLUB - 1970-1997

PRESIDENT - 1984 MELVIN JONES FELLOW AWARD - 1989

BANNING UNITED METHODIST CHURCH

CHAIRMAN, ADMINISTRATIVE BOARD - 1988-PRESENT CHOIR MEMBER - 1984-PRESENT

HABITAT FOR HUMANITY, SAN GORGONIO PASS, INC.

FOUNDER - 1989 VICE, CHAIR OF BOARD - 1991-PRESENT

SHARE COMMUNITY FOOD PROGRAM - 1998-2004

BANNING MEXICAN-AMERICAN SCHOLARSHIP ASSOCIATION

MASTER OF CEREMONIES - 1996-2003

Sample

MILO P. JOHNSON
EXEMPLIFYNG THE SPIRIT OF ALTRUISM THROUGH HIS DISTINGUISHED RECORD OF SERVICE TO THE COMMUNITY.

***

MT. SAN JACINTO COMMUNITY COLLEGE
FOUNDING PRESIDENT - 1963 to 1982
MILO P. JOHNSON LIBRARY NAMED AT
RETIREMENT CEREMONY - 1982

COUNTY OF RIVERSIDE BOARD OF EDUCATION
BOARDMEMBER - 1984 –PRESENT
PRESIDENT 1990, 1995

RIVERSIDE COUNTY SCHOOL BOARDS ASSOCIATION
BOARD OF DIRECTORS - 1986-2002

BANNING HIGH SCHOOL
ACADEMY ADVISORY BOARD - 1996-2002

RETIRED TEACHERS ASSOCIATION
AREA DIRECTOR - 1991-1997

THE VALLEY GROUP
NAMED EDUCATOR OF THE YEAR – 1990

CITY OF BANNING
PUBLIC UTILITIES BOARD - 1985-1991

SAN GORGONIO PASS WATER AGENCY
RESOURCES COUNCIL CHAIRMAN – 1992-1993

BANNING ROTARY
1963-PRESENT
President-1983

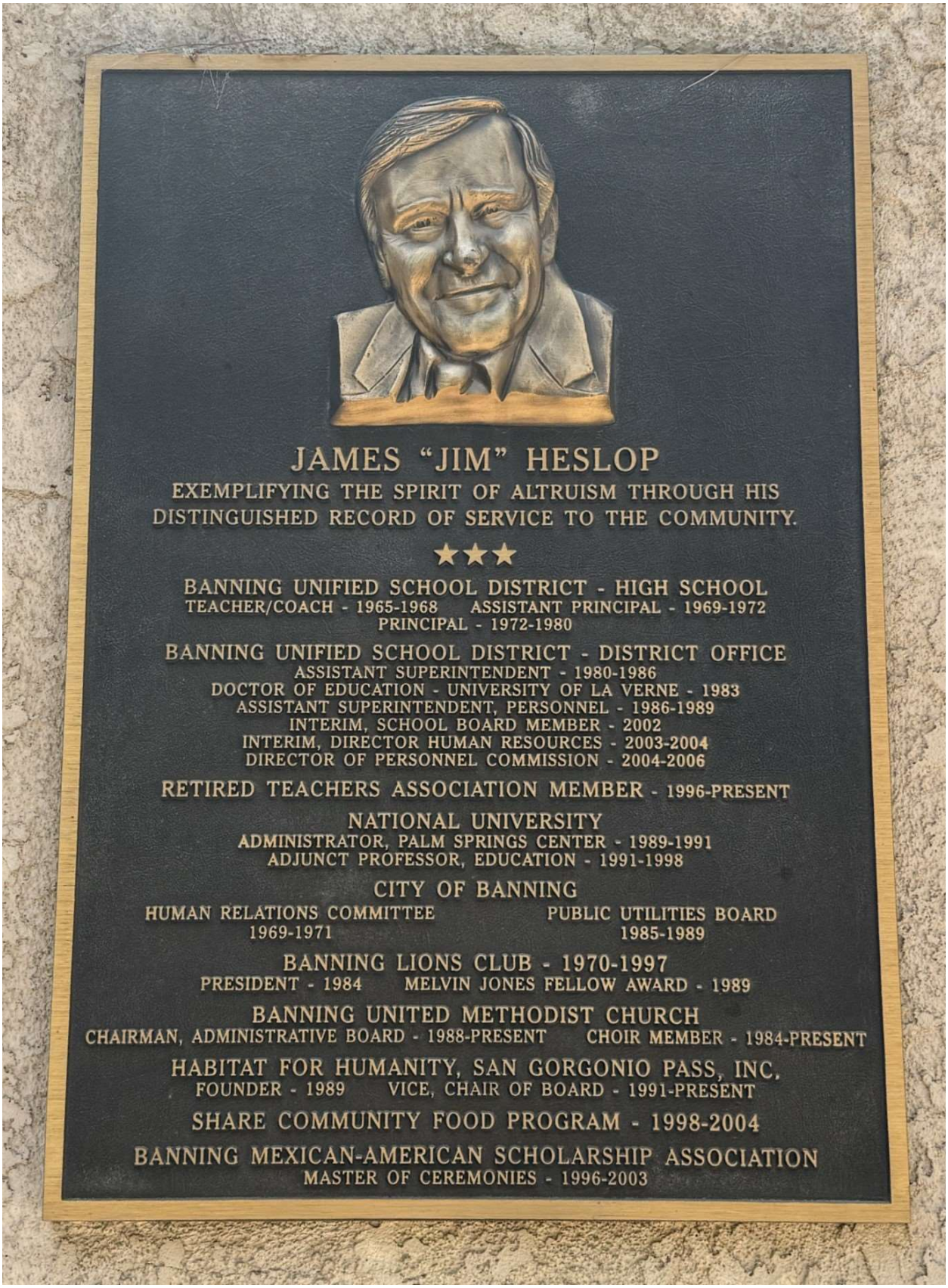
BANNING UNITED METHODIST CHURCH
CHAIRMAN TRUSTEE -1988-1991

RIVERSIDE COUNTY
DEDICATION OF MILO P. JOHNSON LEARNING CENTER
2002

City of Banning Ring of Honor Honorees

City of Banning Ring of Honor Honorees

City of Banning Ring of Honor Honorees



CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Doug Schulze, City Manager** **Doug Schulze, City Manager**
MEETING DATE:	**August 27, 2024**
SUBJECT:	**Consideration of Resolution 2024-141, Expressing Support for Actions to Further Strengthen Local Democracy, Authority, and Control As Related to Local Zoning and Housing Issues**

RECOMMENDATION:

Adopt Resolution 2024-141.

BACKGROUND:

The City Council has previously discussed and directed the City Manager to prepare a resolution opposing SB 9. Each legislative session includes numerous bills related to housing issues. In addition to SB 9, there are numerous bills that usurp the authority of local jurisdictions to determine for themselves the land use policies and practices that best suit each city and its residents and instead impose mandates that do not take into account the needs and differences of jurisdictions throughout the State of California.

Resolution 2024-141has been provided by the League of California Cities and is recommended by the League.

JUSTIFICATION:

Council adopted legislative policy states preservation of local control is a foundational legislative principle. The City supports local decision-making authority and opposes preemption of local control. Local agencies should preserve authority and accountability for revenues raised and services provided. Each community has unique characteristics that are best met by policies set by its local governing body.

FISCAL IMPACT:

None.

ALTERNATIVES:

Do not adopt Resolution 2024-141 and provide staff with alternate direction.

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. Resolution 2024-141, Local Control Housing.docx

RESOLUTION 2024-141

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, EXPRESSING SUPPORT FOR ACTIONS TO FURTHER STRENGTHEN LOCAL DEMOCRACY, AUTHORITY, AND CONTROL AS RELATED TO LOCAL ZONING AND HOUSING ISSUES

WHEREAS, the legislature of the State of California each year proposes, passes, and has signed into law a number of bills addressing a range of housing issues; and

WHEREAS, the legislature of the State of California does not allow sufficient time between each legislative cycle to determine if the legislation is successful in bringing about the change for the State of California's housing issues; and

WHEREAS, the majority of these bills usurp the authority of local jurisdictions to determine for themselves the land use policies and practices that best suit each city and its residents and instead impose mandates that do not take into account the needs and differences of jurisdictions throughout the State of California; and

WHEREAS, the ability of local jurisdictions to determine for themselves which projects require review beyond a ministerial approval; what parking requirements are appropriate for various neighborhoods within their jurisdiction; what plans and programs are suitable and practicable for each community rather than having these decisions imposed upon cities without regard to the circumstances of each individual city; and what zoning should be allowed for residential properties is a matter of great import to the City of Banning among other items related to local zoning and housing issues; and

WHEREAS, the City Council of the City of Banning feels strongly that our local government is best able to assess the needs of our community and objects to the proliferation of State legislation that deprives us of that ability.

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

SECTION 1. The City of Banning is opposed to the current practice of the legislature of the State of California of continually proposing and passing multitudes of bills that directly impact and interfere with the ability of cities to control their own destiny through use of the zoning authority that has been granted to them.

SECTION 2. The City of Banning will explore various ways to protect the ability of cities to retain local control over zoning as each individual city within the State of California is best suited to determine how the zoning in their city should be allocated in order to meet the housing needs of the community.

SECTION 3. The City Clerk shall certify the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 27th day of August 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-141, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 27th day of August 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Lincoln Bogard, Administrative Services Director** **Lincoln Bogard, Administrative Services Director**
MEETING DATE:	**August 27, 2024**
SUBJECT:	**Consideration of Resolution 2024-142, Approving a Contract with American Legal Publishing, LLC (C01061) for a Municipal Code Update Project for a Term Ending on December 31, 2025, for Total Not-To-Exceed Amount of $50,000 to Conduct a Holistic Review and Update of the Municipal Code to Modernize the Code Utilizing Reader Friendly Text and Format, Eliminate Outdated and Redundant Provisions, Eliminate Inconsistencies and Contradictions, Simplify Code Provisions, and to Ensure Consistency and Compliance with Current State and Federal Law**

RECOMMENDATION:

Adopt Resolution 2024-142.

BACKGROUND:

The City of Banning Code of Ordinances (Municipal Code) consists of 18 Titles that has been amended periodically over time. The current Municipal Code may include policies and procedures that may be better suited for adoption by the City Council via resolution rather than by codified ordinance. The goal of this project is to conduct a holistic review and update of the Municipal Code to modernize the code utilizing reader friendly text and format, eliminate outdated and redundant provisions, eliminate inconsistencies and contradictions, simplify code provisions, and to ensure consistency and compliance with current state and federal law.

As part of our evaluation process for the Municipal Code Update Project ("Project"), the City is seeking assistance from a highly qualified legal consultant or consultant team who has relevant experience updating municipal codes in the State of California for general law cities.

Since this will be the City's first comprehensive update, the City expects that the Municipal Code may require significant modifications to reflect current needs of the community. The new code should reflect best practices with respect to the content and administration of the code.

The comprehensive update needs to be user friendly for staff, property owners, and businesses by 1) removing legalese and jargon unfamiliar to the lay person, 2) improving clarity and overall functionality, and 3) reflecting regulatory best practices. It is also envisioned that the update may include tables and illustrations whenever possible to help convey concepts. Lastly, the updated code must be consistent with current case, state, and federal laws.

JUSTIFICATION:

The City has not previously performed a Municipal Code Update and staff has become aware of

discrepancies between code sections. Since no review has been done, there is a possibility that some code sections have been superseded by changes in case law, state law, or federal law. Additionally, staff would like the code to be user friendly, functional, and in line with best practices.

The City issued a Request for Proposals (RFP) for Municipal Code Update Services on May 10, 2024, which received two (2) proposals, one (1) of which was disqualified due to the fact that they did not attend the mandatory pre-proposal meeting. American Legal Publishing, LLC was selected for contract award through an evaluation process.

The evaluation scores are attached to this report.

FISCAL IMPACT:

This contract will be funded from the adopted budget in general ledger account 705-4500-412.33-11 for Professional Services.

ALTERNATIVES:

Do not adopt the resolution and provide alternative direction to staff.

BUDGETED?:

Yes

CONTRACT/AGREEMENT:

Yes

ATTACHMENTS:

1. Resolution 2024-142, American Legal Publishing.docx
2. C01061 PSA American Legal Publishing, LLC.docx
3. Municipal Code Update Project Request for Proposal (RFP)
4. Evaluation tabulation.docx

RESOLUTION 2024-142

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A CONTRACT WITH AMERICAN LEGAL PUBLISHING, LLC (C01061) FOR A MUNICIPAL CODE UPDATE PROJECT FOR A TERM ENDING ON DECEMBER 31, 2025, FOR TOTAL NOT-TO-EXCEED AMOUNT OF $50,000 TO CONDUCT A HOLISTIC REVIEW AND UPDATE OF THE MUNICIPAL CODE TO MODERNIZE THE CODE UTILIZING READER FRIENDLY TEXT AND FORMAT, ELIMINATE OUTDATED AND REDUNDANT PROVISIONS, ELIMINATE INCONSISTENCIES AND CONTRADICTIONS, SIMPLIFY CODE PROVISIONS, AND TO ENSURE CONSISTENCY AND COMPLIANCE WITH CURRENT STATE AND FEDERAL LAW

WHEREAS, the City of Banning Code of Ordinances consists of 18 Titles that has been amended periodically over time; and

WHEREAS, the current Code may include policies and procedures that may be better suited for adoption by the City Council via resolution rather than by codified ordinance; and

WHEREAS, the goal of this project is to conduct a holistic review and update of the Municipal Code to modernize the code utilizing reader friendly text and format, eliminate outdated and redundant provisions, eliminate inconsistencies and contradictions, simplify code provisions, and to ensure consistency and compliance with current state and federal law; and

WHEREAS, this will be the City's first comprehensive update and the City expects that the Municipal Code may require significant modifications to reflect current needs of the community and expects that the new code should reflect best practices with respect to the content and administration of the code; and

WHEREAS, comprehensive update needs to be user friendly for staff, property owners, and businesses by 1) removing legalese and jargon unfamiliar to the lay person, 2) improving clarity and overall functionality, and 3) reflect regulatory best practices. It is also envisioned that the update may include tables and illustrations whenever possible to help convey concepts. Lastly, the updated code must be consistent with current case, state, and federal laws.

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

SECTION 1. The City Council approves the Professional Services Agreement with American Legal Publishing, LLC for the Municipal Code Update Project for a term ending December 31, 2025, in an amount of $50,000 and subsequent amendments to extend the Agreement for up to one additional one-year term upon satisfactory performance, with a total not-to-exceed amount of $50,000.

SECTION 2. The City Council authorizes the City Manager to make non-substantive changes to the Professional Services Agreement and to execute the Professional Services Agreement with American Legal Publishing, LLC on behalf of the City Council.

SECTION 3. The City Council authorizes the City Manager, or designee, to make necessary budget adjustments, appropriations, and transfers related to this resolution.

SECTION 4. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 27th day of August 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-142, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 27th day of August 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

EXHIBIT A
Contract with American Legal Publishing, LLC

AGREEMENT FOR PROFESSIONAL SERVICES (C01061) FOR THE MUNICIPAL CODE UPDATE PROJECT BY AND BETWEEN CITY OF BANNING AND AMERICAN LEGAL PUBLISHING, LLC

THIS AGREEMENT FOR PROFESSIONAL SERVICES (herein "Agreement") is made and entered into this day: _____, ("Effective Date") by and between the **CITY OF BANNING,** a California municipal corporation ("City") and American Legal Publishing, LLC, a Delaware Limited Liability Company, ("Consultant"). City and Consultant are sometimes hereinafter individually referred to as "Party" and hereinafter collectively referred to as the "Parties."

RECITALS

A. City has sought by issuance of a Request for Proposal (RFP #23-050) for the performance of the services to recodify the municipal code for the city of Banning, CA and as further defined and described particularly in Article 1 of this Agreement.

B. Consultant, following submission of a proposal for the performance of the services defined and described particularly in Article 1 of this Agreement, was selected by City to perform those services.

C. The Parties desire to formalize the selection of Consultant for performance of those services defined and described particularly in Article 1 of this Agreement and desire that the terms of that performance be as particularly defined and described herein.

D. Pursuant to the City of Banning's Municipal Code, City has authority to enter into this Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants made by the Parties and contained herein and other consideration, the value and adequacy of which are hereby acknowledged, the Parties agree as follows:

ARTICLE 1. SERVICES OF CONSULTANT

1.1 Scope of Services.

In compliance with all terms and conditions of this Agreement, Consultant shall provide those services specified in the "Scope of Services" attached hereto as **Exhibit A** and incorporated herein by this reference, which services may be referred to herein as the "Services" hereunder. As a material inducement to City entering into this Agreement, Consultant represents and warrants that it has the qualifications, experience, and facilities necessary to properly perform the Services required under this Agreement in a thorough, competent, and professional manner, and is experienced in performing the Services contemplated herein. Consultant shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all Services described herein. Consultant covenants that it shall follow the highest professional standards in performing the Services required hereunder and that all materials will be of good quality, and fit for the purpose intended. For purposes of this Agreement, the phrase "highest professional

standards" shall mean those standards of practice recognized by one or more first-class firms performing similar work under similar circumstances.

1.2 Contract Documents and Exhibits.

This Agreement includes the Request for Proposal and Consultant's accepted proposal ("Contract Documents"), both of which are on file with the City and incorporated herein by this general reference as though fully set forth herein. **Exhibit A** (Scope of Services), **Exhibit B** (Special Requirements), **Exhibit C** (Schedule of Compensation), and **Exhibit D** (Schedule of Performance) also constitute a part of this Agreement and are incorporated into this Agreement by this reference. Except as set forth in Section 1.10 regarding **Exhibit B**, this Agreement controls over the Contract Documents and the provisions in **Exhibits A, B** and **C**.

1.3 Compliance with Law.

Consultant shall keep itself informed concerning all ordinances, resolutions, statutes, rules, and regulations of City and any Federal, State or local governmental entity having jurisdiction in effect at the time service is rendered, and shall render all Services hereunder in accordance therewith.

1.4 Licenses, Permits, Fees and Assessments.

Consultant shall obtain and maintain during the term of this Agreement, at its sole cost and expense, all necessary licenses, permits, certificates and approvals required by law for the performance of Services under this Agreement, including a City business license. Consultant shall have the sole obligation to pay for all fees, assessments and taxes, plus applicable penalties and interest, which may be imposed by law and which arise from or are necessary for Consultant's performance of the Services required by this Agreement. Consultant shall indemnify, defend and hold harmless City, its officers, employees or agents, against all such fees, assessments, taxes, penalties or interest levied, assessed or imposed against City hereunder.

1.5 Familiarity with Services.

By executing this Agreement, Consultant warrants that Consultant: (i) has thoroughly investigated and considered the Scope of Services to be performed, (ii) has carefully considered how the Services should be performed, and (iii) fully understands the facilities and any difficulties and restrictions attending performance of the Services under this Agreement. If the Services involve work upon any site, Consultant warrants that Consultant has or will investigate the site and is or will be fully acquainted with the conditions existing therein, prior to commencement of Services hereunder. Should Consultant discover any latent or unknown conditions, which will materially affect the performance of the Services hereunder, Consultant shall immediately inform City of such fact and shall not proceed except at Consultant's risk until written instructions are received from the Contract Officer (defined in Section 1.12. A).

1.6 Prevention of Loss and Damages.

Consultant shall adopt reasonable methods during the Term (defined in Section 3.4) to furnish continuous protection to the work product, and the equipment, materials, papers,

documents, plans, studies and/or other components thereof to prevent losses or damages, and shall be responsible for all such damages, to persons or property, until acceptance of the Services by City, except such losses or damages as may be caused by City's own negligence.

1.7 Further Responsibilities of Parties.

Both Parties agree to use reasonable care and diligence to perform their respective obligations under this Agreement. Both Parties agree to act in good faith to execute all instruments, prepare all documents and take all actions as may be reasonable necessary to carry out the purposes of this Agreement. Unless hereafter specified, neither Party shall be responsible to perform the Services of the other.

1.8 Additional Services.

City shall have the right at any time during the performance of the Services, without invalidating this Agreement, to order extra services beyond that specified in the Scope of Services or to make changes by altering, adding to or deducting from the Services. No such extra services may be undertaken unless a written order is first given by the Contract Officer to Consultant, which written order incorporates therein an adjustment in (i) the Contract Sum (as defined in Section 2.1), and/or (ii) the Schedule of Performance, (as defined in Section 3.2), and which written order is approved in writing by Consultant. Any increase in compensation of up to ten percent (10%) of the Contract Sum, or $25,000, whichever is less; or in the Schedule of Performance of up to one hundred eighty (180) days may be approved by the Contract Officer. Any greater increases, taken either separately or cumulatively, must be approved by City Council. It is expressly understood by Consultant that the provisions of this Section shall not apply to Services which are specifically set forth in the Scope of Services or which are reasonably contemplated therein. Consultant hereby acknowledges that it accepts the risk that the Services to be provided pursuant to the Scope of Services may be more costly or time consuming than Consultant anticipates and that Consultant shall not be entitled to additional compensation therefor.

1.9 Facilities and Equipment.

Except as otherwise provided, Consultant shall, at its own cost and expense, provide all facilities and equipment necessary to perform the Services required by this Agreement. City shall make available to Consultant only physical facilities such as desks, filing cabinets, and conference space ("City Facilities"), as City deems, in its sole discretion, to be reasonably necessary for Consultant's use while consulting with City employees and reviewing records and the information in possession of City. The location, quality, and time of furnishing City Facilities shall be in the sole discretion of City. In no event shall City be required to furnish any facilities that may involve incurring any direct expense, including but not limited to a computer, long distance telephone, network data, internet or other communication charges, vehicles and reproduction facilities.

1.10 Special Requirements.

Additional terms and conditions of this Agreement, if any, which are made a part hereof are set forth in the "Special Requirements" attached hereto as **Exhibit B** and incorporated herein by this reference. In the event of a conflict between the provisions of **Exhibit B** and any other provisions of this Agreement, the provisions of **Exhibit B** shall govern.

1.11 Corrections.

In addition to the indemnification obligations set forth in Article 4, and Sections 1.4, 1.13, 5.3, 5.4, and 6.3, Consultant shall correct, at its expense, all errors in the Services which may be disclosed during City's review of Consultant's report or plans. Should Consultant fail to make such correction(s) in a reasonably timely manner, such correction(s) may be made by City, and the cost thereof shall be charged to Consultant. In addition to all other available remedies, City may deduct the cost of such correction(s) from any retention amount held by City, or may withhold payment otherwise owed Consultant under this Agreement up to the amount of the cost of correction(s), as provided in Section 6.3.

1.12 Party Representatives.

A. Contract Officer: For the purposes of this Agreement, the Contract Officer shall be the City Manager, or such other person designated in writing by the City Manager ("Contract Officer"). Unless otherwise specified herein, any approval of City required hereunder shall mean the approval of the Contract Officer. The Contract Officer shall have authority, if specified in writing by the City Manager, to sign all documents on behalf of City required hereunder to carry out the terms of this Agreement.

B. Principals and Personnel of Consultant.

1) Consultant Representative: The following principal of Consultant is hereby designated as being the Consultant Representative authorized to act on Consultant's behalf regarding the Services specified herein and make all decisions in connection therewith:

Name	Title
Colleen T. Engle	Codification Consultant

It is expressly understood that the experience, knowledge, capability and reputation of the foregoing Consultant Representative were a substantial inducement for City to enter into this Agreement. Therefore, the foregoing Consultant Representative shall be responsible during the term of this Agreement for directing all activities of Consultant and devoting sufficient time to personally supervise the Services hereunder. All personnel of Consultant, and any authorized agents, shall at all times be under the exclusive direction and control of the Consultant Representative. For purposes of this Agreement, the foregoing Consultant Representative may not be replaced nor may their responsibilities be substantially reduced or reassigned by Consultant without the express written approval of City. It shall be Consultant's responsibility to assure that the Contract Officer is kept informed of the progress of the performance of the Services, and Consultant shall refer any decisions which must be made by City to the Contract Officer.

2) Consultant's Personnel: Consultant has, or will secure at its own expense, all personnel required to perform the Services required under this Agreement. All of the Services required under this Agreement shall be performed by Consultant or under its supervision, and all personnel engaged in the Services shall be qualified to perform such Services. Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff and sub-contractors, if any, assigned to perform the Services required under this Agreement.

Consultant shall notify City of all changes in Consultant's staff and sub-contractors, if any, assigned to perform the Services required under this Agreement, prior to and during any such performance. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires to reassign any staff or sub-contractor of Consultant, City shall give notice as set forth in Section 8.1. Consultant shall, immediately upon the receipt of the notice to re-assign staff from City, reassign such person or persons.

1.13 Independent Contractor.

A. Consultant is an independent contractor and not an employee of City. Consultant shall have no power to incur any debt, obligation, or liability on behalf of City. All Services provided pursuant to this Agreement shall be performed by Consultant or under its supervision. Consultant will determine the means, methods, and details of performing the Services. Any additional personnel performing Services under this Agreement on behalf of Consultant shall also not be employees of City and shall at all times be under Consultant's exclusive direction and control. Consultant shall pay all wages, salaries, and other amounts due such personnel in connection with their performance of Services under this Agreement and as required by law. Consultant shall be responsible for all reports and obligations respecting such additional personnel, including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation insurance.

B. Consultant shall indemnify and hold harmless City and its elected officials, officers, employees, servants, designated volunteers, and agents serving as independent contractors in the role of City officials, from any and all liability, damages, claims, costs and expenses of any nature to the extent arising from Consultant's personnel practices. City shall have the right to offset against the amount of any fees due to Consultant under this Agreement any amount due to City from Consultant as a result of Consultant's failure to promptly pay to City any reimbursement or indemnification arising under this Section.

1.14 Prohibition Against Subcontracting or Assignment.

The experience, knowledge, capability and reputation of Consultant, the Consultant Representative and employees were a substantial inducement for City to enter into this Agreement. Therefore, Consultant shall not contract with any other entity to perform in whole or in part the Services required hereunder without the express written approval of City. In addition, neither this Agreement nor any interest herein may be transferred, assigned, conveyed, hypothecated or encumbered voluntarily or by operation of law, whether for the benefit of creditors or otherwise, without the prior written approval of City. Transfers restricted hereunder shall include the transfer to any person or group of persons acting in concert of more than twenty-five percent (25%) of the present ownership and/or control of Consultant, taking all transfers into account on a cumulative basis. In the event of any such unapproved transfer, including any bankruptcy proceeding, this

Agreement shall be void. No approved transfer shall release Consultant or any surety of Consultant of any liability hereunder without the express consent of City.

ARTICLE 2. COMPENSATION AND METHOD OF PAYMENT.

2.1 Contract Sum.

Subject to any limitations set forth in this Agreement, as full compensation for Services satisfactorily rendered, City shall pay Consultant at the hourly rates set forth in the "Schedule of Compensation" attached hereto as **Exhibit C** and incorporated herein by this reference. In no event shall Consultant be paid more than Fifty Thousand Dollars ($50,000.00) (the "Contract Sum"). The Contract Sum shall include the attendance of Consultant at all project meetings reasonably deemed necessary by City. Coordination of the performance of the Services with City is a critical component of the Services. If Consultant is required to attend additional meetings to facilitate such coordination, Consultant shall not be entitled to any additional compensation for attending those meetings.

2.2 Method of Compensation.

The method of compensation may include: (i) a lump sum payment upon completion of the Services, (ii) payment in accordance with specified tasks or the percentage of completion of the Services, (iii) payment for time and materials based upon Consultant's rates as specified in the Schedule of Compensation, provided that time estimates are provided for the performance of sub tasks, but not exceeding the Contract Sum or (iv) such other methods as may be specified in the Schedule of Compensation.

2.3 Reimbursable Expenses.

City shall only reimburse Consultant for those actual and necessary expenses expressly set forth in **Exhibit C**. Reimbursable expenses may include reimbursement for actual and necessary expenditures for reproduction costs, telephone expenses, and travel expenses approved by the Contract Officer in advance, or actual sub-contractor expenses of an approved sub-contractor pursuant to Section 1.14, and only if specified in the Schedule of Compensation.

2.4 Unauthorized Services and Expenses.

City will not pay for any Services or reimburse for any expenses incurred which are not specified in the Scope of Services, unless authorized in writing as set forth in Section 1.8 of this Agreement. City shall make payment for such authorized additional Services and expenses in accordance with Article 2 of this Agreement.

2.5 Invoices.

Each month Consultant shall furnish to City an original invoice for all Services performed and expenses incurred during the preceding month. Each such invoice shall contain all of the information set forth in Section III of **Exhibit C** to this Agreement. By submitting an invoice for payment under this Agreement, Consultant is certifying compliance with all provisions of the

Agreement. Consultant shall not invoice City for any duplicate Services performed by more than one person.

City shall independently review each invoice submitted by Consultant to determine whether the Services performed and expenses incurred are in compliance with the provisions of this Agreement. City will use its best efforts to cause Consultant to be paid within thirty (30) days of receipt of Consultant's correct and undisputed invoice, except as to any charges for Services performed or expenses incurred by Consultant which are disputed by City, or as provided in Section 6.3. In the event any charges or expenses are disputed by City, the original invoice shall be returned by City to Consultant for correction and resubmission. Review and payment by City of any invoice provided by Consultant shall not constitute waiver of any rights or remedies provided herein or any applicable law.

2.6 Waiver.

Payment to Consultant for Services performed pursuant to this Agreement shall not be deemed to waive any defects in Services performed by Consultant.

ARTICLE 3. PERFORMANCE SCHEDULE

3.1 Time of Essence.

Time is of the essence in the performance of this Agreement; provided, however, that the foregoing shall not be construed to limit or deprive a Party of the benefits of any grace or use period allowed in this Agreement.

3.2 Schedule of Performance.

Consultant shall commence the Services pursuant to this Agreement upon receipt of a written notice to proceed and shall perform all Services within the time period(s) established in the "Schedule of Performance" attached hereto as **Exhibit D** and incorporated herein by this reference.

3.3 Force Majeure.

The time period(s) specified in the Schedule of Performance for performance of the Services rendered pursuant to this Agreement may be extended because of any delays due to unforeseeable causes beyond the control and without the fault or negligence of Consultant. Such unforeseeable consequences include, but are not restricted to, acts of God or public enemy, unusually severe weather, fires, earthquakes, floods, epidemics, quarantine restrictions, riots, strikes, freight embargoes, wars, litigation, and/or acts of any governmental agency, including City, if Consultant shall within ten (10) days of the commencement of such delay notify the Contract Officer in writing of the causes of the delay. The Contract Officer shall ascertain the facts and the extent of delay, and extend the time for performing the Services for the period of the enforced delay when and if in the judgment of the Contract Officer such delay is justified, subject to the provisions of Section 1.8. The Contract Officer's determination (or the City Council's determination, in the event the period of enforced delay exceeds the period specified in Section 1.8) shall be final and conclusive upon the Parties to this Agreement. In no event shall Consultant

be entitled to recover damages against City for any delay in the performance of this Agreement, however caused; Consultant's sole remedy shall be the extension of the Agreement pursuant to this Section.

3.4 Term.

The Term of this Agreement shall be from the Effective Date through December 31, 2025, unless sooner terminated as provided in Article 6 of this Agreement or extended as provided in Sections 1.8 and 3.3 of this Agreement. Maximum term and any subsequent amendment or modification shall not exceed five (5) years.

ARTICLE 4. INSURANCE AND INDEMNIFICATION

4.1 Minimum Scope and Limits of Insurance.

Consultant shall procure and at all times during the term of this Agreement carry, maintain, and keep in full force and effect, insurance as follows:

A. Commercial General Liability Insurance with a minimum limit of $1,000,000.00 per occurrence for bodily injury, personal injury and property damage and a general aggregate limit of $2,000,000.00 per project or location. If Consultant is a limited liability company, the commercial general liability coverage shall be amended so that Consultant and its managers, members, affiliates, employees, agents and other persons necessary or incidental to its operation are insureds.

B. Automobile Liability Insurance for any owned, non-owned or hired vehicle used in connection with the performance of this Agreement with a combined single limit of $1,000,000.00 per accident for bodily injury and property damage. If Consultant does not use any owned, non-owned or hired vehicles in the performance of Services under this Agreement, Consultant shall obtain a non-owned auto endorsement to the Commercial General Liability policy.

C. Workers' Compensation Insurance as required by the State of California and Employer's Liability Insurance with a minimum limit of $1,000,000.00 per accident for bodily injury or disease. If Consultant has no employees while performing Services under this Agreement, workers' compensation policy is not required; however, Consultant shall execute a declaration that it has no employees.

D. Professional Liability/Errors and Omissions Insurance with minimum limits of $1,000,000.00 per claim and in the aggregate.

4.2 Acceptability of Insurers.

The insurance policies required under this Article shall be issued by an insurer admitted to write insurance in the State of California with a rating of A:VII or better in the latest

edition of the A.M. Best Insurance Rating Guide. Self-insurance shall not be considered to comply with the insurance requirements under this Article.

4.3 Additional Insured.

The commercial general and automobile liability policies shall contain an endorsement naming City, its officers, employees, agents and volunteers as additional insureds.

4.4 Primary and Non-Contributing.

The insurance policies required under this Article shall apply on a primary non-contributing basis in relation to any other insurance or self-insurance available to City. Any insurance or self-insurance maintained by City, its officers, employees, agents or volunteers, shall be in excess of Consultant's insurance and shall not contribute with it.

4.5 Consultant's Waiver of Subrogation.

The insurance policies required under this Article shall not prohibit Consultant and Consultant's employees, agents or sub-contractors from waiving the right of subrogation prior to a loss. Consultant hereby waives all rights of subrogation against City.

4.6 Deductibles and Self-Insured Retentions.

Any deductibles or self-insured retentions must be declared to and approved by City. At City's option, Consultant shall either reduce or eliminate the deductibles or self-insured retentions with respect to City; or Consultant shall procure a bond guaranteeing payment of losses and expenses.

4.7 Cancellations or Modifications to Coverage.

Consultant shall not cancel, reduce or otherwise modify the insurance policies required by this Article during the term of this Agreement. The commercial general and automobile liability policies required under this Agreement shall be endorsed to state that should the issuing insurer cancel the policy before the expiration date, the issuing insurer will endeavor to mail 30 days' prior written notice to City. If any insurance policy required under this Article is canceled or reduced in coverage or limits, Consultant shall, within two (2) Business Days (as defined in Section 8.12) of notice from the insurer, phone, fax or notify City via certified mail, return receipt requested, of the cancellation of or changes to the policy.

4.8 City Remedy for Noncompliance.

If Consultant does not maintain the policies of insurance required under this Article in full force and effect during the term of this Agreement, or in the event any of Consultant's policies do not comply with the requirements under this Article, City may either immediately terminate this Agreement or, if insurance is available at a reasonable cost, City may, but has no duty to, take out the necessary insurance and pay, at Consultant's expense, the premium thereon. Consultant shall promptly reimburse City for any premium paid by City, or City may withhold amounts sufficient to pay the premiums from payments due to Consultant.

4.9 Evidence of Insurance.

Prior to the performance of Services under this Agreement, Consultant shall furnish the City Clerk with a certificate or certificates of insurance and all original endorsements evidencing and effecting the coverages required under this Article. The endorsements are subject to City's approval. Consultant may provide complete, certified copies of all required insurance policies to City. Consultant shall maintain current endorsements on file with the City Clerk. Consultant shall provide proof to the City Clerk that insurance policies expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Consultant shall furnish such proof at least two (2) weeks prior to the expiration of the coverages.

4.10 Indemnity Requirements not Limiting.

Procurement of insurance by Consultant shall not be construed as a limitation of Consultant's liability or as full performance of Consultant's duty to indemnify City under this Agreement.

4.11 Sub-contractor Insurance Requirements.

Consultant shall require each of its sub-contractors that perform Services under this Agreement to maintain insurance coverage that meets all of the requirements of this Article.

4.12 Indemnification, Hold Harmless, and Duty to Defend.

A. Indemnification of City.

1) To the fullest extent permitted by law, Consultant shall, at its sole cost and expense, defend, hold harmless and indemnify City and its elected officials, officers, attorneys, agents, employees, designated volunteers, successors, assigns and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees"), from and against any and all damages, costs, expenses, liabilities, claims, demands, causes of action, proceedings, expenses, judgments, penalties, liens, and losses of any nature whatsoever, including fees of accountants, attorneys, or other professionals and all costs associated therewith and the payment of all consequential damages (collectively "Liabilities"), at law or in equity, whether actual, alleged or threatened, which arise out of, are claimed to arise out of, pertain to, or relate to the acts or omissions of Consultant, its officers, agents, servants, employees, sub-contractors, materialmen, consultants or their officers, agents, servants or employees (or any entity or individual that Consultant shall bear the legal liability thereof) in the performance of this Agreement, including the Indemnitees' active or passive negligence, except for Liabilities arising from the sole negligence or willful misconduct of the Indemnitees as determined by court decision or by the agreement of the Parties. Consultant shall defend the Indemnitees in any action or actions filed in connection with any Liabilities with counsel of the Indemnitees' choice, and shall pay all costs and expenses, including all attorneys' fees and experts' costs actually incurred in connection with such defense. Consultant shall reimburse the Indemnitees for any and all legal expenses and costs incurred by Indemnitees in connection therewith.

2) Consultant shall pay all required taxes on amounts paid to Consultant under this Agreement, and indemnify and hold City harmless from any and all taxes, assessments, penalties, and interest asserted against City by reason of the independent contractor relationship created by this Agreement. Consultant shall fully comply with the workers' compensation law regarding Consultant and Consultant's employees. Consultant shall indemnify and hold City harmless from any failure of Consultant to comply with applicable workers' compensation laws. City may offset against the amount of any fees due to Consultant under this Agreement any amount due to City from Consultant as a result of Consultant's failure to promptly pay to City any reimbursement or indemnification arising under this subparagraph A.2.

3) Consultant shall obtain executed indemnity agreements with provisions identical to those in this Article from each and every sub-contractor or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. If Consultant fails to obtain such indemnity obligations, Consultant shall be fully responsible and indemnify, hold harmless and defend the Indemnitees from and against any and all Liabilities at law or in equity, whether actual, alleged or threatened, which arise out of, are claimed to arise out of, pertain to, or relate to the acts or omissions of Consultant's sub-contractor, its officers, agents, servants, employees, sub-contractors, materialmen, consultants or their officers, agents, servants or employees (or any entity or individual that Consultant's sub-contractor shall bear the legal liability thereof) in the performance of this Agreement, including the Indemnitees' active or passive negligence, except for Liabilities arising from the sole negligence or willful misconduct of the Indemnitees as determined by court decision or by the agreement of the Parties.

B. Workers' Compensation Acts not Limiting. Consultant's indemnifications and obligations under this Article, or any other provision of this Agreement, shall not be limited by the provisions of any workers' compensation act or similar act. Consultant expressly waives its statutory immunity under such statutes or laws as to City, its officers, agents, employees and volunteers.

C. Insurance Requirements not Limiting. City does not, and shall not, waive any rights that it may possess against Consultant because of the acceptance by City, or the deposit with City, of any insurance policy or certificate required pursuant to this Agreement. The indemnities in this Article shall apply regardless of whether or not any insurance policies are determined to be applicable to the Liabilities, tax, assessment, penalty or interest asserted against City.

D. Survival of Terms. Consultant's indemnifications and obligations under this Article shall survive the expiration or termination of this Agreement.

ARTICLE 5. RECORDS, REPORTS, AND RELEASE OF INFORMATION

5.1 Service Records.

Consultant shall keep, and require sub-contractors to keep, such ledgers, books of accounts, invoices, vouchers, canceled checks, reports, studies or other documents relating to the disbursements charged to City and Services performed hereunder (the "Service Records"), as shall be necessary to perform the Services required by this Agreement and enable the Contract Officer

to evaluate the performance of such Services. Any and all such Service Records shall be maintained in accordance with generally accepted accounting principles and shall be complete and detailed. The Contract Officer shall have full and free access to such Service Records at all times during normal business hours of City, including the right to inspect, copy, audit and make copies and transcripts from such Service Records. Such Service Records shall be maintained for a period of three (3) years following completion of the Services hereunder, and City shall have access to such Service Records in the event any audit is required. In the event of dissolution of Consultant's business, custody of the Service Records may be given to City, and access shall be provided by Consultant's successor in interest ("Consultant's Successor"). If custody of the Service Records is given to Consultant's Successor, Consultant shall give written notice to City of the transfer of the Service Records to Consultant's Successor. The notice shall include contact information (address and telephone number) for Consultant's Successor, and access shall be provided to City by Consultant's Successor.

5.2 Reports.

Consultant shall periodically prepare and submit to the Contract Officer such reports concerning the performance of the Services required by this Agreement as the Contract Officer shall require. Consultant hereby acknowledges that City is greatly concerned about the cost of Services to be performed pursuant to this Agreement. For this reason, Consultant agrees that if Consultant becomes aware of any facts, circumstances, techniques, or events that may or will materially increase or decrease the cost of the Services contemplated herein, Consultant shall promptly notify the Contract Officer of that fact, circumstance, technique or event and the estimated increased or decreased cost related thereto.

5.3 Ownership of Documents.

All drawings, specifications, maps, designs, photographs, studies, surveys, data, notes, computer files, reports, records, documents and other materials (the "Consultant Documents") prepared by Consultant, its employees, sub-contractors and agents in the performance of this Agreement shall be the property of City and shall be delivered to City upon request of the Contract Officer or upon the termination of this Agreement. Consultant shall have no claim for further employment or additional compensation as a result of the exercise by City of its full rights of ownership use, reuse, or assignment of the Consultant Documents hereunder. Any use, reuse or assignment of such completed Consultant Documents for other projects and/or use of uncompleted Consultant Documents without specific written authorization by Consultant will be at City's sole risk and without liability to Consultant, and Consultant's guarantee and warranties shall not extend to such use or assignment. Consultant may retain copies of such Consultant Documents for its own use. Consultant shall have an unrestricted right to use the concepts embodied therein. All sub-contractors shall provide for assignment to City of all Consultant Documents prepared by them; and in the event Consultant fails to secure such assignment, Consultant shall indemnify City for all damages resulting therefrom.

5.4 Confidentiality and Release of Information.

A. All information gained or work product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the

public domain or already known to Consultant. Consultant shall not release or disclose any such information or work product to persons or entities other than City without prior written authorization from the Contract Officer.

B. Consultant, its officers, employees, agents or sub-contractors, shall not, without prior written authorization from the Contract Officer or unless requested by the City Attorney, voluntarily provide documents, declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the Services performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided Consultant gives City notice of such court order or subpoena.

C. If Consultant, or any officer, employee, agent or sub-contractor of Consultant, provides any information or work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Consultant for any damages, costs and fees, including attorneys' fees, caused by or incurred as a result of Consultant's conduct.

D. Consultant shall promptly notify City should Consultant, its officers, employees, agents or sub-contractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any Party regarding this Agreement and the Services performed thereunder. City retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Consultant. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite the response.

ARTICLE 6. ENFORCEMENT OF AGREEMENT AND TERMINATION

6.1 California Law.

This Agreement, and any dispute arising from the relationship between the Parties to this Agreement, shall be interpreted, construed and governed both as to validity and to performance of the Parties in accordance with the laws of the State of California. Legal actions concerning any dispute, claim or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of Riverside, State of California, or any other appropriate court in such county, and Consultant covenants and agrees to submit to the personal jurisdiction of such court in the event of such action. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Central District of California, in Riverside.

6.2 Disputes; Default.

A. In the event that City determines Consultant is in default under the terms of this Agreement, City shall have no obligation or duty to continue compensating Consultant for any Services performed after the date of default. In addition to the provisions of Section 4.8, and the right to terminate pursuant to Section 6.7, if the City Manager determines that Consultant is in default in the performance of any of the terms or conditions of this Agreement, City may serve Consultant with written notice of the default. Consultant shall have ten (10) calendar days after service upon it of the notice in which to cure the default by rendering a satisfactory performance.

In the event that Consultant fails to cure its default within such period of time, City may, notwithstanding any other provision of this Agreement, terminate this Agreement without further notice and without prejudice to any other remedy to which it may be entitled at law, in equity or under this Agreement.

B. In the event of termination pursuant to this Section, City may take over the Services and prosecute the same to completion by contract or otherwise, and Consultant shall be liable to the extent that the total cost for completion of the Services required hereunder exceeds the compensation herein stipulated (provided that City shall use reasonable efforts to mitigate such damages), and City may withhold any payments to Consultant for the purpose of set-off or partial payment of the amounts owed City as provided in Section 6.3.

6.3 Retention of Funds.

Consultant hereby authorizes City to deduct from any amount payable to Consultant (whether or not arising out of this Agreement): (i) any payment amount of which may be in dispute hereunder or which is necessary to compensate City for any losses, costs, liabilities, or damages suffered by City, (ii) all amounts retained pursuant to the provisions of Section 4.8, (iii) all amounts for which City may be liable to third parties, by reason of Consultant's acts or omissions in performing or failing to perform Consultant's obligation under this Agreement, and (iv) all payments due or that become due to Consultant during the period that Consultant or any of its sub-contractors fail to maintain any required insurance in full force and effect, until notice is received by City that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to City, as provided in Section 4.9, above. In the event that any claim is made by a third party, the amount or validity of which is disputed by Consultant, or any indebtedness shall exist which shall appear to be the basis for a claim of lien, City may withhold from any payment due, without liability for interest because of such withholding, an amount sufficient to cover such claim. The failure of City to exercise such right to deduct or to withhold shall not, however, affect the obligations of Consultant to insure, indemnify, and protect City as elsewhere provided herein.

6.4 Waiver.

Waiver by any Party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any Party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision or a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any Services by Consultant shall not constitute a waiver of any of the provisions of this Agreement. No delay or omission in the exercise of any right or remedy by a non-defaulting Party on any default shall impair such right or remedy or be construed as a waiver. Any waiver by either Party of any default must be in writing, and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

6.5 Rights and Remedies are Cumulative.

Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the Parties are cumulative and the exercise by either Party

of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other Party.

6.6 Legal Action.

In addition to any other rights or remedies, either Party may take legal action, in law or in equity, to cure, correct or remedy any default, to recover damages for any default, to compel specific performance of this Agreement, to obtain declaratory or injunctive relief, or to obtain any other remedy consistent with the purposes of this Agreement. Notwithstanding any contrary provision herein, Consultant must file a statutory claim pursuant to Government Code Sections 905 et seq. and 910 et seq., in order to pursue a legal action against City under this Agreement.

6.7 Termination Prior to Expiration of Term.

This Article 6 shall govern any termination of this Agreement except as specifically provided in Section 6.2 for termination for default of Consultant. City reserves the right to terminate this Agreement at any time, with or without cause, upon thirty (30) days' written notice to Consultant, except that where termination is due to the fault of Consultant, the period of notice may be a shorter time as may be determined by the Contract Officer. In addition, Consultant reserves the right to terminate this Agreement at any time, with or without cause, upon sixty (60) days' written notice to City, except that where termination is due to the fault of City, the period of notice may be a shorter time as Consultant may determine. Upon receipt of any notice of termination, Consultant shall immediately cease all Services hereunder except such as may be specifically approved by the Contract Officer. Except where Consultant has initiated termination, Consultant shall be entitled to compensation for all Services rendered prior to the effective date of the notice of termination and for any Services authorized by the Contract Officer thereafter in accordance with the Schedule of Compensation or such as may be approved by the Contract Officer, except as provided in Section 6.3. In the event Consultant has initiated termination, Consultant shall be entitled to compensation only for the reasonable value of the work product actually produced hereunder. In the event of termination without cause pursuant to this Section, the terminating Party need not provide the non-terminating Party with the opportunity to cure pursuant to Section 6.2.

6.8 Attorneys' Fees.

In any litigation or other proceeding by which a Party seeks to enforce its rights under this Agreement (whether in contract, tort or both) or seeks a declaration of any rights or obligations under this Agreement, the prevailing Party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorneys' fees. Attorneys' fees shall include attorney's fees on any appeal, and in addition the Party entitled to attorneys' fees shall be entitled to all other reasonable costs for investigating such action, taking depositions and discovery and all other necessary costs the court allows which are incurred in such litigation. All such fees shall be deemed to have accrued on commencement of such action and shall be enforceable whether or not such action is prosecuted to judgment.

ARTICLE 7. CITY OFFICERS AND EMPLOYEES: NON-DISCRIMINATION

7.1 Non-liability of City Officers and Employees.

No officer or employee of City shall be personally liable to Consultant, or Consultant's Successor, in the event of any default or breach by City or for any amount which may become due to Consultant or Consultant's Successor, or for breach of any obligation of the terms of this Agreement.

7.2 Conflict of Interest.

Consultant covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Consultant's performance of Services under this Agreement. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent or sub-contractor without the express written consent of the Contract Officer. Consultant agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of City in the performance of this Agreement.

No officer or employee of City shall have any direct or indirect financial interest in this Agreement within the scope of Government Code section 1090, nor shall any such officer or employee make, participate in making, or use his or her official position to influence, any City decision relating to the Agreement which has a material financial effect on his or her financial interests or the financial interests of any corporation, partnership or association in which he or she is, directly or indirectly, interested, in violation of any State statute or regulation. Consultant warrants that it has not paid or given, and will not pay or give any third party any money or other consideration for obtaining this Agreement.

Consultant and its officers, employees, associates and sub-contractors, if any, shall comply with all conflict of interest statutes of the State of California applicable to Consultant's Services under this Agreement, including the Political Reform Act (Gov. Code § 81000, et seq.) and Government Code Section 1090. During the term of this Agreement, Consultant may perform similar services for other clients; but Consultant and its officers, employees, associates and sub-contractors shall not, without the Contract Officer's prior written approval, perform services for another person or entity for whom Consultant is not currently performing services that would require Consultant or one of its officers, employees, associates or sub-contractors to abstain from a decision under this Agreement pursuant to a conflict of interest statute. Consultant shall incorporate a clause substantially similar to this Section into any subcontract that Consultant executes in connection with the performance of this Agreement.

7.3 Covenant Against Discrimination.

Consultant covenants that, by and for itself, its heirs, executors, assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, gender, sexual orientation, marital status, national origin, or ancestry in the performance of this Agreement. Consultant shall take affirmative action to insure that applicants are employed, and that employees

are treated during employment, without regard to their race, color, creed, religion, sex, marital status, national origin, or ancestry, or other protected class.

7.4 Unauthorized Aliens.

Consultant hereby promises and agrees to comply with all of the provisions of the Federal Immigration and Nationality Act, 8 U.S.C.A. §§ 1101, et seq., as amended, and in connection therewith, shall not employ unauthorized aliens as defined therein. Should Consultant so employ such unauthorized aliens for the performance of Services covered by this Agreement, and should the any liability or sanctions be imposed against City for such use of unauthorized aliens, Consultant hereby agrees to and shall reimburse City for the cost of all such liabilities or sanctions imposed, together with any and all costs, including attorneys' fees, incurred by City.

ARTICLE 8. MISCELLANEOUS PROVISIONS

8.1 Notices.

Any notice, demand, request, document, consent, approval, bill, invoice, report or other communication required or permitted under this Agreement shall be in writing and conclusively deemed effective: (a) on confirmed delivery by courier service or overnight delivery service during Consultant's and City's regular business hours; or (b) three (3) Business Days after deposit in the United States mail, by certified or registered mail, and addressed to the Party to be notified as set forth below:

If to City	Attn: Lincoln Bogard Deputy City Manager City of Banning 99 East Ramsey Street Banning, California 92220 Email: lbogard@banningca.gov
With a courtesy copy to:	Serita R. Young, City Attorney Richards, Watson & Gershon 350 South Grand Avenue, 37th Floor Los Angeles, California 90071 Email: SYoung@rwglaw.com
If to Consultant:	Attn: Ray Bollhauer President American Legal Publishing, LLC 525 Vine Street, Suite 310 Cincinnatic, OH 45202 Email: rbollhauer@amlegal.com

8.2 Interpretation.

The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either Party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply.

8.3 Counterparts.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

8.4 Integration; Amendment.

This Agreement, and all exhibits referred to in this Agreement, constitute the final, complete and exclusive statement of the terms of the agreement between the Parties pertaining to the subject matter of this Agreement and supersede all other and cancels any and all previous negotiations, arrangements, agreements and understandings, if any, between the Parties, and none shall be used to interpret this Agreement. No Party has been induced to enter into this Agreement by, nor is any Party relying on, any representation or warranty except those expressly set forth in this Agreement. No amendment to or modification of this Agreement, nor any provision or breach hereof waived, shall be valid unless made in writing and approved by Consultant and by City Council. The Parties agree that this requirement for written modifications cannot be waived and that any attempted waiver shall be void.

8.5 Severability.

In the event that any one or more of the phrases, sentences, clauses, paragraphs, or sections contained in this Agreement shall be declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining phrases, sentences, clauses, paragraphs, or sections of this Agreement which are hereby declared as severable and shall be interpreted to carry out the intent of the Parties hereunder unless the invalid provision is so material that its invalidity deprives either Party of the basic benefit of their bargain or renders this Agreement meaningless.

8.6 Mutual Cooperation.

A. City's Cooperation. City shall provide Consultant with all pertinent data, documents and other requested information as is reasonably available for Consultant's proper performance of the Services required under this Agreement.

B. Consultant's Cooperation. In the event any claim or action is brought against City relating to Consultant's performance of Services rendered under this Agreement, Consultant shall render any reasonable assistance that City requires.

8.7 No Third Party Beneficiaries Intended.

This Agreement is made solely for the benefit of the Parties to this Agreement and their respective successors and assigns, and no other person or entity may have or acquire a right by virtue of this Agreement.

8.8 Final Payment Acceptance Constitutes Release.

The acceptance by Consultant of the final payment made under this Agreement shall operate as and be a release of City from all claims and liabilities for compensation to Consultant for anything done, furnished or relating to Consultant's Services. Acceptance of payment shall be any negotiation of City's check or the failure to make a written extra compensation claim within ten (10) calendar days of the receipt of that check. However, approval or payment by City shall not constitute, nor be deemed, a release of the responsibility and liability of Consultant, its employees, sub-contractors and agents for the accuracy and competency of the information provided and/or Services performed; nor shall such approval or payment be deemed to be an assumption of such responsibility or liability by City for any defect or error in the Services prepared by Consultant, its employees, sub-contractors and agents.

8.9 Non-Appropriation of Funds.

Payments to be made to Consultant by City for Services performed within the current fiscal year which are within the current fiscal budget and within an available, unexhausted fund. In the event that City does not appropriate sufficient funds for payment of Consultant's Services beyond the current fiscal year, this Agreement shall cover payment for Consultant's Services only to the conclusion of the last fiscal year in which City appropriates sufficient funds and shall automatically terminate at the conclusion of such fiscal year.

8.10 Headings.

The headings in this Agreement are included solely for convenience of reference and shall not affect the interpretation of any provision of this Agreement or any of the rights or obligations of the Parties to this Agreement.

8.11 Word Usage.

Unless the context clearly requires otherwise, (a) the words "shall," "will" and "agrees" are mandatory and "may" is permissive; (b) "or" is not exclusive; and (c) "includes" or "including" are not limiting.

8.12 Business Days.

"Business Days" refers to days that the Banning City Hall is open for business.

8.13 Corporate Authority.

The persons executing this Agreement on behalf of the Parties hereto warrant that (i): such Party is duly organized and existing, (ii) they are duly authorized to execute and deliver

this Agreement on behalf of that Party, (iii) by so executing this Agreement, such Party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other Agreement to which that Party is bound. This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the Parties.

8.14 Electronic Signatures.

Each Party may adopt as its signature an electronic identification consisting of a symbol or code that is affixed to or contained in each document transmitted by such Party ("electronic signature"). The Parties hereto herby agree that electronic signatures are acceptable, shall have the same force and effect under the law as original wet signatures, and shall be sufficient to verify that the Parties have executed this Agreement and such other documents transmitted by the Parties.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF the Parties hereto have executed this Agreement the day and year first hereinabove written.

CITY OF BANNING

Douglas Schulze, Date
City Manager

ATTEST:

Caroline Patton Date
Administrative City Clerk

APPROVED AS TO FORM:
Richards, Watson & Gershon

Serita R. Young Date
City Attorney

CONSULTANT

NAME: Date
TITLE:

NAME: Date
TITLE:

Tax ID No.

Address:

City Council Approval: _____

NOTE: PROOF OF AUTHORITY TO BIND CONTRACTING PARTY REQUIRED. APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO CONSULTANT'S BUSINESS ENTITY.

EXHIBIT "A"
SCOPE OF SERVICES

I. Consultant will perform the following Services in connection with providing recodification of the City of Banning municipal code prepared in connection therewith:

II. As part of the Services, Consultant will prepare and deliver the following tangible work products and services to City:

American Legal Publishing will:

(1) Examine the city's prior code of ordinances and all ordinances or resolutions provided by the city and determine which materials are to be codified.

(2) *Legal Review.* Utilize its staff of attorneys to review all materials to be codified and prepare a written report for the municipal attorney.

(a) The report may include notice of and suggestions for resolving the following:

Apparent conflicts with referenced state and federal statutes and administrative regulations;

Repealed, renumbered, or obsolete state and federal statutory citations;

Internal discrepancies such as duplications, ambiguities, and obsolete terminology.

(b) Suggest new provisions which the city should consider including in the code and suggest deleting old provisions which are no longer necessary.

(c) At the option of the city, hold a conference with municipal representatives to review the report. The city will not be billed for time of the American Legal staff attorney if it chooses this option but will be billed for travel expenses.

(3) Classify all ordinances and resolutions which are of a general and permanent nature into titles, chapters, and sections, according to subject matter.

(4) Make changes to effect uniformity of style and to correct typographical and spelling errors, grammar, and usage. Substantive changes shall not be made in the wording of the ordinances. Suggestions for additions or changes to the ordinances will be submitted to the Municipal Attorney.

(5) Prepare:

(a) Title, chapter, and section headings.

(b) A table of contents and sectional analysis for each chapter.

(c) A legislative history for each section, citing the ordinance number and date of passage, as indicated on copies of ordinances supplied to the Publisher.

(d) Statutory cross-references to sections of the state statutes and to other pertinent parts of the Code where applicable. These references shall appear at the end of the section to which they apply.

(e) Parallel Reference Tables showing:

1. The disposition of ordinances (in numeric sequence) included in the codification (Ordinance to Code).
2. A listing of code sections based on state statutes (Statute to Code).
3. A listing of prior code sections incorporated into the new code if applicable (Old Code to New Code).

(f) An index (which will be created after the first draft of the Code is submitted).

(6) Provide the city with model or sample ordinances when available and upon request, at no additional charge.

(7) Deliver to the city, within 4-7 months from receipt of the materials deemed necessary by the Publisher to begin the codification (prior code, ordinances and new code questionnaire), one copy of a draft of the Code for the city's examination.

(8) If necessary, hold a conference to make final corrections, additions, and deletions to the Code. The city will be billed for the travel expenses of the American Legal staff attorney. The city may present changes to pages of the draft at the conference. After the final conference, any further changes, additions, or deletions shall be made in the future supplements to the Code. When the draft, and any changes thereto made by the city, is returned to the Publisher, such return of the draft shall be deemed final authorization by the city to publish the Code as returned. If additional conferences are requested by the city, which require the travel of a member of the staff of the Publisher, then the city shall be advised what the additional cost, if any, for such a conference will be.

(9) Deliver to the city, within 3 months of receipt of the corrected draft, 2 printed copies meeting the following specifications:

(a) Type to be dual column

(b) Page size to be 8½" x 11"

(c) Printed on high quality paper

(d) All copies to be in hard-covered, 3-ring, loose leaf binders. All binders shall have the city's name stamped in gold and shall contain divider tabs.

(10) Provide a sample adopting ordinance to the city.

III. In addition to the requirements of Parts I and II of this Scope of Services, during the performance of the Services, Consultant will keep City appraised through periodic status reports regarding the performance of the Services under this Agreement as set forth below and in Section 5.2, by the following means:

a. In-person meetings and/or teleconferences.

b. Email updates/questions to applicant team and City while reviews are underway.

c. Conference calls.

IV. All work product is subject to review and acceptance by City. If the City determines that any work product is unacceptable, for any reason, it must be revised by Consultant without additional charge to City until found satisfactory and accepted by City.

EXHIBIT "B"
SPECIAL REQUIREMENTS

None

EXHIBIT "C"
SCHEDULE OF COMPENSATION

I. Consultant shall perform the following tasks ("Tasks") at the rates attached as Exhibit C-1.

II. Within the budgeted amounts for each Task, and with the approval of the Contract Officer, funds may be shifted from one Task sub-budget to another so long as the Contract Sum is not exceeded per Section 2.1, unless Additional Services are approved per Section 1.8.

III. City will compensate Consultant for the Services performed upon submission of a valid invoice. Each invoice is to include:

A. Line items for all personnel describing the Services performed, the number of hours worked, and the hourly rate.

B. Line items for all materials and equipment properly charged to the Services.

C. Line items for all other approved reimbursable expenses claimed, with supporting documentation.

D. Line items for all approved sub-contractor labor, supplies, equipment, materials, and travel properly charged to the Services.

EXHIBIT "C-1"
CONSULTANT'S BILLING RATE AND TASK SCHEDULE

6. COST PROPOSAL

American Legal Publishing proposes to recodify the municipal code for the City of Banning, CA at the following price:

I.	Base Cost* **The actual page count may vary from the estimate, or you might add new ordinances during the codification process. If the page estimate is low, the cost will be higher than the initial base cost.* **Includes**	$34,275.
	1. Number of Copies of Banning's Code (includes binders and divider tabs)	2
	2. Legal Analysis 1. Research Internal Consistency 2. Research State Law Consistency 3. Legal and Editorial Research and Report	
	3. Special Features 1. Parallel References 2. Comprehensive Index 3. Tabular Matter (Tables, Charts, Graphs)	
	4. Estimated Number of Pages 8 ½" x 11" Format Dual column (10-point type)	1500 pages
	5. Data converted to searchable electronic format (one time fee)	$1,275
	6. Phone and email support with American Legal Publishing	Included
	7. Remote training session	Included

EXHIBIT "D"
SCHEDULE OF PERFORMANCE

I. Consultant shall perform all Services timely, and deliver the specified tangible work products to City in accordance with the schedule attached as Exhibit D-1.

II. The Contract Officer may approve extensions for performance of the Services in accordance with Sections 1.8 and 3.3.

Step 01 – July/August 2024
Step 02 – September 2024
Step 03 - December 30, 2024
Step 04 -April 2025 (If there is a delay in Step 04, Step 05 pushes out accordingly)
Step 05 - July 2025

American Legal Publishing is poised to start the project per the start date outlined in Section II.D - Timeline. The selection date that the city has proposed is July 9, 2024. If the contract approval process is delayed by the City, that could impact the start date. If the City is able to move quicker through the contract approval process, American Legal could certainly start the project earlier.

REQUEST FOR PROPOSAL

MUNICIPAL CODE UPDATE PROJECT - CITY OF BANNING, CA

RFP-23-050

CITY OF BANNING, CA

http://www.banningca.gov

RELEASE DATE: May 10, 2024
DEADLINE FOR QUESTIONS: June 11, 2024
RESPONSE DEADLINE: June 19, 2024, 11:59 pm

RESPONSES MAY BE SUBMITTED ELECTRONICALLY TO:
https://secure.procurenow.com/portal/banning-ca

City of Banning
REQUEST FOR PROPOSAL
Municipal Code Update Project - City of Banning, CA

I. Notice .....
II. Introduction .....
III. Prerequisites .....
IV. Scope of Work .....
V. Vendor Questionnaire .....
VI. Submission Instructions And Inquiries .....
VII. Evaluation Criteria .....
VIII. Terms And Conditions .....

Attachments:
A - Professional Services Agreement Sample

I. Notice

REQUEST FOR PROPOSALS (RFP)

Municipal Code Update Project - City of Banning, CA

Dear Proposers:

The City of Banning (hereinafter referred to as the "City") is requesting proposals from a qualified public entity or private firm, to establish a contract for the scope of services outlined in this request for proposals.

NOTICE IS HEREBY GIVEN that online price and document submittals must be uploaded to the online bidding system in accordance with the instructions included herein, on or before the time and date set forth in the schedule of events. It shall be the responsibility of the proposer to upload their proposal before the announced time. However, responses may be submitted at any time prior to the deadline. (Submitted proposals may be withdrawn and resubmitted at any time prior to the deadline, and cannot be viewed by City staff until the close date and time.)

SOLICITATION DOCUMENTS: To obtain a copy of the solicitation documents, please visit https://secure.procurenow.com/portal/banning-ca. If you are not currently registered with the City of Banning through OpenGov, please create an account and subscribe to this project for notifications. Proposals may only be submitted by companies who are listed as a prospective bidder on the electronic bidding website for each project that they wish to submit a response to. Firms must also check the web site periodically for addenda information as failure to download and acknowledge any and all addenda in the submittal will result in proposer disqualification.

RESPONSIVE PROPOSALS: Once listed on the prospective bidders list, companies may submit their proposals on the electronic bidding system. The City will not accept proposals submitted by companies who are not on the prospective bidders list, or from companies who have submitted a proposal via facsimile, email, mail, or any other format not permitted by this solicitation. Further instructions for submitting proposals are explained in this solicitation. Companies are to adhere to all of the submittal instructions and requirements outlined in this solicitation in order to be considered responsive to this request for proposals.

II. Introduction

II.A Summary

The City of Banning ("City") is seeking a qualified entity or individual ("Company") to provide the services listed in the Scope of Work.

The City anticipates selecting one firm to perform the services.

Proposals are requested from Companies that have a demonstrated ability to perform the tasks identified in this Request for Proposal ("RFP").

II.B Background

The City of Banning is strategically located astride Interstate 10 between the Inland Empire and the Coachella Valley in the San Gorgonio Pass. The City, incorporated in 1913, has a rich and colorful history.

Initially Banning served as a stagecoach and railroad stop between the Arizona territories and Los Angeles. This history has contributed to the present-day spirit of pioneer resourcefulness and "can do" attitude that is so prevalent in the community.

Banning is a friendly and wholesome place to work and raise a family. Desirable executive housing is available, as well as moderate and lower income housing. Clean air, ample water supplies and the memorable and inspiring scenic vistas of both Mt. San Gorgonio and Mt. San Jacinto, the 2 tallest peaks in Southern California, are additional amenities which make the City of Banning a logical choice as a development opportunity in the Southern California area.

II.C Contact Information

Barbara Mason
Purchasing Manager
99 E. Ramsey Street
Banning, CA 92220
Email: bmason@banningca.gov
Phone: (951) 922-3121
Department:
Administrative Services

II.D Timeline

This request for proposal will be governed by the following tentative schedule. All dates are subject to change at the discretion of the City.

Release Project Date	May 10, 2024

Pre-Proposal Meeting (Mandatory)	June 3, 2024, 9:00am Microsoft Teams meeting Join on your computer, mobile app or room device https://teams.microsoft.com/l/meetup-join/19%3ameeting_NDI2ODg1OGEtZGVkMS00MmRkLTljNGMtM2I4YWJmYzI0ZWY5%40thread.v2/0?context=%7b%22Tid%22%3a%2228cb6a6f-78fe-445d-acfd-cf07066168f7%22%2c%22Oid%22%3a%22f9c1cfd3-52ec-497e-81d5-e375c8c28269%22%7d Meeting ID: 226 063 519 929 Passcode: Ha8EBJ If you have trouble logging in, please contact Barbara Mason at (951) 922-3121.
Question Submission Deadline	June 11, 2024, 11:59pm
Proposal Submission Deadline	June 19, 2024, 11:59pm
Anticipated Contractor Selection Date	July 9, 2024

III. Prerequisites

Proposals will only be considered from Companies that meet the following prerequisites:

III.A Years of experience

Have at least five (5) years' of experience, within the past seven (7) years under a legally registered business name, in providing services of a similar type and scope as described in the Scope of Services. Have not filed for bankruptcy under any business name over the past five (5) years.

III.B OpenGov Registration

Have created an account on OpenGov. Companies can register at: https://secure.procurenow.com/portal/banning-ca

Once registered, Companies must download this solicitation in order to appear on the Bidder's List as a "Prospective Bidder." Companies that fail to specifically download this solicitation will not appear on the Bidders' List and will be unable to participate or be considered for this RFP.

III.C Mandatory Pre-Proposal Meeting

All prospective Companies must attend the mandatory pre-proposal meeting on Monday, June 3, 2024 at 9:00 am to be held at:

Microsoft Teams meeting Join on your computer, mobile app or room device https://teams.microsoft.com/l/meetup-join/19%3ameeting_NDI2ODg1OGEtZGVkMS00MmRkLTljNGMtM2I4YWJmYzI0ZWY5%40thread.v2/0?context=%7b%22Tid%22%3a%2228cb6a6f-78fe-445d-acfd-cf07066168f7%22%2c%22Oid%22%3a%22f9c1cfd3-52ec-497e-81d5-e375c8c28269%22%7d Meeting ID: 226 063 519 929 Passcode: Ha8EBJ If you have trouble logging in, please contact Barbara Mason at (951) 922-3121.

Attendance is mandatory at the pre-proposal meeting. The meeting will begin promptly at the time listed in the schedule. No admittance will be allowed once the meeting has begun. Proposals from prospective Proposers not in attendance at this mandatory meeting will not be considered.

III.D Licenses

If applicable, Company and/or its key personnel, shall hold an appropriate license for the Company's discipline and the Services on the date the Proposal is submitted.

III.E Department of Industrial Relations Registration

If applicable, Company shall have registered with the Department of Industrial Relations and any other required organizations.

IV. Scope of Work

IV.A Description of Services

The City of Banning Code of Ordinances consists of 18 Titles that has been amended periodically over time. The current Code may include policies and procedures that may be better suited for adoption by the City Council via resolution rather than by codified ordinance. The goal of this project is to conduct a holistic review and update of the Municipal Code to modernize the code utilizing reader friendly text and format, eliminate outdated and redundant provisions, eliminate inconsistencies and contradictions, simplify code provisions, and to ensure consistency and compliance with current state and federal law.

As part of our evaluation process for the Municipal Code Update Project ("Project"), the City is seeking assistance from a highly qualified legal consultant or consultant team who has relevant experience updating municipal codes in the State of California for General Law Cities.

The current Municipal Code is accessible at:
https://library.municode.com/ca/banning/codes/code_of_ordinances

Since this will be the City's first comprehensive update, the City expects that the Municipal Code may require significant modifications to reflect current needs of the community. The new code should reflect best practices with respect to the content and administration of the code.

The comprehensive update needs to be user friendly for staff, property owners, and businesses by 1) removing legalese and jargon unfamiliar to the lay person, 2) improving clarity and overall functionality, and 3) reflect regulatory best practices. It is also envisioned that the update may include tables and illustrations whenever possible to help convey concepts. Lastly, the updated code must be consistent with current case, state, and federal laws.

IV.B General Approach

The selected consultant team should be experienced professionals who can work collaboratively with the local municipality to develop a clear, concise and reasonable set of regulations that implement the City's goals. The following principals should guide the update process:

- Focus on improving the Code to eliminate deficient, outdated, overly complex or unnecessary provisions.
- Make the code internally consistent between Titles and Chapters.
- Create a user-friendly code that is easy to administer by staff and easily understood by the residential and business community.
- Use plain, easily understood language in describing requirements and procedures.
- Ensure compatibility with case law and current state and federal law.
- Evaluate the code for regulatory gaps.
- Eliminate "repealed" or "deleted" titles, chapters, or sections.
- Apply form-based concepts and development flexibility where appropriate.

• Insert tables, graphics and/or illustrations wherever practical or necessary to convey concepts.
• Conduct full legal review.

The consultant should propose an approach to understanding the existing code and the City's needs. The approach should include gathering needed background information and analysis to suggest recommendations on how best to modernize the code. The existing conditions review should include, at a minimum, a thorough examination of the current Municipal Code.

IV.C Scheduling

The City desires the selected consultant to propose a reasonable and consistent schedule for completing the project in a timely manner. The City expects that each module will include the following:
• initial scoping meetings with relevant staff;
• an assessment of the current code language including a thorough review of relevant federal and state statutory requirements;
• an initial draft for review by relevant staff;
• participation in general updates and discussion with relevant staff; and
• a final draft for consideration by the City Council.

IV.D Preliminary Assessment and Recommendations

Using information gained from the existing conditions review, the consultant shall prepare a code assessment and recommendations on how best to update the Municipal Code. This work should include a code audit of the existing conditions strengths, weaknesses, opportunities, and constraints relating to content, structure and compliance with current law. This shall be done on an ongoing basis with each Title of the Municipal Code being addressed incrementally throughout the project schedule.

A formal recommendation shall be prepared that summarizes the analysis, findings and preliminary recommendations on how best to approach revising the current Municipal Code by Title and overall.

IV.E Legal Review

The consultant firm shall conduct a full legal review of the Municipal Code. All legislation shall be researched and reviewed against state Constitution and state Law, including case law. The consultant shall compare ordinances to other ordinances within the Municipal Code to determine if there are inconsistencies or conflicts within the legislation itself, identify preemptions and other potential problems, and ensure that the Municipal Code is in conformity with state law.

IV.F Draft Municipal Code Language and Ordinances

Building upon the preliminary assessment and recommendations report and the legal review, the consultant shall prepare a draft of the updated Municipal Code on a per Title basis to be aligned with the City's proposed project schedule.

The consultant will be responsible for the drafting of the ordinances, and the associated staff reports that will be presented to the City Council for adoption, as well as the public noticing language for all ordinances.

Applying the general direction principles listed above, each new Title should be clearly worded and organized to encourage the documents' accessibility to a wide range of audiences. Graphics and tables should be used when possible to illustrate concepts.

The consultant shall prepare a companion document that carefully tracks all significant changes from the existing code to the newly proposed code by Title to ensure transparency.

IV.G Public Hearing Notices

Formal public hearing notices shall be prepared by the consultant, along with drafting a proposed calendar for when public hearing notices should be published.

IV.H City Council Meetings

The consultant will be responsible for preparing the staff reports and ordinances. The consultant shall also provide a representative to attend City Council Meetings related to this project.

IV.I Recodification of Municipal Code

The consultant shall prepare a final version of the updated Municipal Code to be adopted by the City Council. Upon adoption, the consultant shall provide the City with two (2) copies of the updated Code, printed in an 8-1/2 x 11 inch, double-column page format, housed in 3-post expandable binders.

The consultant shall include in this task, time to address any follow-up review with Municode to address any scrivener's error prior to recodification of the Municipal Code.

IV.J Optional Services

The consultant may provide information on any additional product options or services related to the codification not outlined in this RFP, such as online code hosting services and maintaining the City of Banning Municipal Code. Include a complete description of the optional services, procedures involved and a separate identification of all applicable costs.

V. Vendor Questionnaire

Proposals should be prepared in such a way as to provide a straightforward, concise delineation of capabilities to satisfy the requirements of this RFP. Responses should emphasize the Company's demonstrated capability to perform work of this type. Emphasis should be concentrated on completeness and clarity of content. Proposals shall adhere to the following format for organization and content. Proposals must be typed and arranged/divided in the following sequence to facilitate evaluation.

V.A Cover Letter*

The cover letter shall include a brief general statement of intent to perform the services and confirm that all elements of the RFP have been reviewed and understood. The letter shall include a brief summary of Company's qualifications and Company's willingness to enter into a contract under the terms and conditions prescribed by this RFP and in the Sample Agreement. The letter must identify a single person for contact during the RFP review process.

*Response required

V.B Proposal*

A. Statement of Understanding and Approach

- This section must demonstrate an understanding of the Services. It should describe the general approach, organization and staffing required for the Services requested. If necessary, preliminary investigations, due diligence, and research shall be discussed in this section.
- This section should include the following:
  - An implementation plan that describes in detail (i) the methods, including controls by which your firm or entity manages projects of the type sought by this RFP; (ii) methodology for soliciting and documenting views of internal and external stakeholders; (iii) and any other project management or implementation strategies or techniques that the respondent intends to employ in carrying out the work.
  - Detailed description of efforts your firm or entity will undertake to achieve client satisfaction and to satisfy the requirements of the "Scope of Work" section.
  - Detailed project schedule, identifying all tasks and deliverables to be performed, durations for each task, and overall time of completion, including a complete transition plan. Include your plan to deal with fluctuation in service needs and any associated price adjustments.

- Detailed description of specific tasks you will require from City staff. Explain what the respective roles of City staff and your staff would be to complete the tasks specified in the Scope of Work.
- Proposers are encouraged to provide additional innovative and/or creative approaches for providing the service that will maximize efficient, cost-effective operations or increased performance capabilities. In addition, the City will consider proposals that offer alternative service delivery means and methods for the services desired.
- Proposers are also requested to identify any City owned facilities or property which Proposer would propose to use or lease, purchase, or rent from the City in connection with the services to be performed, including information about the terms of any proposed lease, purchase or use of such equipment and facilities, and how this proposed structure affects the overall cost proposal to the City, if applicable.

B. Company Information

- This section shall include contact person information, address and telephone number of the company main office and branch offices. Each Company shall identify itself as to the type of organizational entity (corporation, sole proprietorship, partnership, joint venture, etc.). Any supplemental information that Company believes may be pertinent to the selection process may be provided.
- The proposer should provide an affirmative statement that it is independent of the City as defined by generally accepted auditing standardshe U.S. General Accounting Office's Government Auditing Standards (1994).
- The Proposal shall identify any litigation, mediation, or arbitration, regarding the performance of any services similar to the Services, in which the Company has been involved in the past five (5) years. If the Services require a license or certification, the Proposal shall include any claims or disciplinary action taken against Company or any of Company's key personnel within the past five years.

C. Company Personnel

- This section shall contain names, contact numbers and description of experience, including licenses and/or certifications, of all key personnel who would be assigned to perform the Services. Members of the Company's professional team (managers, contact person, etc.) should be identified by name, title, phone number, and description of the portion of work they will be assigned to perform under this Agreement. Also include major subcontractors (if any) and their degree of involvement in this program. If the Company is including any subcontractors, the Company shall identify how long the Company has worked with the subcontractor.
- An affirmative statement should be included that the proposer and all assigned key professional staff are properly licensed to practice in California.

D. Disclosure

- Please disclose any and all past or current business and personal relationships with any current Banning elected official, appointed official, City employee, or family member of any current Banning elected official, appointed official, or City employee. Any past or current business relationship may not disqualify the firm from consideration.

E. Experience and References

- The Proposal must demonstrate that the Company, or its key personnel, meets the minimum experience requirement in #Prerequisites with a legally registered business name, that provides services of a similar type and scope as described in the Scope of Services. A Company shall not have filed for bankruptcy under any business name over the past five (5) years.
- Company shall provide at least 3 references, within the past 5 years, of clients for whom services have been performed that are comparable in quality and scope to that specified in this RFP. The references shall include client names, addresses, telephone numbers and e-mail addresses of the clients for whom prior work was performed and include an explanation of the services provided along with project start and end dates.

*Response required

V.C Price Proposal*

All proposals submitted shall have a stated dollar bid amount for providing the services outlined in the Scope of Services. The total shall be an all-inclusive maximum price and to contain all direct and indirect costs including all out-of-pocket expenses with a full and complete breakdown of all said costs, and proposed fees including but not limited to hourly rates, reimbursable expenses and/or rates, mileage and/or travel cost, miscellaneous fees, etc., for the first year's audit engagement.

In addition, a statement must be included in this section that if the proposer is charging travel costs, the proposer's charges invoiced to the City for travel, lodging and subsistence shall not exceed the current IRS rates.

*Response required

V.D Value Added Services

Please describe any value-added services your company offers that may be of use to the City

V.E Evidence of Insurance*

In addition, the Company shall provide evidence of possession of insurance in the coverage and amounts listed in the Sample Agreement.

City requires that licensees, lessees, and vendors have an approved Certificate of Insurance (not a declaration or policy) or proof of legal self-insurance on file with the City for the issuance of a permit or contract. Within ten (10) consecutive calendar days of award of contract, successful Proposer must furnish the City with the Certificates of Insurance proving coverage as specified in contract sample.

*Response required

V.F Vendor Forms

Please download the below documents, complete, and upload.

- New_Vendor_Packet.pdf

V.G Type of Business*

☐ C Corporation
☐ S Corporation
☐ Limited Liability C Corporation
☐ Partnership
☐ Limited Liability Partnership
☐ Sole Proprietor/Individual
☐ Other
*Response required

V.H Type your Legal Company Name Here*

State your Company's Name Here. This will be verified against the California Secretary of State's Website.

*Response required

V.I EX PARTE COMMUNICATIONS CERTIFICATION*

I certify that Bidder and Bidder's representatives have not had any communication with a City Councilmember concerning this IFB at any time after the date and time that this IFB was publicly advertised.

☐ Yes
☐ No
*Response required

V.J EX PARTE COMMUNICATIONS CERTIFICATION CONTINUED*

If stated "Yes" above, please explain the circumstances in the following space, or state "None."

*Response required

V.K DISQUALIFICATIONS QUESTIONNAIRE*

Has the Company, any officer of the Company, or any employee of the Company who has proprietary interest in the Company, ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or safety regulation?

☐ Yes
☐ No
*Response required

V.L DISQUALIFICATIONS QUESTIONNAIRE CONTINUED*

If stated "Yes" above, please explain the circumstances in the following space, or state "None."

*Response required

V.M DISCLOSURE OF GOVERNMENT POSITIONS*

Each Bidder shall disclose below whether any owner or employee of the firm currently hold positions as elected or appointed officials, directors, officers, or employees of a governmental entity or held such positions in the past twelve months. List below or state "None."

*Response required

V.N CERTIFICATION COMPLIANCE*

Please download the below documents, complete, and upload.

- Certification-Compliance_wi...

*Response required

VI. Submission Instructions And Inquiries

VI.A Inquiries

If prior to the date fixed for submission of Proposals, a prospective Company discovers any ambiguity, conflict, discrepancy, omission or other errors in this RFP or any of its appendices, exhibits or attachments, the Company shall immediately notify the City of such error in writing and request modification or clarification of the document. Modifications shall be made by written Addenda to the RFP.

If a Company fails to notify the City, prior to the date fixed for submissions of Proposals, of an error in the RFP known to the Company, or an error that reasonably should have been known to the Company, the Company shall submit its Proposal at its own risk, and if the Company is awarded a Contract, it shall not be entitled to additional compensation or time by reason of the error or its later correction.

All communications regarding technical, scope, and/or project related questions and requests for clarifications, changes, exceptions, and deviations to the terms and conditions set forth in this RFP **shall be submitted via "Q&A"** through the City's Electronic Bidding System, ProcureNow, before the deadline and according to these specifications herein. Any and all other bidding communications shall only be with **Nicole Jews, Purchasing Manager**, at (951) 922-3121.

The Final day for receipt of questions from the Proposer shall be on or before the due date indicated in the schedule of events section. To ensure fairness and avoid misunderstandings, **all communications must be in written format**and submitted only in the format set forth above. Any verbal communications will not be considered or responded to. All questions received by the due date will be logged and reviewed and if required, a response will be provided via an addendum to the RFP that will be posted on the City's website. **Any communications, whether written or verbal, with any City Councilmember, City staff, or RFP evaluation panel member other than the individual indicated above, prior to award of a contract by City Council, is strictly prohibited and theProposer shall be disqualified from consideration.**

VI.B Completion Of Proposal

Proposals shall be completed in all respects as required by this RFP. A proposal may be rejected if conditional or incomplete, or if it contains any alterations or other irregularities of any kind, and will be rejected if any such defect or irregularity can materially affect the quality of the proposal. Proposals which contain false or misleading statements may be rejected. If, in the opinion of the City's Selection Committee, such information was intended to mislead the City in its evaluation of the proposal, and the attribute, condition, or capability is a requirement of this RFP, the proposal will be rejected. Statements made by a Company shall also be without ambiguity, and with adequate elaboration, where necessary, for clear understanding.

Unauthorized conditions, exemptions, limitations, qualifications, or provisions attached to a Proposal will render it non-responsive and will cause its rejection.

The Company, in responding to this RFP, must submit Proposals in the format identified in this RFP. The Proposal must address all requirements of the RFP even if a "no response" is appropriate.

Costs for developing Proposals are entirely the responsibility of the Company and shall not be chargeable to the City. The City shall not be liable for any costs incurred in response to this RFP, including but not limited to, costs for any interviews, presentations, or other follow-up information necessary as part of the selection process. All costs shall be borne by the Company responding to this RFP. The Company responding to this RFP shall hold the City harmless from any liability, claim, and expense whatsoever incurred by or on behalf of the Company.

VI.C Delivery / Submission Of Proposals

The Final day for submission of proposals shall be on or before the due date indicated in the schedule of events section.

Companies shall register on the City's Electronic Bidding System, https://www.banningca.gov/bids. Once registered, Companies must download the RFP while logged in under their own name and identification number to appear on the Current Prospective Bidders List as a "Prospective Bidder." Companies that fail to download the RFP will not appear on the Current Prospective Bidders List and their proposals will be considered non-responsive. If a Company is unable to register or download the RFP from the bidding website, a representative may contact ProcureNow.

All proposal documents and supplementary documents must be uploaded using the City's bidding website prior to event date and time as instructed in this solicitation. Once file(s) have been uploaded and the Submission Status shows as "Submitted" the submission is complete. At that point respondents will receive an email confirmation from the bidding website.

The City reserves the right to reject any and all proposals and to waive information and minor irregularities in any proposal received.

Acceptance of Terms and Conditions - Submission of a proposal pursuant to this RFP shall constitute acknowledgment and acceptance of all terms and conditions hereinafter set forth in this RFP.

The time and date are fixed, and extensions will not be granted unless specifically stated by the City in an addendum to this RFP. Proposals not received before the bid event time will not be accepted.

VI.D Alternative Proposals

Only one proposal is to be submitted by each Company for this RFP. Multiple simultaneous proposals will result in rejection of all Proposals submitted by Company. A Company may, prior to the proposal due date and time, withdraw a proposal and submit a new proposal, so long as the new proposal is submitted before the proposal due date and time.

VI.E Examination Of RFP And Sites Of Work

The Company shall carefully examine the RFP and all sites, if applicable, of the work contemplated. The submission of a Proposal shall be conclusive evidence that the Company has investigated and is satisfied as to the conditions to be encountered, as to the character, quality, and quantities of work to be performed and materials to be furnished, the difficulties to be encountered, and to the requirements of the Proposal, RFP, and other Contract Documents.

By submitting a Proposal, the Company hereby certifies that it has: examined the local conditions, read each and every clause of this RFP, included all costs necessary to complete the specified work in its proposed prices, and agrees that if it is awarded the Contract it will make no claim against the City based upon ignorance of local conditions or misunderstanding of any provision of the Contract. Should the conditions turn out otherwise than anticipated by it, the Company agrees to assume all risks incident thereto.

VI.F Addenda

Unless otherwise specified, any addenda issued during the time of bidding must be acknowledged electronically via the City's Bidding Website, which will be made part of the proposal. Addenda notifications will be provided to those listed on the Electronic Prospective Bidder's List via email.

VI.G Withdraw Of Proposals

All proposals shall be firm offers and may not be withdrawn for a period of one hundred twenty (120) days following the deadline date for submission of proposals noted herein. Submitted Proposals may be withdrawn at any time prior to the submission deadline.

VI.H Pre-Proposal Meeting

There will be a mandatory pre-proposal meeting on Monday, June 3, 2024 at 9:00 am. The meeting will be located at Microsoft Teams meeting Join on your computer, mobile app or room device https://teams.microsoft.com/l/meetup-join/19%3ameeting_NDI2ODg1OGEtZGVkMS00MmRkLTljNGMtM2I4YWJmYzI0ZWY5%40thread.v2/0?context=%7b%22Tid%22%3a%2228cb6a6f-78fe-445d-acfd-cf07066168f7%22%2c%22Oid%22%3a%22f9c1cfd3-52ec-497e-81d5-e375c8c28269%22%7d Meeting ID: 226 063 519 929 Passcode: Ha8EBJ If you have trouble logging in, please contact Barbara Mason at (951) 922-3121.. Attendance is required in order to submit a proposal.

VII. Evaluation Criteria

The City reserves the right to amend, withdraw, and cancel this RFP. The City also reserves the right to reject all responses to this RFP at any time prior to agreement execution. Furthermore, the City reserves the right to request additional information about any and all Proposals, that in City's opinion, is necessary to assure that the Company's competence, number of qualified employees, business organization, experience, and financial resources are adequate to perform the Services.

All Proposals shall be reviewed to verify that the Company has met the minimum requirements as stated in this RFP. Proposals that have not followed the rules, do not meet minimum content and quality standards, and/or do not provide references will be rejected as non-responsive.

Responsive proposals will be evaluated on the basis of the criteria below. **If needed, interviews will be scheduled during or after the week indicated in the "Schedule of Events" section.** If needed, interviews will be conducted by the same members on the proposal evaluation panel. Dates, times, and a location will be coordinated at that time if interviews are deemed necessary after the evaluation of responsive proposals. If interviews are deemed necessary, candidates who have submitted the highest scoring proposals within a competitive range as determined by the City will be invited to participate in the interview process.

The selected Company shall then enter into exclusive negotiations with the City to formalize the Scope of Service and Compensation. Recommendation for award is contingent upon the successful negotiation of final contract terms. Negotiations shall be confidential and not subject to disclosure to competing Proposers unless an agreement is reached. If the City is unable to obtain a fair and reasonable price or cannot reach agreement regarding the terms for the Scope of Services, then the City will end negotiations with that Company and begin negotiations with the next Company which best meets the needs of the City, and so on until a City and the Company reach agreement.
The City intends to select the Company that offers the best value to the City based on the criteria outlined above.

No.	Evaluation Criteria	Scoring Method	Weight (Points)
1.	**Qualifications**	Points Based	25 *(25% of Total)*
2.	**Pricing**	Points Based	20 *(20% of Total)*
3.	**Experience (Projects of similar size and scope)**	Points Based	20 *(20% of Total)*
4.	**Professional References**	Points Based	10 *(10% of Total)*

5.	**Approach and Methodology**	Points Based	20 *(20% of Total)*
6.	**Value Added Services**	Points Based	5 *(5% of Total)*

VIII. Terms And Conditions

VIII.A Contract Terms And Conditions

The successful company will be required to execute the City's standard agreement ("Agreement"). A sample is attached herein. The successful company must meet all insurance requirements in the Agreement. All terms and conditions of the Agreement are non-negotiable. Companies must possess valid City of Banning Business License throughout the term on the contract. Failure to execute the Agreement and furnish the required insurance within the required time period shall be just cause for the rescission of the award. If any of the successful Companies refuse or fail to execute the Agreement, the City may award the Agreement to the next most qualified Company.

VIII.B Public Records

All Proposals submitted in response to this RFP become the property of the City and pursuant to the Public Records Act (Gov. Code, § 6250 et seq.) are public records, and as such may be subject to public review at least 10 days before selection.

The Company must notify the City in advance of any proprietary or confidential materials contained in the Proposal and provide justification for not making such material public. The City shall have sole discretion to disclose or not disclose such material subject to any protective order that the Company may obtain. Note that under California law, price proposal to a public agency is not a trade secret.

Submission of a proposal shall indicate that, if Proposer requests that the City withhold from disclosure information identified as confidential, and the City complies with the Proposer's request, Proposer shall assume all responsibility for any challenges resulting from the non-disclosure, indemnify and hold harmless the City from and against all damages (including but not limited to attorney's fees that may be awarded to the party requesting the Proposer information), and pay any and all costs and expenses related to the withholding of Proposer information. Proposer shall not make a claim, sue, or maintain any legal action against the City or its directors, officers, employees, or agents concerning the disclosure, or withholding from disclosure, of any Proposer information. If Proposer does not request that the City withhold from disclosure information identified as confidential, the City shall have no obligation to withhold the information from disclosure and may release the information sought without any liability to the City.

The City reserves the right to make use of any information or idea contained in the Proposal. All materials, ideas and formats submitted in response to this RFP will become the property of the City upon receipt.

VIII.C Conflict Of Interest

The Proposer warrants and represents that it presently has no interest and agrees that it will not acquire any interest which would present a conflict of interest under California Government Code sections 1090 et seq., or sections 87100 et seq., during the performance of services under any Agreement awarded. The Proposer further covenants that it will not knowingly employ any person having such an interest in the performance of any Agreement awarded. Violation of this provision may result in any Agreement awarded being deemed void and unenforceable.

VIII.D Rejection Of Proposals

The City may reject any/or all Proposals and may waive any immaterial deviation in a Proposal. The City's waiver of an immaterial defect shall in no way modify this RFP or excuse the Company from full compliance with this RFP and/or the Contract Documents if awarded the Contract. Proposals that include terms and conditions other than City's terms and conditions may be rejected as being non-responsive. The City may make investigations as deemed necessary to determine the ability of the Company to perform the work, and the Company shall furnish to the City all such information and data for this purpose as requested by the City. The City reserves the right to reject any proposal if the evidence submitted by, or investigation of, such Company fails to satisfy the City that such Company is properly qualified to carry out the obligations of the Agreement and to complete the work described herein.

VIII.E Protest Procedures

Failure to comply with the rules set forth herein may result in rejection of the protest. Protests based upon restrictive specifications or alleged improprieties in the proposal procedure which are apparent or reasonably should have been discovered prior to receipt of proposals shall be filed in writing with the RFP Facilitator at least 10 calendar days prior to the deadline for receipt of proposals. The protest must clearly specify in writing the grounds and evidence on which the protest is based.

Protests based upon alleged improprieties that are not apparent or which could not reasonably have been discovered prior to submission date of the proposals, such as disputes over the staff recommendation for contract award, shall be submitted in writing to the RFP Facilitator, within forty-eight hours from receipt of the notice from the City advising of staff's recommendation for award of contract. The protest must clearly specify in writing the grounds and evidence on which the protest is based. The RFP Facilitator will respond to the protest in writing at least three days prior to the meeting at which staff's recommendation to the City Council will be considered. Should Proposer decide to appeal the response of the RFP Facilitator, and pursue its protest at the Council meeting, it will notify the RFP Facilitator of its intention at least two days prior to the scheduled meeting.

VIII.F Cancellation

The City retains the right to cancel this RFP at any time, should it be deemed to be in the best interest of the City. No obligation either expressed or implied exists on the part of the City to make an award based on the submission of any proposals.

IN WITNESS WHEREOF the Parties hereto have executed this Agreement the day and year first hereinabove written.

CITY OF BANNING

Douglas Schulze, Date
City Manager

ATTEST:

Caroline Patton Date
Deputy City Clerk

APPROVED AS TO FORM:
Richards, Watson & Gershon

Kevin G. Ennis, Esq., Date
City Attorney

CONSULTANT

NAME: Date
TITLE:

NAME: Date
TITLE:

Tax ID No.

Address:

City Council Approval: _____

NOTE: PROOF OF AUTHORITY TO BIND CONTRACTING PARTY REQUIRED. APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO CONSULTANT'S BUSINESS ENTITY.

City of Banning
Purchasing Division
Barbara Mason, Purchasing Manager
99 E Ramsey St, Banning, CA 92220

EVALUATION TABULATION

RFP No. RFP-23-050

Municipal Code Update Project - City of Banning, CA

RESPONSE DEADLINE: June 19, 2024 at 11:59 pm

Report Generated: Saturday, August 17, 2024

SELECTED VENDOR

VENDOR RECOMMENDED BY THE EVALUATION PROCESS

Vendor	Location
American Legal Publishing	Cincinnati, OH

Vendor	Qualifications Points Based 25 Points (25%)	Pricing Points Based 20 Points (20%)	Experience (Projects of similar size and scope) Points Based 20 Points (20%)	Professional References Points Based 10 Points (10%)	Approach and Methodology Points Based 20 Points (20%)	Value Added Services Points Based 5 Points (5%)	Total Score (Max Score 100)
American Legal Publishing	23.3	16.7	20	10	18.7	5	**93.67**
CivicPlus, LLC Excluded	0	0	0	0	0	0	**0**

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Lincoln Bogard, Administrative Services Director** **Lincoln Bogard, Administrative Services Director**
MEETING DATE:	**August 27, 2024**
SUBJECT:	**City of Banning Fiscal Year 2022-23 Annual Comprehensive Financial Report (ACFR), Banning Utility Authority (BUA) FY 2022-23 Financial Statements, City of Banning FY 2022-23 GANN Limit Agreed Upon Procedures (AUP) Report, City of Banning FY 2022-23 Single Audit Report, and related Management Letters and Governance Letters**

RECOMMENDATION:

Receive and file City of Banning Fiscal Year 2022-23 Annual Comprehensive Financial Report (ACFR), Banning Utility Authority (BUA) FY 2022-23 Financial Statements, City of Banning FY 2022-23 GANN Limit Agreed Upon Procedures (AUP) Report, City of Banning FY 2022-23 Single Audit Report, and related Management Letters and Governance Letters.

BACKGROUND:

After the conclusion of each fiscal year, an independent auditor (currently Eide Bailly LLP) reviews the reporting of the City's financial statements in accordance with industry accounting standards. The result is an "Annual Comprehensive Financial Report (ACFR)". It includes financial statements for the City of Banning, the Banning Utility Authority, and the Banning Successor Agency of the Former RDA. It also contains the independent auditor's report, which describes the scope of the audit as well as the auditor's opinion on the financial statements. For this past Fiscal Year 2022-23 ACFR, the City received an "qualified and unmodified" opinion. A "qualified" opinion occurs when an area(s) exist that were not able to be audited. The City did not have an auditor as of June 30, 2023, so the new auditors were not onsite to verify ending inventory counts. An "unmodified" opinion is only issued when there are no significant reporting issues, the financial statements are free of material misstatements, and information is presented in accordance with Generally Accepted Accounting Principles (GAAP). This opinion indicates that the City's financial condition, position, and operations are fairly presented in the financial statements. This is important to financial statement users and provides comfort to the City's creditors, while enabling the City to obtain better interest rates on any new debt issuances.

City management assumes full responsibility for the completeness and reliability of all the information presented in the ACFR. The City is continuing to establish a comprehensive internal control framework designed to protect the City's assets from loss, theft, or misuse and provide sufficient reliable information that the City of Banning's financial statements are in conformity with GAAP. The cost of internal controls should not outweigh the resulting benefits and internal controls are designed to provide reasonable assurance, not absolute assurance, that the financial statements will be free from material misstatements. City management asserts that, to the best of our knowledge and belief, the financial data provided to the auditor is complete and reliable in all material respects.

JUSTIFICATION:

The City received the Certificate of Achievement for Excellence in Financial Reporting issued by the Government Finance Officers Association for its Fiscal Year 2021-22 ACFR, its third consecutive award.

During the audit, staff provided all requested information to the auditors. We received the final audit opinion on Wednesday, July 31st, 2024. The ACFR is posted below as Attachment 1.

Staff successfully implemented new reporting requirements for GASB 96 – Software Based Information Technology Arrangements (SBITA), but that was the only GASB requirement due for implementation by the city this year. The "Management Letter" from last year's ACFR noted one matter for consideration that staff expects to be fully corrected for Fiscal Year 2023-24 ACFR issuance.

Per City request, the new auditors performed a deep dive and identified ten current year adjustments and seven prior year adjustments. Four of the current year adjustments involved the 60-day revenue lookback, which staff is changing to a 90-day revenue lookback to better align with the timing of revenue receipts. Three of current year adjustments dealt with Lease and SBITA accounting entries, which implemented in Fiscal Years 2021-22 and 2022-23, respectively. Management is conducting training with staff on all accounting adjustments identified. Most of the prior year adjustments dated back several years. Other material weakness findings related to year-end inventory counts (performed on June 27, 2024) and timeliness of bank cash reconciliations (now being completed within 30-days of month end). Management has prepared an action plan for all findings noted.

FISCAL IMPACT:

None.

Implied in all City Council Goals, Objectives, and Work Programs is the fundamental principle that the City will follow the City Council's adopted Fiscal Policy and will exercise the utmost financial discipline and accountability. In accordance with, and pursuant to, Section 37208 of the Government Code, the City Manager is responsible for preparing an audited Comprehensive Financial Report each year.

ALTERNATIVES:

Receive and file only.

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. City of Banning 2023 Final ACFR.pdf
2. City of Banning 2023 Final GANN Limit AUP.pdf
3. City of Banning 2023 Final Governance Letter.pdf
4. City of Banning 2023 Final Management Letter.pdf
5. City of Banning 2023 Final Single Audit Report.pdf
6. Banning Utility Authority 2023 Final Financial Statements.pdf
7. Banning Utility Authority 2023 Final Governance Letter.pdf

ANNUAL COMPREHENSIVE FINANCIAL REPORT

FISCAL YEAR ENDED JUNE 30, 2023

City of Banning, California

1122

ANNUAL COMPREHENSIVE FINANCIAL REPORT

of the

CITY OF BANNING, CALIFORNIA

For the Fiscal Year ended

JUNE 30, 2023

Prepared By:

Fiscal Services / Finance Department

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City of Banning

July 31, 2024

Honorable Mayor, Members of the City Council & Citizens of the City of Banning, California,

It is our pleasure to submit the Annual Comprehensive Financial Report (ACFR) for the City of Banning (City) for the fiscal year ended June 30, 2023 (FY 2022-23), prepared in accordance with Generally Accepted Accounting Principles (GAAP) as promulgated by the Governmental Accounting Standards Board (GASB).

This report consists of management's representations concerning the finances of the City. Responsibility for the accuracy of the data, the completeness, and the fairness of the presentation, including all disclosures, rests with the City's management. To provide a reasonable basis for making these representations, management has established a comprehensive internal control framework that is designed to both protect the City's assets from loss, theft, or misuse, and to compile sufficient reliable information for the preparation of the City's financial statements in conformity with accounting principles generally accepted in the United States of America. Because the cost of internal controls should not outweigh their benefits, internal controls have been designed to provide reasonable rather than absolute assurance that the financial statements will be free from material misstatement. As management, we assert that, to the best of our knowledge and belief, the enclosed report is accurate in all material respects and is reported in a manner designed to present fairly the financial position and results of operations of the various funds of the City.

GAAP requires that management provide a narrative introduction, overview, and analysis to accompany the basic financial statements in the form of Management's Discussion and Analysis (MD&A). This letter of transmittal is designed to complement the MD&A and should be read in conjunction with it. The City of Banning's MD&A can be found immediately following the independent auditor's report.

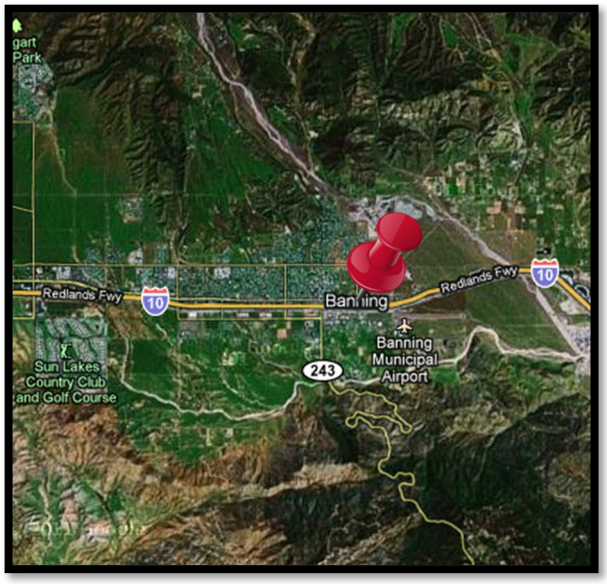
The City's financial statements have been audited by Eide Bailly LLP. Eide Bailly is an independent public accounting firm fully licensed and qualified to perform audits of public agencies within the State of California.

The goal of the independent audit is to provide reasonable assurance that the financial statements of the City for the fiscal year ended June 30, 2023, are free of material misstatement. The independent audit involved examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; assessing the accounting principles used and significant estimates made by

management; and evaluating the overall financial statement presentation. The independent auditors concluded, based upon the audit, that there was a reasonable basis for rendering a qualified opinion that City's ACFR for the year ended June 30, 2023, is fairly presented in conformity with GAAP. The qualification related primarily to the fact that the contract with Eide Bailly was executed after fiscal year end and inventory observations as of June 30, 2023, could not be conducted. Staff also asked Eide Bailly to conduct a thorough review of the City in the first year of the contract to ensure as many historical errors as possible could be identified and corrected. The requirements of the upcoming GASB Statement 100 – Accounting Changes and Error Corrections are making the disclosures of historical errors much more costly and staff would like to ensure errors are identified and corrected prior to the implementation of that Standard in Fiscal Year 2023-24. The independent auditor's report is presented as the first component of the financial section of this report.

Profile of the City of Banning

The City of Banning is strategically located in Riverside County along the route of U.S. Interstate 10 approximately 25 miles northwest of Palm Springs and 82 miles east of Los Angeles. Beautifully located in the San Gorgonio Pass between the two highest mountain peaks in Southern California, Banning is only minutes away from many desert and mountain resorts. One of Banning's unique characteristics is that it provides the serenity of a rural setting yet has easy access to major metropolitan areas. Its unique location is at a relatively high altitude (2,350 feet) in the pass which provides a favorable year-round climate and air quality. Its municipal boundaries encompass 23.24 square miles. The City's Sphere of Influence encompasses another 8.5 square miles.



Banning has a rich and colorful history. Its first permanent landmark, an adobe house, was built on a tract of land now known as the Gilman place, in 1854. The house was used as a stagecoach station and meal stop for many years. The Colorado Stage and Express Line included Banning on its route

from Los Angeles to the Colorado River in 1862, where gold had been discovered. The railroad replaced the stagecoach in 1876.

Incorporated in 1913, Banning is a general law city with a council/manager type administration. The City has five elected council members. The Mayor is appointed by the City Council annually. The City Manager is the Chief Administrative Officer and is appointed by the City Council.

The City of Banning is a full-service municipal government, which owns and operates its own electric, water, and wastewater utilities. It also offers its residents an airport, local police protection, contracted fire protection, municipal bus service, seven parks, a swimming complex, a seasonally operated playhouse bowl, as well as youth and leisure programs. Recreation opportunities are also abundant in nearby areas, which offer golfing, fishing, hiking, and equestrian trails.

FACTORS AFFECTING FINANCIAL CONDITION

Local Economy

Banning is one of the fastest growing cities in the State of California, with 31,250 highly skilled residents – and still growing, currently at a rate of 1.3 percent annually. Median household income as of 2022 was $54,083 and per capita personal income increased 17.31 percent from $24,679 in 2021 to $28,951. The unemployment rate as of 2022 was 5.1 percent which is considered full employment. Population data from the California State Department of Finance, median and per capita income from US Census Bureau, and unemployment data from the California Employment Development Department. Additional information can be found in the statistical section of the ACFR.

Tri-Pointe Homes (previously known as Pardee) broke ground in 2018, kicking off the Atwell Community (Tri-Point Project), the City's largest residential development opportunity in 30 years. This 1,543-acre property began selling new homes in April 2020 and has welcomed more than 700 families of all sizes and has issued nearly 800 building permits for the project. The Atwell Homes Project features over 4,850 homes, two new schools, 3 commercial zoning areas, and community centers. KB Homes has submitted plan reviews for 143 homes. The Banning Duplex project is also in plan review for their 186-unit project. The 35,000 square foot Microtel project is currently at the grading permit process and expects to begin construction by June 2024. There is a population of 2.44 million within Riverside County. The City offers 23.24 square miles of Endless Opportunities with affordable land with potential for future expansion needs. According to the State of California Department of Finance, Banning saw its assessed property value increase by 1.9 percent from 2022 to 2023.

Banning is home to many small and large companies, including Fortune 500 companies, which include Boot Barn, Pet Smart, Skechers USA, So Cal West Coast Electric, Consolidated Electric Distributors, Harbor Freight Tools, Lawrence Equipment, Serta Mattress Firm, Walgreens, Albertsons Grocery Store, Smart & Final, Cardenas Markets, T-Mobile, Hobby Lobby, Marshalls, O'Reilly Automotive, Big 5 Sporting Good, Leslie's Pool Supplies, Diamond Chevrolet Buick GMC, Holiday Inn Express & Suites, Hampton Inn & Suites and more.

Banning is centrally located in Riverside County, with a large Opportunity Zone, and in the fast-growing Inland Empire region of Southern California, with proximity to Los Angeles, Orange, San Bernardino, and San Diego Counties. We are served by major transportation highways (I-10, SR-60, I-215, SR-79, and SR-91). Our excellent location allows easy access on and off the highway and to the Port of Long Beach, with air transportation served by Banning Municipal Airport, Palm Springs International Airport, and Ontario International Airport. In addition, we are a designated Foreign Trade Zone.

The City of Banning is ready to accommodate business development needs with fast-track permit application processes for development and an ample Opportunity Zone. In addition, the City of Banning owns and operates our municipal utilities, which is helping to achieve the community's long-term goals. Local control means matching local resources to local needs and offering special programs (energy efficiency & conservation, economic development incentives, etc.) to benefit citizens. The primary mission of providing the least-cost and most reliable service over maximizing profit ensures that these goals are always in sight.

Budget Process and Long-term Financial Planning

Of all the functional areas of city government finance, one of the most critical to success is budgeting. Budgeting has many dimensions: managerial, planning, communications, financial. A sound budget process encourages the development of organizational goals, establishes policies, and plans to achieve those goals, and allocates limited resources through the process that are consistent with these goals, policies, and plans. There is also a focus on measuring performance to determine what has been accomplished with the allocated resources.

The council’s work is important in emphasizing that budgeting should have a long-range perspective, and not simply an exercise in balancing revenues and expenditures one year at a time. Sound budget policies encourage governments to consider the longer-term consequences of their actions. All budget decisions need to be understood over a multi-year planning horizon to assess whether program and service levels can be sustained.

While these processes and policies will not solve all the problems encountered in budgeting, a thoughtful and transparent process governed by clear financial and budgetary policies can enhance the quality of decision making by encouraging practices that illuminate the key issues and choices facing the community.

A budget process that is well integrated with the other activities of city government, such as the planning and management functions, will provide better financial and program decisions and lead to improved city operations. A budget process that involves all stakeholders (elected officials, city administrators, employees and their representatives, citizen groups, and business leaders) and reflects the needs and priorities of each, will serve as a positive force in maintaining good public relations and enhancing citizens’ and other stakeholders’ overall impression of city government.

A good budget process is far more than the preparation of a legal document that appropriates funds for a series of line items. Adherence to adopted financial policies promotes sound financial management, can lead to improvement in bond ratings, lower cost of capital, and improve the city's financial stability by helping city officials plan fiscal strategy with a consistent approach. It reduces the impact of unexpected shortfalls which could lead to reductions of city services. It also provides assurance to the community that the city's financial resources are being utilized to bring value and maximize quality of life.

Budgeting is guided by sound fiscal policy, and it is characterized by these essential principles:

- Incorporates a long-term perspective.
- Establishes linkages to broad organizational goals.
- Focuses budget decisions on results and outcomes.
- Involves and promotes effective communication with stakeholders.
- Provides incentives to administration and employees.

When developing budget and fiscal policies, the City places emphasis on the following **CORE VALUES** known as: **100 % R.E.A.D.Y.:**

Respectful – Interactions with co-workers and customers will be conducted in a manner that is kind, courteous, non-confrontational and professional.

Enthusiastic – Approaches work with a positive attitude, active engagement and effort that reflects positively on the entire organization.

Accountable – Openly shares information with others, understands that public service requires transparency, and conducts City-related business with integrity. Uses time at work for the purpose of conducting the business of the public.

Dedicated – Understands and supports the mission, vision, and values of the organization. Pursues organization and team goals ahead of personal goals.

Yes-Minded - Looks for solutions to problems and actively engages with co-workers, customers, and management to enhance the organization through innovation and collaboration.

Based on established budgetary policies, prior to July 1st of even numbered years, the City Manager, the Administrative Services Director, and the Deputy Finance Director, working with the directors of the various city departments present a biennial budget to the City Council for approval. During the budget cycle, two budgets are prepared, the operating budget and the capital budget for each of the respective fiscal years. The supporting budget documents provide the following:

- Revenue and expense assumptions upon which the budget is based.

- Number of budgeted full-time equivalent (FTE) employees.
- Mission, strategic priorities, and impact of each operating department.
- Prior year actual, current year adopted budget, current year estimated actual, and new year recommended expenditures and revenues by department. The recommended budget will become the adopted budget upon Council approval.
- Descriptions of significant expenditure and revenue changes and related operational impacts by the department.

The capital budget reflects the annual amount appropriated for each capital project included in the long-range Capital Improvement Program. When the council authorizes a new capital project, it approves the estimated total project cost and schedule. The approval of the project budget authorizes total expenditures over the duration of the construction project, which often spans multiple fiscal years. The biennial capital budget authorizes the anticipated expenditures for the scope of work anticipated to be completed in the upcoming fiscal year.

Awards and Acknowledgments

The Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting (COA) to the City of Banning for its Annual Comprehensive Financial Report for the fiscal year ended June 30, 2022. That was the third consecutive year the City received this recognition. To be awarded a Certificate of Achievement, a government must publish an easily readable and efficiently organized Annual Comprehensive Financial Report. This report must satisfy both Generally Accepted Accounting Principles and applicable legal requirements.

A Certificate of achievement is valid for a period of one year only.

The City's Annual Comprehensive Financial Report and successful conclusion of Fiscal Year 2022-23 would not be possible without the dedicated and efficient services of the City's Finance Department and the assistance of all City Departments in providing the necessary data to prepare this report. In addition, City Staff truly appreciate the ongoing leadership and support of the Mayor and City Council.

Respectfully submitted,

Douglas Schulze, City Manager

Lincoln Bogard, Administrative Services Director & Deputy City Manager

Government Finance Officers Association

Certificate of Achievement for Excellence in Financial Reporting

Presented to

City of Banning
California

For its Annual Comprehensive
Financial Report
For the Fiscal Year Ended

June 30, 2022

Christopher P. Morrill

Executive Director/CEO

Elected Officials

City Council
Fiscal Year 22-23

Alberto Sanchez
Mayor
District 1

Colleen Wallace
Mayor Pro Tem
District 5

Reuban Gonzales
Council Member
District 4

Sherri Flynn
Council Member
District 3

Rick Minjares
Council Member
District 2

City Treasurer

Alejandro Geronimo

City Clerk

Marie A. Calderon

Executive Staff

Douglas Schulze
City Manager

Lincoln Bogard ..... Administrative Services Director

Arturo Vela ..... Public Works Director

Adam Rush ..... Community Development Director

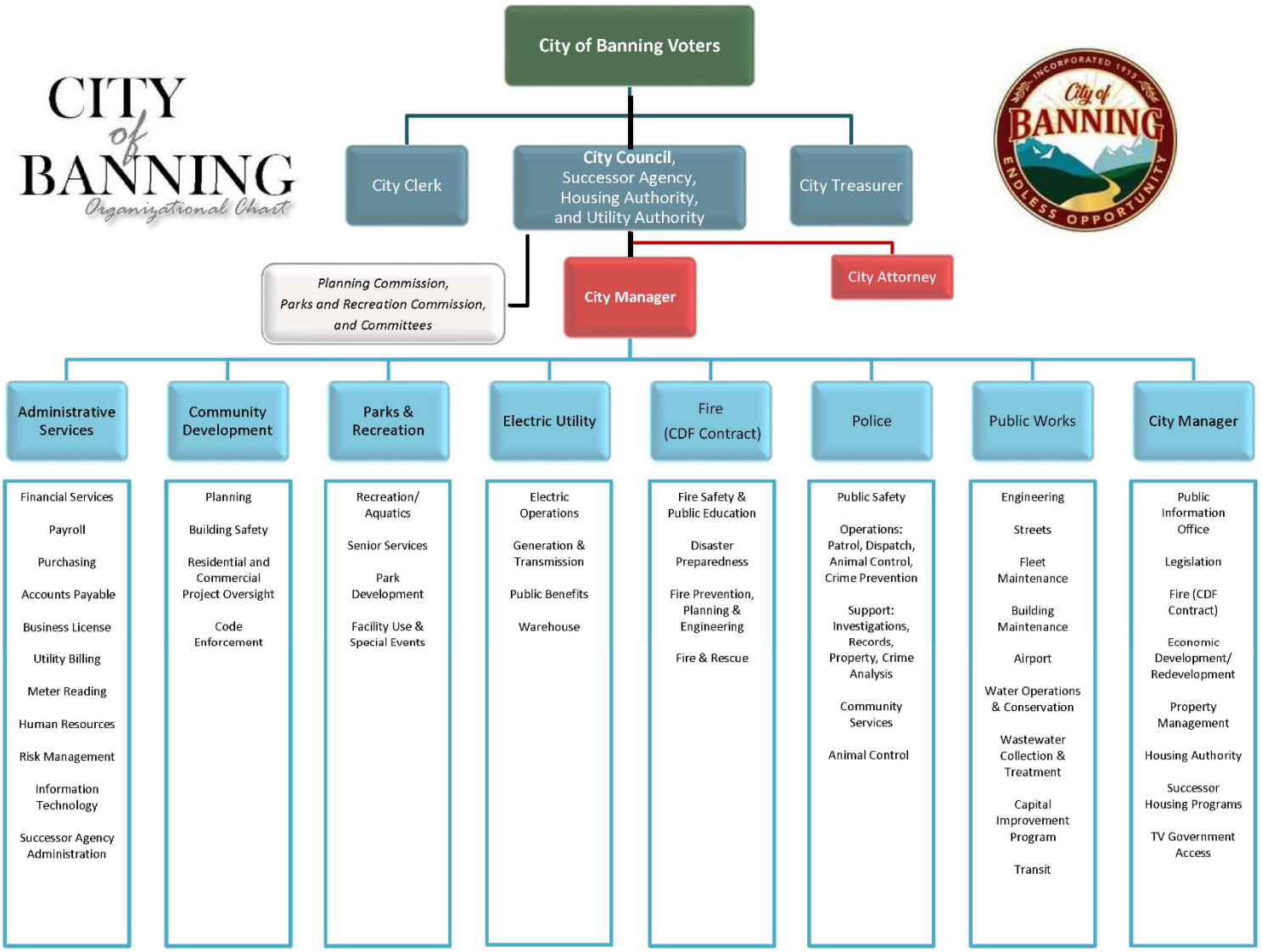
Ralph Wright ..... Parks & Recreation Director

Thomas Miller ..... Electric Utility Director

Matthew Hamner ..... Police Chief

Todd Hopkins ..... Division Chief (CalFire/Riverside County)

CITY of BANNING
Organizational Chart



Financial Section

EideBailly

CPAs & BUSINESS ADVISORS

Independent Auditor's Report

To the Honorable Mayor and Members of the City Council
City of Banning, California

Report on the Audit of the Financial Statements

Qualified and Unmodified Opinions

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Banning, California (the City), as of and for the year ended June 30, 2023, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

Qualified Opinions on Banning Utility Authority Water Fund, Electric Utility Fund, and Business-Type Activities

In our opinion, except for the effects of the matter described in the Basis for Qualified and Unmodified Opinions section of our report, the accompanying financial statements referred to above present fairly, in all material respects, the respective financial position of Banning Utility Authority water fund, electric utility fund, and business-type activities of the City, as of June 30, 2023, and the changes in financial position, and where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Unmodified Opinions on Governmental Activities, General Fund, Banning Utility Authority Wastewater Fund, and Aggregate Remaining Fund Information

In our opinion, the accompanying financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, general fund, Banning Utility Authority wastewater fund, and the aggregate remaining fund information of the City, as of June 30, 2023, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Qualified and Unmodified Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States (*Government Auditing Standards*). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the City, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our qualified and unmodified audit opinions.

Matter Giving Rise to Qualified Opinions on Banning Utility Authority Water Fund, Electric Utility Fund, and Business-Type Activities

We were not engaged as auditors of the City until after June 30, 2023, nor did the City perform a year-end inventory observation as of June 30, 2023. We were unable to satisfy ourselves by performing other auditing procedures concerning the inventory held at June 30, 2023. As the inventory balances are material to the Banning Utility Authority water fund, electric utility fund, and business-type activities, our opinion on each of these opinion units is qualified with respect to this matter.

Adoption of New Accounting Standard

As discussed in Note 1 to the financial statements, the City has adopted the provisions of Governmental Accounting Standards Board (GASB) Statement No. 96, *Subscription-Based Information Technology Arrangements (SBITAs),* for the year ended June 30, 2023. There was no effect on beginning net position as a result of implementation. Our opinions are not modified with respect to this matter.

Correction of Errors

As discussed in Note 18 to the financial statements, certain errors resulting in a misstatement of amounts previously reported as of June 30, 2022, were discovered during the current year. Accordingly, a restatement has been made to the governmental activities net position, business-type activities net position, general fund balance, Banning Utility Authority water net position, electric utility net position, Banning Utility Authority wastewater net position, refuse utility net position, and private-purpose trust fund (Successor Agency of the Former RDA) net position as of July 1, 2022, to correct the errors. Our opinions are not modified with respect to that matter.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of

internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control–related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, schedules of changes in the net pension liability, schedules of pension contributions, and schedule of changes in the total OPEB liability and related ratios as listed in the table of contents, be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with GAAS, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The combining and individual nonmajor fund financial statements and budgetary comparison schedules, are presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with GAAS. In our opinion, the combining and individual nonmajor fund financial statements and budgetary comparison schedules are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Information

Management is responsible for the other information included in the annual report. The other information comprises the introductory and statistical sections but does not include the basic financial statements and our auditor's report thereon. Our opinions on the basic financial statements do not cover the other information, and we do not express an opinion or any form of assurance thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated July 31, 2024, on our consideration of the City's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of City's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering City's internal control over financial reporting and compliance.

Eide Bailly LLP

Rancho Cucamonga, California
July 31, 2024

MANAGEMENT'S DISCUSSION AND ANALYSIS

The management of the City of Banning (City) presents this narrative overview and analysis of the financial activities of the City for fiscal year ended June 30, 2023 (FY 2022-23). This discussion is intended to introduce the City's basic financial statements, as well as a financial comparison with the fiscal year ended June 30, 2022 (FY 2021-22).

City management encourages readers to consider the information presented within this discussion and analysis in conjunction with the City's financial statements. The City's financial statements are in adherence to the pronouncements of the Governmental Accounting Standards Board (GASB). This annual report consists of five (5) sections as arranged in the Table of Contents:

1. **Independent Auditors' Report,**
2. **Management's Discussion and Analysis,**
3. **Basic Financial Statements,**
4. **Required Supplementary Information, and the**
5. **Combining and Individual Fund Statements and Schedules for Non-Major Governmental Funds, Non-Major Enterprise Funds, and Internal Service Funds.**

Although the Combining Statements provide details about Non-Major Governmental Funds, Non-Major Enterprise Funds, and Internal Service Funds. The totals of non-major funds, governmental and proprietary, are summarized in the Basic Financial Statements as "Other Governmental Funds" and "Other Enterprise Funds." The total of Internal Service Funds is also brought forward.

The General Fund Budgetary Comparison Schedule is in section 4, Required Supplementary Information. Budgetary Comparison Schedules for each governmental fund are in section 5, Schedules for Non-Major Governmental Funds.

FOCUS OF MANAGEMENT DISCUSSION AND ANALYSIS

The Management Discussion and Analysis will focus on financial information contained in section 3. Basic Financial Statements. Other key points from other sections may be included.

The Basic Financial Statements present operation and fiscal accountability measurements in the presentation order for Government-wide and Funds as required by Governmental Accounting Standards Board Statement 34 (GASB 34).

The two measurements differ in that Government-wide Statements report current and long-term activities on a full accrual basis of accounting, whereas Fund Statements report current year transactions on a modified accrual basis of accounting. The modified accrual basis of accounting uses the current financial resources measurement focus and measures whether the financial resources obtained during the accounting period are sufficient to cover claims against the fund during that

period. The differences of the reporting requirements illustrate short- versus long-term stability and helps to highlight areas of importance.

FRAMEWORK OF THE GOVERNMENTAL REPORTING MODEL

Generally accepted accounting principles (GAAP) for governmental reporting requires the following:

- Government-Wide Financial Statements,
  - Operational accountability considers whether sufficient resources exist to cover the cost of providing services in the long term, i.e., the economic resource flows measurement focus, full accrual basis of accounting
    - Top level statements consolidate all City-wide activities in a two-column format
      - Governmental Activities
      - Business-Type Activities
    - Top level statements report City-wide activities in two statements
      - Statement of Net Position
      - Statement of Activities

- Reconciliation to convert Fund statements to Government-wide statements
  - Converts Governmental Funds to Governmental activities
  - Converts Proprietary Funds to Business-Type Activities

- Fund Financial Statements report fiscal accountability using the current financial resource flows measurement focus, modified accrual basis of accounting.
  - Types of funds
    - Governmental funds
    - Proprietary funds
  - Non-major Funds are reported in Combining Statements
  - Fiduciary Funds are not reported in Government-wide Financial Statements

NOTES TO FINANCIAL STATEMENTS

Notes to Financial Statements, in the section Basic Financial Statements, provide additional information that is essential to the full understanding of the financial information contained therein.

In Note 1 of the Notes to Financial Statements, Summary of Significant Accounting Policies, there is further discussion as to the source of authoritative reporting requirements, the significance of those policies on the City's financial statements and provide additional supporting information as to the basis for the presentation formats of the Basic financial statements.

PROCESSING THE FINANCIAL STATEMENTS

Accounting information is internally processed in traditional City funds categorized as Governmental, Proprietary, or Fiduciary, based on the activity. Fund Financial Statements are prepared from the accounting information collected for each individual fund. Again, subsequent year-end adjustments are calculated to provide the reconciliations to arrive at Government-Wide Financial Statements.

Funds are classified as either major or non-major funds based on criteria established by GASB. Major funds are individually reported in the Funds Financial Statements. The non-major funds are individually reported in the section "Combining Fund Statements and Schedules".

The traditional Fund Financial Statements focus on funds' accounting of the city government that reflect the City's accounting and budgetary structure. The City's operations are accounted for in funds in much more detail. There are three (3) main fund categories; Governmental, Proprietary and Fiduciary. There are Fund Financial Statements for each main fund category, i.e., Governmental, Proprietary and Fiduciary. Within each of the reports, the report columns will provide each major fund and the total of non-major funds; the non-major funds are sub-totaled in columns entitled "Other Governmental Funds" and "Other Enterprise Funds".

Since full accrual is the method of accounting for Proprietary Funds in the Funds Financial Statements, the reconciliations necessary to arrive at Business-Type Activities are not as extensive as for Governmental Funds which are accounted for using modified accrual accounting. Those reconciling items are included within the Proprietary Funds' Statement of Net Position and Statement of Revenues, Expenses and Changes in Fund Net Position.

Reconciliations provide the necessary long-term adjustments to bridge the results of Governmental Funds and to convert them into Government-wide financial statements.

There are two reconciliations that convert Governmental Funds in the Funds Financial Statements to Governmental Activities in the Government-Wide Financial Statements. Those are a Reconciliation of the Balance Sheet of Governmental Funds to the Government-Wide, Governmental Activities, Statement of Net Position and the Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund Balances of Governmental Funds to the Statement of Activities. The two reconciliations provide the linkage from Governmental Funds' operations to Governmental Activities in the Government-Wide Financial Statements.

1. Converts Governmental Funds to Governmental activities
    a. Balance Sheet of Governmental Funds to Statement of Net Position
    b. Statement of Revenues, Expenditures and Changes in Fund Balances to Statement of Activities
2. Converts Proprietary Funds to Business-Type Activities
    a. Interfund Eliminations
    b. Internal service fund adjustments related to Proprietary funds

The Government-Wide Financial Statements present "Governmental Activities" and "Business-Type Activities" in a two-column format resulting in Government-wide totals (City-wide). Governmental Activities are Governmental Fund totals and the reconciliation to full accrual. Similarly, the Business-Type Activities are the Proprietary Fund totals and their applicable reconciling items. The totals of these two types of City activities are the Government–wide totals.

GOVERNMENT-WIDE FINANCIAL STATEMENTS

REPORTING THE CITY AS A WHOLE

Government-Wide Financial Statements provide both long-term and short-term information about the City's overall financial status in a manner similar to a private-sector business.

All City funds, as well as, the Banning Financing Authority, Banning Housing Authority, Banning Public Facilities Corporation, and the Banning Utility Authority are included. These component units, while legally separate from the City, provide services entirely or almost exclusively for the benefit of the City. Therefore, these component units are blended with the City government because of their governing structure and the relationship with the City.

As noted earlier, in this presentation, City operations are designated as either "Governmental Activities" or "Business-Type Activities", and reported under the designated columns, as identified in the Fund Financial Statements. "Reporting the City as a Whole" is the total of the two activities.

Key items affecting the City's Net Position are highlighted below.

HIGHLIGHTS OF THE CITY AS A WHOLE

- As of June 30, 2023, the City's Net Position, which is the difference between the City's assets and deferred outflows of resources versus its liabilities and deferred inflows of resources, is at $220.00 million, an increase of $5.11 million including the impact of prior period adjustments, over June 30, 2022.

- At the close of the fiscal year, the Unrestricted portion of the Net Position, that which may be used to meet on-going obligations due to creditors, is $21.45 million, a decrease of $20.16 million from the prior fiscal year. The Net Investment in Capital Assets, another component of Net Position, was $184.84 an increase of $28.19 million over June 30, 2022. The Restricted portion of the Net Position amounted to $13.71 million, a decrease of $2.92 million over the prior fiscal year.

- GASB Statement No. 68 (Accounting and Financial Reporting for Pensions) and Statement No. 71 (Pension Transition for Contributions Made Subsequent to the Measurement Date) require that the Net Pension Liability be presented on the face of the financial statements. At June 30, 2023, the total Net Pension Liability for the City of Banning, government-wide, was $49.69 million, an increase of $19.17 million over the prior fiscal year.

- GASB Statement No. 75 (Accounting and Financial Reporting for Other Post-Employment Benefits (OPEB)) requires that the Total OPEB Liability be presented on the face of the financial statements, unless an OPEB trust exists. The City determined that an implicit subsidy exists in FY 2021-22, and we performed an actuarial study to determine the Total OPEB Liability. At June 30, 2023, the Total OPEB Liability for the City of Banning, government-wide, was $1.11 million, an increase of $0.05 million over the prior fiscal year.

A COMPARATIVE SUMMARY OF CITY'S NET POSITION

Net Position represents the difference between the City's resources (total assets and deferred outflows of resources) and its obligations (total liabilities and deferred inflows of resources). Over time, Net Position may serve as an indication of a government's financial position. The Statement of Net Position measures the City's Net Position. This is one way to measure the City's financial health or financial position. Over time, increases or decreases in the City's Net Position may serve as an indicator of whether its financial health is improving or deteriorating.

All fluctuations are based on 2022 amounts which have not been restated for prior period adjustments. Therefore, all comparisons to the prior year are net of prior period adjustments.

Again, the City's Net Position, net expenses over revenues, increased by $5.11 million to $220.00 million from the prior fiscal year.

The City's Net Position from Governmental Activities is $71.16 million, an increase of $2.15 million, which was mainly due to charges for services increase of 41 percent, or $3.00 million. Increases in General Government revenues were primarily from increases in Cost Allocation Plan payments for centralized administration services, partially offset by an increase in salaries and benefits, which reduced the General Government net loss by $2.21 million to $0.87 million. Public Safety net loss increased by $2.03 million to $16.46 million. This is primarily due to increases in contractual fire services payments of $0.23 million, police salaries & benefits of $0.29 million, vehicle purchases of $0.36 million, and a reduction in Operating Contributions and Grants of $1.59 million. The timing of receipts and disbursements for permits for Atwell homes and reimbursement-based grants for Community Development resulted in an increased net loss of $2.88 million to $4.19 million. Culture & Leisure expenditures increased $0.47 million due to continued reinstatement of programming that had been suspended due to the Coronavirus pandemic. Transportation Operating and Capital Contributions and Grants decreased by $0.25 million, and expenditures increased by $0.79 million primarily due to a transfer to the Gas Tax Street Fund. The result is that discretionary non-designated revenues provided more support for services than last fiscal year and required additional use of governmental fund balances to cover the shortfalls. Beginning balance adjustments improved Net Position by $10.79 million.

The City's Net Position from Business-Type Activities is $148.84 million, an increase of $2.95 million. Due to the City Council's decision to close the airport, Capital and Operating Contributions and Grants decreased by $0.42 million resulting in a net loss of $0.21 million, down from a net income of $0.22 million in FY 2021-22. Transit expenses increased $0.59 million primarily from salaries and benefits and fleet maintenance costs, with revenues unchanged for a net loss of $0.51 million. Water net income decreased by $0.31 million to $6.51 million, primarily due to a reduction of Capital Contributions and Grants. Electric had a net loss of $1.20 million, down from a net income of $1.10 million, primarily due to increases in salaries and benefits ($1.08 million), supplies and services ($1.37 million), and purchased power costs ($2.06 million), offset by an increase in sales and service charges of $2.38 million. Wastewater's net income was $1.88 million, up from $1.40 million in FY 2021-22, which was primarily the result of a rate increase that increased charges for services income. Refuse net income fell $3.89 million to $0.58 million primarily due to a one-time revenue in FY 2021-22 upon contract signing for amendment to Waste Management agreement. In FY 2022-23, that $4.5 million was reclassified as a deposit that will be recognized as revenue over 20 years. Non-operating revenues and transfers improved by $0.18 million to a net loss of $0.24 million. Beginning balance adjustments decreased Net Position by $3.82 million.

ASSETS AND DEFERRED OUTFLOWS

The City's Total Assets increased $9.87 million to $329.89 million primarily due to increases in grants receivables ($2.21 million), inventory ($1.88 million) and non-depreciable and depreciable capital assets net of accumulated depreciation ($23.45 million), offset by decreases in cash and investments ($18.14 million). Deferred outflows increased $8.75 million to $18.95 million primarily due to pension related items. Total Assets and Deferred outflows are $348.84 million.

LIABILITIES AND DEFERRED INFLOWS

The City's Total Liabilities increased $22.44 million to $124.14 million due primarily to increases in net pension liability ($19.17 million), accrued liabilities ($1.19 million), unearned revenue ($4.83 million), primarily offset by decreases in deposits payable ($0.80 million), and long-term liabilities ($1.50 million). Deferred inflows decreased $8.92 million to $4.70 million due to pension related items. Total Liabilities and Deferred inflows are $128.84 million.

GASB 54 CLASSIFICATIONS OF NET POSITION

GASB 54 established a hierarchy of constraints applicable to the resources available in Fund Balances as well as the component of Net Position that corresponds to fund balances. The City's Net Position is made-up of three components: Net Investment in Capital Assets (net of related debt), Restricted, and Unrestricted.

Table 1 is a comparison of the Net Position in the Basic Financial Statements – Statement of Net Position with previous year. It includes both Changes in Net Position and any Restatements of Net Position. Corresponding analysis of changes and causes are reflected in the following paragraphs.

The *Net investment in Capital Assets* of $184.84 million represents 84.02 percent of the City's Total Net Position. Investment in capital assets (e.g., infrastructure, land, structures and improvements, furniture, and equipment) for this purpose is reduced by unspent bond proceeds. The city uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the City's investment in its capital assets is reported Net of Related Debt, it should be noted that the resources needed to repay this debt must be provided from other resources, since the capital assets themselves cannot be used to liquidate these liabilities. No new long-term debt was incurred during the current fiscal year that would have significantly affected this section. Any decrease, therefore, is mainly due to recurring annual debt service payments and depreciation of the capital assets offset by additional capitalized expenditures for fiscal year 2022-23.

The portion of the City's Net Position subject to *external restrictions* in how they may be used is $13.71 million (6.23 percent of the Total Net Position). The Restricted Net Position includes Community Development Projects, Public Safety, Parks and Recreation, Public Works, Capital Projects, and Debt Service.

The remaining *Unrestricted Net Position* balance of $21.45 million (9.75 percent of the Total Net Position) may be used to meet the government's ongoing obligations to citizens and creditors within program areas. The negative unrestricted net position in the Governmental Activities ($18.81 million) is mainly the result of the implementation of GASB Statements No. 68 – Pensions, 71 – Pension Contributions Subsequent to The Measurement Date, and No. 75 – Other Post-Employment Benefits. Net Pension Liability for Governmental and Business Type Activities were $33.85 million and $15.84 million respectively. Total OPEB Liability, also respectively, was $0.72 million and $0.39 million. Additional information can be found in the Notes to Financial Statements.

Table 1 summarizes the Statement of Net Position of the City and provides a comparison.

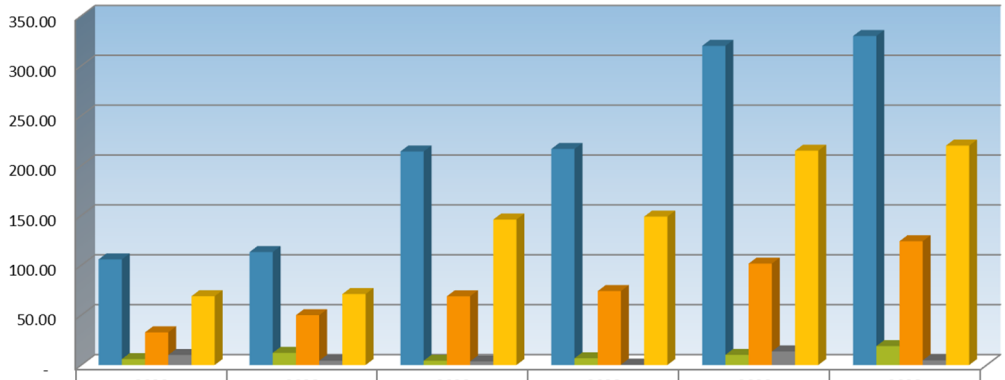
Table 1 - Summary of Net Position (In Millions)

	Governmental Activities		Business-Type Activities		Government-Wide Totals		
Assets:	**2022 [1]**	**2023**	**2022 [1]**	**2023**	**2022 [1]**	**2023**	**% CHG**
Current and other assets	35.25	31.24	79.00	69.43	114.25	100.67	11.9%
Capital assets	70.68	82.01	135.09	147.21	205.77	229.22	11.4%
TOTAL ASSETS	$ 105.93	$ 113.25	$ 214.09	$ 216.64	$ 320.02	$ 329.89	3.1%
Deferred outflows on refunding	-	-	2.43	2.26	2.43	2.26	7.0%
Deferred pension related items	5.90	12.20	1.83	4.45	7.73	16.65	115.4%
Deferred OBEB related items	0.02	(0.01)	0.02	0.05	0.04	0.04	0.0%
TOTAL DEFERRED OUTFLOWS	$ 5.92	$ 12.19	$ 4.28	$ 6.76	$ 10.20	$ 18.95	85.8%
Liabilities:							
Current and other liabilities	10.01	9.92	9.24	8.57	19.25	18.49	3.9%
Long-term liabilities*	22.76	40.06	59.69	65.59	82.45	105.65	28.1%
TOTAL LIABILITIES	$ 32.77	$ 49.98	$ 68.93	$ 74.16	$ 101.70	$ 124.14	22.1%
Deferred inflows on refunding	-	-	0.09	0.09	0.09	0.09	0.0%
Deferred pension related items	10.07	4.26	3.47	0.24	13.54	4.50	66.8%
Deferred OPEB related items	-	0.04	-	0.07	-	0.11	0.0%
TOTAL DEFERRED INFLOWS	$ 10.07	$ 4.30	$ 3.56	$ 0.40	$ 13.63	$ 4.70	65.5%
Net Position:							
Net investment in capital assets	70.29	80.58	86.36	104.26	156.65	184.84	18.0%
Restricted for:							
Community Development Projects	2.58	2.42	-	-	2.58	2.42	6.2%
Public Safety	0.02	0.02	-	-	0.02	0.02	0.0%
Culture and Leisure	0.08	0.09	-	-	0.08	0.09	12.5%
Transportation	2.29	2.82	-	-	2.29	2.82	23.1%
Capital Projects	4.24	4.04	3.53	0.36	7.77	4.40	43.4%
Debt Service	-	-	-	-	-	-	0.0%
SCPPA Projects	-	-	0.98	0.78	0.98	0.78	20.4%
SCPPA Project Stabilization Fund	-	-	2.91	3.18	2.91	3.18	9.3%
Unrestricted	(10.49)	(18.81)	52.10	40.26	41.61	21.45	48.4%
TOTAL NET POSITION	$ 69.01	$ 71.16	$ 145.88	$ 148.84	$ 214.89	$ 220.00	2.4%

Note: Details can be found in the "Statement of Net Position"

[1] Amounts reported for 2022 have not been restated.

Chart 1 – provides a visual summary of the information presented in Table 1.



	2022 Governmental Activities	2023 Governmental Activities	2022 Business-Type Activities	2023 Business-Type Activities	2022 TOTAL	2023 TOTAL
Total Assets	105.93	113.25	214.09	216.64	320.02	329.89
Total Deferred Outflows	5.92	12.19	4.28	6.76	10.20	18.95
Total Liability	32.77	49.98	68.93	74.16	101.71	124.14
Total Deferred Inflows	10.07	4.30	3.56	0.40	13.63	4.70
Total Net Position	69.01	71.16	145.87	148.84	214.88	220.00

Note: Details can be found in the "Statement of Net Position"
Amounts reported for 2022 have not been restated.

STATEMENT OF ACTIVITIES

Table 2 is a two-year comparison of the Governmental and Business-Type Activities in the Statement of Activities. Comparisons are provided for City-wide Revenues and Expenses by Function/Program, the Change in City-wide Net Position, and the Beginning and Ending Net Position.

Table 2 - Statement of Activities (In Millions)

	Governmental Activities		Business-Type Activities		Government-Wide Totals	
	2022 [1]	2023	2022 [1]	2023	2022 [1]	2023
Revenues						
Program Revenues:						
Charges for Services	7.33	10.33	50.58	49.74	57.91	60.07
Operating Contributions and Grants	4.99	4.65	3.89	1.71	8.88	6.36
Capital Contributions and Grants	2.82	3.06	4.93	8.74	7.75	11.80
Subtotal Program Revenues	15.14	18.04	59.40	60.19	74.54	78.23
General Revenues:						
Property Taxes	6.55	6.94	-	-	6.55	6.94
Sales Taxes	6.80	5.79	-	-	6.80	5.79
Business Licenses Taxes	0.18	0.18	-	-	0.18	0.18
Franchise Taxes	0.53	0.54	-	-	0.54	0.54
Transient Occupancy Taxes	1.29	1.18	-	-	1.29	1.18
Other Taxes	0.67	0.70	-	-	0.67	0.70
Motor Vehicle In-Lieu	0.04	-	-	-	0.04	-
Use of Money and Property	(0.16)	0.32	(0.45)	0.80	(0.61)	1.11
Other	0.01	1.13	-	0.13	0.01	1.26
Gain on sale of capital asset	-	-	0.03	-	0.03	-
Subtotal General Revenues	15.91	16.78	(0.42)	0.93	15.50	17.70
TOTAL REVENUES	31.05	34.82	58.98	61.12	90.04	95.93
Expenses						
General Government	5.94	7.74	-	-	5.94	7.74
Public Safety	17.68	18.53	-	-	17.68	18.53
Community Development	5.21	8.79	-	-	5.21	8.79
Culture and Leisure	2.21	2.64	-	-	2.21	2.64
Transportation	6.08	6.86	-	-	6.08	6.86
Interest on Long-term debt	0.01	0.07	-	-	0.01	0.07
Airport	-	-	0.47	0.44	0.47	0.44
Transit	-	-	1.77	2.36	1.77	2.36
Electric Utility	-	-	30.46	36.03	30.46	36.03
BUA Water	-	-	8.12	9.96	8.12	9.96
BUA Wastewater	-	-	3.51	3.87	3.51	3.87
Refuse	-	-	1.05	0.51	1.05	0.51
TOTAL EXPENSES	37.13	44.63	45.38	53.17	82.51	97.80
Increase/(Decrease) in Net Position Before Transfers	(6.08)	(9.81)	13.60	7.95	7.52	(1.87)
Transfers	0.61	1.17	(0.61)	(1.17)	-	-
Increase/(Decrease) in Net Position	(5.47)	(8.64)	12.99	6.78	7.52	(1.87)
Net Position at Beginning of Year	74.48	69.01	132.89	145.88	207.37	214.89
Restatement of Net Position	-	10.79	-	(3.82)	-	6.98
Net Position at End of Year	69.01	71.16	145.88	148.84	214.89	220.00

Note: Details can be found in the "Statement of Activities"

[1] Amounts reported for 2022 have not been restated.

GOVERNMENT-WIDE REVENUES AND EXPENSES

In the following two paragraphs, refer to Table 2 for Government-wide Revenues and Expenses. Net Revenues over Expenses decreased the City's Net Position by $(1.87) million before restatements.

The total Government-Wide revenues for fiscal year 2022-23 were $95.93 million, $34.82 million from Governmental Activities, and $61.12 million from Business-Type Activities. City-wide total revenues increased by $5.89 million, or 6.54 percent from the prior year.

Total Government-Wide expenses for fiscal year 2022-23 are $97.80 million, an increase of $15.29 million or 18.52 percent year-over-year. City-wide total expenses supporting Governmental Activities were $44.63 million, a 20.20 percent increase from the prior year, and Business-Type Activities, $53.17 million, or a 17.14 percent increase year-over-year.

GOVERNMENTAL ACTIVITIES

Net Position for Governmental Activities is $71.16 million (after restatements), an increase of $2.15 million or 3.12 percent from the previous year.

REVENUES

Total Revenues for Governmental Activities were $34.82 million.

Charges for Services amounted to $10.33 million for the current fiscal year, which represents approximately 29.67 percent of the total revenues in the Governmental Activities category. This is an increase of $3.00 million from the last fiscal year, which is primarily from increases in Cost Allocation Plan payments for centralized administration services.

Revenues from overall tax sources totaled $15.33 million, which is a decrease of 4.31 percent year-over-year. The two largest taxes sources were Property Taxes and Sales Taxes, $6.94 million and $5.79 million, respectively. In comparison to prior fiscal year levels, Property Taxes moderately increased 5.95 percent from $6.55 million, which can be attributed to new residential construction and an increase in assessed property values, assessed value increases from changes of ownership during 2022, and Proposition 8 Recaptures. Compared to last year, Sales Taxes decreased 14.85 percent from $6.80 million due primarily to inflationary pressures that impacted prices and slowed consumer demand for non-essential goods, supplies, and services.

Other General Revenues rose to $1.26 million this fiscal year from a negative $0.11 million for the previous fiscal year. This is due to the impact of the American Rescue Plan Act funding received this fiscal year to offset public safety salaries and a positive return on investments due to the higher interest rate environment.

EXPENSES

Total Expenses for Governmental Activities were $44.63 million.

Governmental Activities expenses increased by 20.20 percent or $7.50 million over last year. The breakdown by governmental activity follows; General Government expenses increased 30.30 percent or $1.80 million due to cost-of-living and classification and compensation adjustments to salaries as well as the addition of new positions for the new Opportunity Village (one manager and four staff), plus refilling vacancies such as the Communications Manager position and Human Resources Technician. Public Safety increased 4.81 percent or $0.85 million due to significant overtime pay due to staffing shortages, plus increases in salaries to retain employees, vehicle purchases, and fire services contract costs. Community Development increased 68.71 percent or $3.58 million due to

continued development of residential homes in the Atwell project as well as various other development projects, and the addition of a Building Official. Culture and Leisure increased 19.46 percent or $0.43 million due to the continued resumption of services that had been discontinued during the Coronavirus pandemic and parks improvements. Public Works/Transportation expenses increased 12.83 percent or $0.78 million due primarily to the Annual Streets Overlay Project, design services contracts, and engineering plan checks and inspections primarily in the Atwell project. Interest on long-term debt remained immaterial at $70 thousand dollars.

GOVERNMENTAL ACTIVITIES-NET REVENUES (EXPENSES)

The Net Revenues (Expenses) show the financial burden that was placed on the City's taxpayers by each of the functions.

Table 3 and Chart 3 focus on the Revenues and Expenses (Cost of Services) in the Statement of Activity related to Governmental Activities. Chart 3 compares each program, the Revenues, in blue, versus Expenses, in red. Note that each of the governmental activities, program expenses exceed revenues, which results in subsidies from General Revenues (Taxes, Use of Money and Property, Other Revenue and Transfers).

Table 3 - Program Net Cost: Government Activities

	Program Revenues			Total Cost of Services			Net Revenues (Expenses)		
	2022[1]	2023	% Chg	2022[1]	2023	% Chg	2022[1]	2023	% Chg
General Government	2,860,666	6,874,850	140%	5,938,773	7,742,422	30%	(3,078,107)	(867,572)	72%
Public Safety	3,247,702	2,068,137	36%	17,674,930	18,528,062	5%	(14,427,228)	(16,459,925)	14%
Community Development	3,895,060	4,593,886	18%	5,214,463	8,789,153	69%	(1,319,403)	(4,195,267)	218%
Culture & Leisure	206,262	161,767	22%	2,214,493	2,641,392	19%	(2,008,231)	(2,479,625)	23%
Transportation	4,933,155	4,343,415	12%	6,080,185	6,865,215	13%	(1,147,030)	(2,521,800)	120%
Interest on long-term debt	-	-	-	5,170	66,519	1187%	(5,170)	(66,519)	1187%
Government Subtotal	15,142,845	18,042,055	19%	37,128,014	44,632,763	20%	(21,985,169)	(26,590,708)	21%
General Revenues*	15,907,333	16,777,175	5%	-	-	-	15,907,333	16,777,175	5%
Transfers	607,820	1,168,771	92%	-	-	100%	607,820	1,168,771	92%
TOTAL	31,657,998	35,988,001	14%	37,128,014	44,632,763	20%	(5,470,016)	(8,644,762)	58%

Note: Details can be found in the "Statement of Activities"

[1] Amounts reported for 2022 have not been restated.

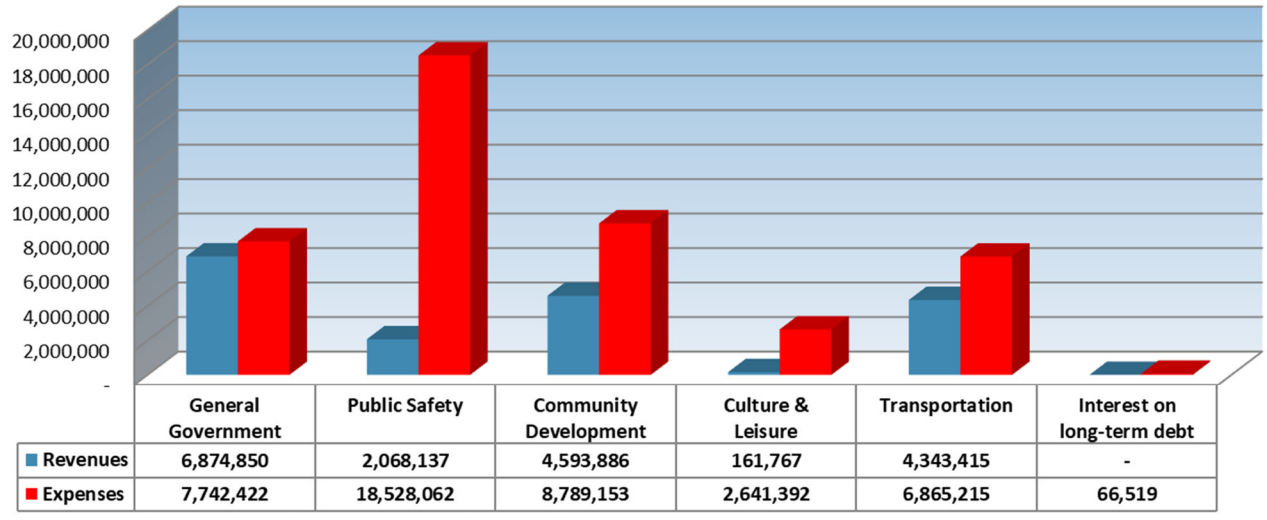


Chart 3: Details can be found in the "Statement of Activities"

BUSINESS-TYPE ACTIVITIES

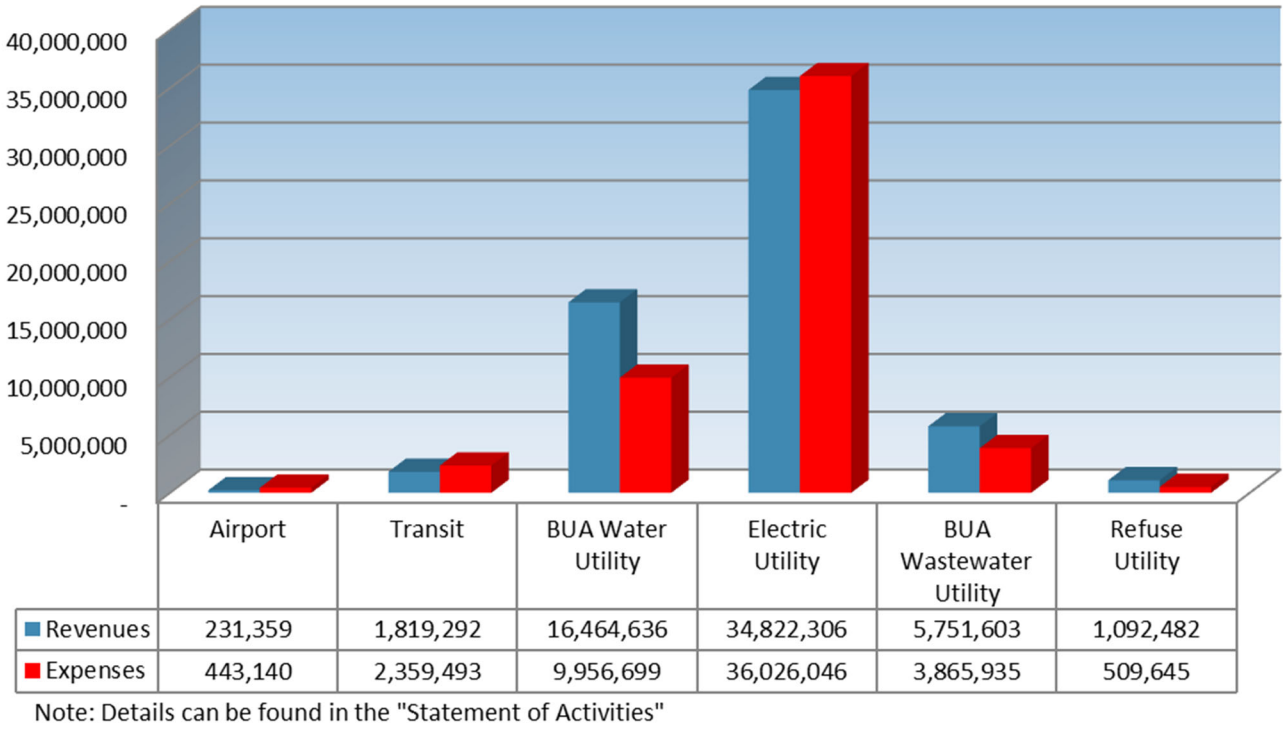
Table 4 and chart 4 focuses on the information on the Statement of Activities that relates to Business-type Activities which are the City's six services funded by customer user fees; Airport, Transit, BUA Water Utility, Electric Utility, BUA Wastewater Utility, and Refuse Utility; revenues, the cost of each program, and its net cost.

Table 4 - Program Net Cost: Business-Type Activities

	Program Revenues			Total Cost of Services			Net Revenues (Expenses)		
	2022[1]	2023	% Chg	2022[1]	2023	% Chg	2022[1]	2023	% Chg
Airport	691,891	231,359	67%	474,917	443,140	7%	216,974	(211,781)	198%
Transit	1,733,225	1,819,292	5%	1,767,281	2,359,493	34%	(34,056)	(540,201)	1486%
BUA Water Utility	14,939,344	16,464,636	10%	8,119,346	9,956,699	23%	6,819,998	6,507,937	5%
Electric Utility	31,566,595	34,822,306	10%	30,465,230	36,026,046	18%	1,101,365	(1,203,740)	209%
BUA Wastewater Utility	4,952,743	5,751,603	16%	3,513,714	3,865,935	10%	1,439,029	1,885,668	31%
Refuse Utility	5,517,322	1,092,482	80%	1,045,079	509,645	51%	4,472,243	582,837	87%
Business Subtotal	59,401,120	60,181,678	1%	45,385,567	53,160,958	17%	14,015,553	7,020,720	50%
General Revenues	(416,291)	926,517	323%	-	-	0%	(416,291)	926,517	323%
SUBTOTAL	58,984,829	61,108,195	4%	45,385,567	53,160,958	17%	13,599,262	7,947,237	42%
Transfers	-	-	0%	607,820	1,168,771	92%	(607,820)	(1,168,771)	92%
TOTAL	58,984,829	61,108,195	4%	45,993,387	54,329,729	18%	12,991,442	6,778,466	48%

Note: Details can be found in the "Statement of Activities"

[1] Amounts reported for 2022 have not been restated.



Note: Details can be found in the "Statement of Activities"

Important highlights of the Changes in Net Position of Business-Type Activities are:

- Net Position from Business-Type Activities was $148.84 million after restatements (see Table 2).
- Business-type activities increased Net Position by $2.96 million after restatements (see Table 2).

- All Business-type activities contributed to the Increase in Net Position except for Airport, Transit, and Electric, all of which fell short of breakeven. The fiscal year 2022-23 results of Net Revenues (Expenses) were $6.77 million, including non-operating revenue of $0.93 million as shown in Table 4.

- Business-Type activities are run similar to private companies except without the profit motive. The purpose is to provide services without any city governmental funds support including all necessary infrastructure needs. Most Business-Type activities are primarily funded through rates, charges, and fees for services provided. Airport and Transit operations are heavily funded through dedicated federal and state programs.

FUNDS FINANCIAL STATEMENTS

Governmental Funds are accounted for on a modified accrual basis. Their focus is on reporting current financial information useful for managing the budget and day-to-day operations.

Governmental Funds Financial Statements of the report ties in most closely to the financial information relied upon for managing the budget and the day-to-day operations of the City.

The Fund Financial Statements are divided into three fund types:

- **Governmental funds statements** tell how general government services such as police, fire, public works as well as special revenue, capital project, and debt service funds were financed in the short-term as well as what remains for future spending. Property taxes, sales tax, transient occupancy tax, interest income, franchise fees, grants, contributions from other agencies, charges for services, and other revenues fund these activities. The General Fund is reported as a major fund; all other Governmental funds are non-major.

- **Proprietary funds statements** offer short-term and long-term financial information of the City's utilities, the major proprietary funds include water, wastewater and electric, with the following funds airport, transit and refuse collection services reported as non-major funds. These funds require the use of full accrual accounting.

- **Internal Service funds statements** are proprietary funds that are reported with Governmental activities. The customers of Internal Service Funds are all internal to the City.

- **Fiduciary funds statements** provide information about the financial relationships in which the City acts solely as a custodian, trustee, or agent for the benefit of other governmental units, private organizations, or individuals to whom the resources belong. The Successor Agency, assessment districts and other non-City funds are accounted for in this fund type. These funds require the use of full accrual accounting.

A fund is an accounting entity with a self-balancing set of accounts that the City uses to keep track of resources that have been segregated for specific activities or objectives. In addition, while some funds are required to be established by law or by bond covenants, management has also established other funds to help control and manage money for particular purposes or to show that the legal responsibilities for using certain taxes, grants, and other resources are being met.

The City uses fund accounting to demonstrate and ensure compliance with finance-related legal requirements. The Fund Financial Statements focus on individual parts of the City government, thus reporting the City's operations in more detail than the Government-Wide statements. The types of

Governmental Funds reported by the City include the General Fund, Special Revenue Funds, Capital Project Funds, Debt Service Funds (currently none), Permanent Funds (currently none), and Proprietary Internal Service Funds. Proprietary and Fiduciary activities are also accounted for in funds or fund groups. The fund statements provide information on near-term inflows, outflows and balances of spendable resources. Budget and interim council reporting are generally based on these funds.

The City adopts an annual appropriated budget which includes the General Fund, Special Revenue Funds, Capital Project Funds, Debt Service Funds, and Permanent Funds. A budgetary comparison statement has been provided for each of the funds to demonstrate compliance with the budget.

Although the annual operating budget includes Proprietary and Fiduciary Funds, those budgets are not required to be comparatively reported in the annual audit report.

GOVERNMENTAL FUNDS

Governmental Funds only focus on near-term inflows and outflows of spendable resources (current financial resources measurement focus), as well as on balances of spendable resources available at the end of the fiscal year. The Fund Financial Statements include the General Fund, the major fund of the governmental funds, and Other Governmental Funds, which are the total of the non-major governmental funds.

All City Funds are presented separately, the Balance Sheet and the Statement of Revenues, Expenditures and Changes in Fund Balances. The General Fund is considered a Major Governmental Fund. Each of the Non-Major Governmental Funds are reported in the "Combining and Individual Fund Statements and Schedules" that follow the Notes to Financial Statements and the totals are brought forward to the "Other Governmental Funds" column of the Funds Financial Statements.

All fluctuations are based on 2022 amounts which have not been restated for prior period adjustments. Therefore, all comparisons to the prior year are net of prior period adjustments.

GOVERNMENTAL FUNDS HIGHLIGHTS

- At the close of the fiscal year, the City's governmental funds reported a combined ending fund balance of $17.30 million, a decrease of $5.61 million or 24.50 percent compared to last fiscal year.
- GASB 54 requires governments to classify fund balances according to the spending constraints defined by GASB 54. For the General Fund, $0.75 million of the $3.96 million fund balance is Unassigned, meaning those funds do not have restrictions on use. However, the remaining $3.20 million is in the categories of Non-spendable, Restricted, Committed or Assigned. The remaining $13.35 million in Governmental Funds' fund balance are restricted for specific purposes reported by governmental category plus a separate capital projects category. Negative restricted funds' fund balances are reported as unassigned ($195 thousand).

GOVERNMENTAL REVENUES

Table 5 below presents a summary of Governmental Fund Revenues by Revenue category for fiscal year 2022-23, with comparative amounts from the prior year. Revenues were $27.99 million, which is a decrease of $1.74 million or 5.84 percent compared to the previous fiscal year.

Table 5 - Comparison of Governmental Revenues

	2022[1]	% of Total Revenues	2023	% of Total Revenues	$ Increase / (Decrease)	% Change
Taxes	15,587,711	52.44%	15,334,725	54.79%	(252,986)	1.62%
Licenses & Permits	3,096,461	10.42%	1,868,894	6.68%	(1,227,567)	39.64%
Intergovernmental	5,607,324	18.86%	4,190,331	14.97%	(1,416,993)	25.27%
Charges for Services	2,986,735	10.05%	4,743,090	16.95%	1,756,355	58.81%
Use of Money & Property	(106,464)	0.36%	289,456	1.03%	395,920	371.88%
Fines and Forfeitures	114,948	0.39%	187,665	0.67%	72,717	63.26%
Contributions	10,042	0.03%	-	0.00%	(10,042)	100.00%
Successor Agency Admin	250,000	0.84%	250,000	0.89%	-	0.00%
Miscellaneous	2,177,877	7.33%	1,124,165	4.02%	(1,053,712)	48.38%
TOTAL	29,724,634	100.00%	27,988,326	100.00%	(1,736,308)	5.84%

Note: Details can be found in the "Statement of Revenues, Expenditures and Changes in Fund Balances"

[1] Amounts reported for 2022 have not been restated.

GOVERNMENTAL EXPENDITURES

Table 6 summarizes the Governmental Fund Expenditures by function for fiscal year 2022-23, with comparative amounts from prior year. Expenditures were $35.34 million, which is an increase of $1.71 million or 5.09 percent over fiscal year 2021-22.

Table 6 - Comparison of Governmental Expenditures

	2022[1]	% of Total Expenditures	2023	% of Total Expenditures	$ Increase / (Decrease)	% Change
General Government	4,843,512	14.40%	6,021,451	17.04%	1,177,939	24.32%
Public Safety	15,814,927	47.03%	15,989,435	45.24%	174,508	1.10%
Community Development	4,732,304	14.07%	5,423,682	15.35%	691,378	14.61%
Parks and Recreation	1,596,510	4.75%	1,919,057	5.43%	322,547	20.20%
Public Works/Transportation	1,788,191	5.32%	1,857,734	5.26%	69,543	3.89%
Operating Expenditures	28,775,444	85.57%	31,211,359	88.32%	2,435,915	8.47%
Capital Outlay	4,734,064	14.08%	3,911,660	11.07%	(822,404)	-17.37%
Debt Service	120,363	0.36%	217,176	0.61%	96,813	80.43%
TOTAL	33,629,871	100.00%	35,340,195	100.00%	1,710,324	5.09%

Note: Details can be found in the "Statement of Revenues, Expenditures and Changes in Fund Balances"

[1] Amounts reported for 2022 have not been restated.

BALANCE SHEETS OF GOVERNMENTAL FUNDS

The City maintains twenty-four individual governmental funds. These funds report financial transactions using the modified accrual accounting method.

FIDUCIARY FUNDS

The City is the trustee, or *fiduciary*, for certain funds held on behalf of those entities outside of the government. The City's fiduciary activities are reported in a separate Statement of Fiduciary Net Position. The City excludes these activities from the City's other financial statements because the City cannot use these assets to finance its operations. The City is responsible for ensuring that the assets reported in these funds are used for their intended purposes.

The Fiduciary Funds now include all of the funds related to the Successor Agency of the Former Redevelopment Agency, which was formed upon dissolution of the Banning Community Redevelopment Agency (CRA). The Successor Agency is subject to the control of the established oversight board and can only pay enforceable obligations in existence at the date of dissolution. Furthermore, it will hold the remaining assets of the former Redevelopment Agency until the enforceable obligations are legally satisfied, or they are distributed to local taxing entities. Additional information on the dissolution of the CRA can be found in the Footnotes to the Financial Statements (Note 17).

As a result of AB 1X 26, a law enacted by the State in 2012 dissolving the Redevelopment Agencies, Successor Agency Trust Fund receives trust revenues based on ROP's approved by CA Department of Finance. In fiscal year 2022-23, the Successor Agency received $2.44 million from the Riverside County Redevelopment Property Tax Trust Fund (RPTTF).

Although the Fiduciary Funds Statements are a standalone report in the Funds Financial Statements, they are not part of the Government-wide Statements as the fiduciary activities are not considered part of City activities.

PROPRIETARY FUNDS

Proprietary funds account for public utility services, use of airport facilities, transit services and services where user fees are developed to recover the costs of services provided. Proprietary Funds are integrated into the Government-Wide Financial Statements and provide both long-term and short-term financial information everywhere they are presented. The full accrual method of accounting is required for these funds.

- **Enterprise Funds** are used to report on the individual functions for each of the enterprise activities operated by the City. The major proprietary funds are the top three below. In addition, "Other Enterprise Funds" are considered non-major under the GASB criteria.

  - Banning Utility Authority-Water
  - Electric Utility
  - Banning Utility Authority-Wastewater
  - Other Enterprise funds:
    - Airport
    - Transit
    - Refuse Utility

- **Internal Service Funds** report activities that provide internal services for the City's other programs and activities such as the:

  - City's Self Insurance
  - Fleet Maintenance
  - Information Systems
  - Utility Billing Services

NET POSITION

The Total Net Position of Enterprise Funds $153.54 million. The major funds, the total of City Utilities make up $151.29 million.

An important metric in utility operations is the Operating Income (Loss).

OPERATING INCOME (LOSS)

Two of the three major enterprise funds have positive results of operation; Water's operating income was $3.23 million, Electric's was negative ($2.63 million), and Wastewater's was $1.33 million.

GENERAL FUND HIGHLIGHTS

The General Fund has a total fund balance of $3.96 million, of which $0.75 million is Unassigned, meaning those funds do not have restrictions on use. However, the remaining $3.20 million is in the categories of Non-spendable, Restricted, Committed or Assigned. The city has committed $1.50 million for emergency needs with a target of 25.00 percent of the total operating budget, plus assigned fund balances of $1.50 million for capital replacement, plus $0.20 million that is non-spendable in nature from prepaid costs and employee loans. The terminology and presentation of fund balances align with GASB 54 requirements.

All fluctuations are based on 2022 amounts which have not been restated for prior period adjustments. Therefore, all comparisons to the prior year are net of prior period adjustments.

GENERAL FUND – REVENUES

Table 7 below provides more information of the General Fund Revenues by category for the fiscal years 2020-21, 2021-22, and 2022-23.

Table 7 - General Fund Revenues

	2020-21	2021-22 [1]	2022-23	% of Total	$ Increase / (Decrease) to Last Year	% Change
Property Tax	5,584,212	6,082,624	6,939,283	27.97%	856,659	14.08%
Sales Tax	3,854,823	5,857,884	4,875,534	19.65%	(982,350)	-16.77%
Transient Occupancy Tax	1,119,765	1,290,574	1,179,126	4.75%	(111,448)	-8.64%
Franchise	922,932	535,461	543,207	2.19%	7,746	1.45%
Other Taxes	753,873	846,914	737,412	2.97%	(109,502)	-12.93%
License & Permits	2,975,991	3,096,461	1,868,894	7.53%	(1,227,567)	-39.64%
Intergovernmental	2,364,405	1,413,937	1,026,131	4.14%	(387,806)	-27.43%
Charges for Services	2,728,036	2,986,735	4,743,090	19.12%	1,756,355	58.81%
Use of Money & Property	265,746	(43,924)	188,719	0.76%	232,643	-529.65%
Fines & Forfeitures	180,425	114,948	187,665	0.76%	72,717	63.26%
Transfers In	1,090,159	905,947	976,234	3.94%	70,287	7.76%
Contributions	255,850	255,363	250,638	1.01%	(4,725)	-1.85%
Lease Proceeds	-	56,146	361,506	1.46%	305,360	543.87%
Subscriptions	-	-	106,550	0.43%	106,550	100.00%
Miscellaneous	1,103,474	1,343,653	823,244	3.32%	(520,409)	-38.73%
TOTALS	19,808,559	24,742,723	24,807,233	100.00%	64,510	0.26%

Note: Details can be found in the "Budgetary Comparison Schedule, General Fund"

[1] Amounts reported for 2022 have not been restated.

For fiscal year 2022-23, General Fund revenues were $24.81 million, an increase of $0.06 million or 0.26 percent over fiscal year 2021-22. Key elements of this year's activity versus last fiscal year are as follows:

- Property Tax Revenues increased 14.08 percent to $6.94 million due to increased property values and continued increases in home sales from new construction developments.

- Sales Tax Revenues decreased by about $0.98 million to $4.88 million or 16.77 percent due to decreased consumer spending on non-essential goods and services during the recent period of higher inflation.

- Transient Occupancy Tax declined 8.64 percent to $1.18 million. Inflationary pressures were also apparent in the lodging sector due to its discretionary nature.

- Licenses & Permits experienced a significant decrease of 39.64 percent to $1.87 million. There is a significant increase in fiscal year 2023-24 due to continuing development projects. The timing of receipts and expenditures for these services do not always fall within the same fiscal year.

- Intergovernmental Revenue had a substantial decrease of 27.43 percent to $1.03 million due to less one-time money for COVID-19 relief.

- Charges for Services increased 58.81 percent to $4.74 million due primarily to increased interfund charges for administrative services provided to non-General Fund departments.

GENERAL FUND – EXPENDITURES

Table 8 below summarizes the General Fund Expenditures for the fiscal years 2020-21, 2021-22, and 2022-23.

Table 8 - General Fund Expenditures

	2020-21	2021-22[1]	2022-23	% of Total	$ Increase / (Decrease) to Last Year	% Change
General Government	4,484,323	4,510,023	6,015,150	20.04%	1,505,127	33.37%
Public Safety	13,282,214	13,795,628	15,965,660	53.20%	2,170,032	15.73%
Community Development	4,068,730	4,447,305	4,876,713	16.25%	429,408	9.66%
Culture & Leisure	1,372,529	1,527,287	1,918,080	6.39%	390,793	25.59%
Capital Outlay	-	56,146	737,152	2.46%	681,006	1212.92%
Debt Service	216,212	74,480	217,176	0.72%	142,696	191.59%
Transfers Out	1,599,606	471,589	281,617	0.94%	(189,972)	40.28%
TOTALS	21,132,286	24,882,458	30,011,548	100.00%	5,129,090	20.61%

Note: Details can be found in the "Budgetary Comparison Schedule, General Fund"

[1] Amounts reported for 2022 have not been restated.

Total General Fund expenditures were $30.01 million, which is a 20.61 percent increase over the previous year. The largest changes occurred in the following areas:

- General Government expenditures increased $1.51 million to $6.02 million, a 33.37 percent increase primarily due to classification and compensation and cost of living adjustments, combined with the filling vacancies and the addition of a Communications Officer, and staffing at Opportunity Village (one manager and four staff).

- Public Safety expenditures increased 15.73 percent or $2.17 million to $15.97 million primarily due to increased overtime due to staff injuries and wage increases to maintain employees.

- Culture & Leisure expenditures increased $0.39 million or 25.59 percent due to the continued expansion of services that were previously discontinued due to the pandemic.

- Community Development expenditures of $4.88 million increased by $0.43 million or 9.66 percent, which is due primarily to the increased development activity of the Atwell project.

- Capital Outlay expenditures totaled $0.74 million, which is $0.68 million higher than the previous fiscal year due to vehicle shortage and doubled purchases in this fiscal year.

GENERAL FUND BUDGETARY HIGHLIGHTS

The original fiscal year 2022-23 budget for the General Fund was a structurally imbalanced budget that projected a $0.92 million net loss, but included one-time revenues that were not realized for an Exclusive Negotiating Agreement (ENA) totaling $2.00 million.

The final adjusted revenue budget differs from the Original Budget in that it contains carry-forward appropriations and revenues for various projects, supplemental revenues, carry-forward appropriations for open purchase orders from the previous year, and appropriations approved by City Council throughout the year. The budgetary comparison information can be found in the audit report section "Combining and Individual Funds Statements and Schedules" under "Budgetary Comparison Schedule, General Fund".

For the City's General Fund, actual ending revenues of $24.81 million were $3.12 million lower than the final budgeted revenues of $27.93 million (please refer to Budgetary Comparison Schedule-General Fund). This is primarily due to the loss of the ENA revenue ($2.00 million).

The General Fund actual ending expenditures of $30.01 million were $2.78 million lower than the final budget of $32.58 million. Most of the difference is accounted for by salary savings due to vacancies in several departments. Overall, the City's General Fund showed a net decrease in fund balance of $5.20 million because of expenditures exceeding revenues, which is primarily comprised of the loss of the $2.00 ENA revenue, a $1.10 million contract amendment for engineering services, additional police vehicle purchases of $0.46 million, and increase police staff overtime of $0.31 million, and the budgeted net loss of $0.92 million.

CAPITAL ASSET AND DEBT ADMINISTRATION

CAPITAL ASSETS

The City's investment in capital assets (Table 9) for its Governmental and Business-Type Activities as of June 30, 2023, is $229.22 million (net of accumulated depreciation), an increase of 6 percent from the previous fiscal year. This investment in capital assets includes land, structures and improvements, furniture and equipment, infrastructure, and construction in progress. The Capital Assets of the City are those assets which are used in the performance of the City's functions including infrastructure assets. Depreciation on capital assets is recognized in the Government-Wide Financial Statements.

Table 9 - Capital Assets by Activity

	Governmental Activities			Business-Type Activities			Totals		
	2022[1]	2023	% Chg	2022[1]	2023	% Chg	2022[1]	2023	% Chg
Land	9,438,620	9,438,620	0%	5,615,491	5,867,684	4%	15,054,111	15,306,304	2%
Construction in Progress	4,470,154	1,204,442	73%	16,166,975	19,419,281	20%	20,637,129	20,623,723	0%
Building and Structures*	6,471,796	5,890,724	9%	83,618	126,605	51%	6,555,414	6,017,329	8%
Land Improvements*	6,756,332	6,133,791	9%	1,859,363	2,479,198	33%	8,615,695	8,612,989	0%
Machinery and Equipment*	740,009	686,751	7%	3,147,740	5,752,968	83%	3,887,749	6,439,719	66%
Vehicles*	365,562	1,287,654	252%	-	-	0%	365,562	1,287,654	252%
Utility Plant	1,372,421	1,359,951	1%	107,729,144	113,092,450	5%	109,101,565	114,452,401	5%
Infrastructure*	52,099,746	54,997,851	6%	-	-	0%	52,099,746	54,997,851	6%
Leased Assets	415,175	944,183	127%	490,257	366,715	25%	905,432	1,310,898	45%
Subscription Assets	-	72,078	0%	-	101,035	0%	-	173,113	0%
TOTAL	82,129,815	82,016,045	0%	135,092,588	147,205,936	9%	217,222,403	229,221,981	6%

Note: Details can be found in "Note 4 (Changes in Capital Assets)"

* Net of accumulated depreciation

[1] Amounts reported for 2022 have not been restated.

Details on the capital assets can be found in Note 4 of the Notes to Financial Statements section.

LONG-TERM DEBT

Table 10 is a summary of the City's long-term debt for the year ended June 30, 2023, including the Net Pension Liability required by GASB No. 68 and 71, the Total Other Post-Employment Benefits Liability required by GASB 75, and Lease Liabilities required by GASB 87. City-wide long-term debt was $105.66 million as of fiscal year end, which is an increase of 2 percent from the prior year. The borrowing entities received no changes in debt ratings during the fiscal year. Subsequent to June 30, 2023, the Electric revenue bond was downgraded to AA by S&P Global Ratings and currently is on the negative watchlist.

As of June 30, 2023, the City's Governmental Activities had long term debt in the amount of $40.07 million including Net Pension Liability of $33.85 million. The 61 percent increase in long-term debt is primarily due to the 69 percent increase in net pension liability that was the result of negative returns on the pension investment portfolio and a 51 percent increase in Total OPEB Liability, plus implementation of GASB Statement No. 96 for Software Based Information Technology Arrangements. No new debts were issued in the governmental activities for the current year. The Redevelopment Tax Allocation Bonds and other loans are no longer reported as a Governmental Activity. For additional information on the Redevelopment Tax Allocation bonds, refer to Note 17 of the notes to the Financial Statements.

Long-term debt in the Business-Type Activities amounted to $65.59 million including Net Pension Liability of $15.84 million. The 4 percent increase in long-term debt is primarily due to the 52 percent increase in net pension liability that was the result of negative returns on the pension investment portfolio and a 33 percent increase in Total OPEB Liability, plus implementation of GASB Statement No. 96 for Software Based Information Technology Arrangements, partially offset by debt payments and premium amortization. For additional information on long-term debt refer to Note 8 of the Notes to the Financial Statements. For additional information on Net Pension Liability refer to Note 12 of the Notes to the Financial Statements; for Other Post-Employment Benefits (OPEB) refer to Note 13; and for Leases and Software subscriptions refer to Note 8 (reported within Long-Term Debt).

Table 10 - Long Term Debt/Liability Recap

	Governmental Activities			Business-Type Activities			Totals		
	2022[1]	2023	% Chg	2022[1]	2023	% Chg	2022[1]	2023	% Chg
Compensated Absences	1,454,829	1,608,129	11%	891,542	1,038,163	16%	2,346,371	2,646,292	13%
Revenue Bonds	-	-	0%	46,620,000	43,930,000	6%	46,620,000	43,930,000	6%
Claims & Judgements	2,556,226	2,445,682	4%	-	-	0%	2,556,226	2,445,682	4%
Loans	-	-	0%	-	-	0%	-	-	0%
Leases	389,729	1,362,926	250%	457,987	302,895	34%	847,716	1,665,821	97%
Software subscriptions	-	77,830	0%	-	-	0%	-	77,830	0%
Financed purchases	-	-	0%	-	381,099	0%	-	381,099	0%
SUBTOTAL	4,400,784	5,494,567	25%	47,969,529	45,652,157	5%	52,370,313	51,146,724	2%
Less:									
Unamortized original issue premium				3,984,316	3,706,161	7%	3,984,316	3,706,161	7%
Unamortized original issue discount						0%	-	-	0%
Net Business-Type Activities				51,953,845	49,358,318	5%	56,354,629	54,852,885	3%
Net Pension Liability	20,070,019	33,852,647	69%	10,452,228	15,840,946	52%	30,522,247	49,693,593	63%
Total OPEB Liability	479,093	721,956	51%	589,230	392,822	33%	1,068,323	1,114,778	4%
TOTAL	24,949,896	40,069,170	61%	62,995,303	65,592,086	4%	87,945,199	105,661,256	20%

Note: Details can be found in Note 8 (Long Term Debt) and in Note 12 (City Employees Retirement Plan)

[1] Amounts reported for 2022 have not been restated.

CONTACTING THE CITY'S FINANCIAL MANAGEMENT

This financial report is designed to provide our citizens, taxpayers, customers, investors, and creditors with a general overview of the City of Banning's finances and to show the City's accountability for the money it receives. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the City's Finance Department, at the City of Banning, P.O. Box 998, Banning, California, 92220.

Basic Financial Statements

	Primary Government		
	Governmental Activities	Business- Type Activities	Total
Assets			
Cash and investments	$ 8,345,236	$ 50,255,931	$ 58,601,167
Receivables			
Accounts	2,252,228	9,772,606	12,024,834
Loans	774,101	1,924	776,025
Interest	55,806	211,647	267,453
Grants	950,573	1,587,058	2,537,631
Internal balances	8,321,851	(8,321,851)	-
Prepaid costs	171,607	787,612	959,219
Due from other governments	1,920,085	-	1,920,085
Inventories	54,297	7,247,696	7,301,993
Restricted assets			
Cash and investments	-	1,156,151	1,156,151
Cash with fiscal agent	8,388,827	3,560,383	11,949,210
Investment in SCPPA Project Stabilization Fund	-	3,176,262	3,176,262
Capital assets			
Capital assets, not being depreciated	10,643,062	25,286,965	35,930,027
Capital assets, net of depreciation	70,356,722	121,451,221	191,807,943
Right to use lease assets, net of accumulated amortization	944,183	366,715	1,310,898
Right to use subscription IT assets, net of accumulated amortization	72,078	101,035	173,113
Total assets	113,250,656	216,641,355	329,892,011
Deferred Outflows of Resources			
Deferred charge on refunding	-	2,258,756	2,258,756
Deferred pension related items	12,204,935	4,446,048	16,650,983
Deferred OPEB related items	(11,445)	48,128	36,683
Total deferred outflows of resources	12,193,490	6,752,932	18,946,422

	Primary Government		
	Governmental Activities	Business- Type Activities	Total
Liabilities			
Accounts payable	$ 2,997,589	$ 3,257,580	$ 6,255,169
Accrued liabilities	1,804,257	212,685	2,016,942
Accrued interest	-	229,204	229,204
Unearned revenue	4,097,591	4,076,009	8,173,600
Deposits payable	992,382	787,834	1,780,216
Due to other governments	18,281	-	18,281
Noncurrent liabilities			
Due in one year			
Compensated absences	989,219	105,970	1,095,189
Claims payable	530,660	-	530,660
Long term liabilities	682,730	3,077,440	3,760,170
Due in more than one year			
Compensated absences	618,910	932,193	1,551,103
Claims payable	1,915,022	-	1,915,022
Long term liabilities	758,026	45,242,715	46,000,741
Net pension liability	33,852,647	15,840,946	49,693,593
Total OPEB liability	721,956	392,822	1,114,778
Total liabilities	49,979,270	74,155,398	124,134,668
Deferred Inflows of Resources			
Deferred gain in refunding	-	84,621	84,621
Deferred pension related items	4,264,961	243,528	4,508,489
Deferred OPEB related items	40,381	69,858	110,239
Total deferred inflows of resources	4,305,342	398,007	4,703,349
Net Position			
Net investment in capital assets	80,575,289	104,263,839	184,839,128
Restricted for			
Community development projects	2,423,237	-	2,423,237
Public safety	20,247	-	20,247
Culture and leisure	89,821	-	89,821
Transportation	2,816,035	-	2,816,035
Capital projects	4,042,463	356,460	4,398,923
SCPPA projects	-	781,048	781,048
SCPPA stabilization fund	-	3,176,262	3,176,262
Unrestricted	(18,807,558)	40,263,273	21,455,715
Total net position	$ 71,159,534	$ 148,840,882	$ 220,000,416

	Expenses	Program Revenues: Charges for Services	Program Revenues: Operating Contributions and Grants	Program Revenues: Capital Contributions and Grants
Primary Government				
Governmental Activities				
General government	$ 7,742,422	$ 6,336,709	$ -	$ 538,141
Public safety	18,528,062	472,520	1,595,617	-
Community development	8,789,153	3,352,881	1,241,005	-
Culture and leisure	2,641,392	161,767	-	-
Transportation	6,865,215	9,432	1,817,540	2,516,443
Interest expense	66,519	-	-	-
Total governmental activities	44,632,763	10,333,309	4,654,162	3,054,584
Business-Type Activities				
Airport	443,140	187,875	20,000	23,484
Transit	2,359,493	52,344	1,669,989	96,959
Banning Utility Authority Water	9,956,699	12,107,023	-	4,357,613
Electric Utility	36,026,046	31,286,002	-	3,536,304
Banning Utility Authority Wastewater	3,865,935	5,029,168	-	722,435
Refuse Utility	509,645	1,076,108	16,374	-
Total business-type activities	53,160,958	49,738,520	1,706,363	8,736,795
Total primary government	$ 97,793,721	$ 60,071,829	$ 6,360,525	$ 11,791,379
General Revenues				
Taxes				
Property taxes, levied for general purpose				
Transient occupancy taxes				
Sales taxes				
Franchise taxes				
Business license taxes				
Other taxes				
Use of money and property				
Other				
Total general revenues				
Transfers				
Total general revenues and transfers				
Change in Net Position				
Net Position - Beginning of Year				
Prior Period Adjustment				
Net Position - Beginning of Year Restated				
Net Position - End of Year				

Net (Expense) Revenue and Changes in Net Position		
Governmental Activities	Business-Type Activities	Total
$ (867,572)	$ -	$ (867,572)
(16,459,925)	-	(16,459,925)
(4,195,267)	-	(4,195,267)
(2,479,625)	-	(2,479,625)
(2,521,800)	-	(2,521,800)
(66,519)	-	(66,519)
(26,590,708)	-	(26,590,708)
-	(211,781)	(211,781)
-	(540,201)	(540,201)
-	6,507,937	6,507,937
-	(1,203,740)	(1,203,740)
-	1,885,668	1,885,668
-	582,837	582,837
-	7,020,720	7,020,720
(26,590,708)	7,020,720	(19,569,988)
6,939,283	-	6,939,283
1,179,126	-	1,179,126
5,790,112	-	5,790,112
543,207	-	543,207
184,270		184,270
698,727	-	698,727
317,399	796,142	1,113,541
1,125,051	130,375	1,255,426
16,777,175	926,517	17,703,692
1,168,771	(1,168,771)	-
17,945,946	(242,254)	17,703,692
(8,644,762)	6,778,466	(1,866,296)
69,013,432	145,878,021	214,891,453
10,790,864	(3,815,605)	6,975,259
79,804,296	142,062,416	221,866,712
$ 71,159,534	$ 148,840,882	$ 220,000,416

Fund Financial Statements

	General Fund	Nonmajor Governmental Funds	Total Governmental Funds
Assets			
Pooled cash and investments	$ 1,103,628	$ 7,239,012	$ 8,342,640
Receivables			
Accounts, Net	2,090,113	304	2,090,417
Loans	34,164	739,937	774,101
Interest	26,076	28,004	54,080
Grants	503,795	446,778	950,573
Prepaid costs	168,511	-	168,511
Due from other governments	1,556,223	363,862	1,920,085
Due from other funds	3,458,704	6,065,258	9,523,962
Restricted assets			
Cash and investments with fiscal agents	-	8,388,827	8,388,827
Total assets	8,941,214	23,271,982	32,213,196
Liabilities Deferred Inflows of Resources and Fund Balances			
Liabilities			
Accounts payable	2,067,893	637,501	2,705,394
Accrued liabilities	886,590	11,344	897,934
Unearned revenues	29,894	4,067,697	4,097,591
Deposits payable	888,896	103,486	992,382
Due to other funds	-	4,141,316	4,141,316
Total liabilities	3,873,273	8,961,344	12,834,617
Deferred Inflows of Resources			
Unavailable revenues	1,111,889	963,283	2,075,172
Total deferred inflows of resources	1,111,889	963,283	2,075,172

	General Fund	Nonmajor Governmental Funds	Total Governmental Funds
Fund Balances			
Nonspendable			
Prepaid costs	$ 168,511	$ -	$ 168,511
Employee loans	34,164	-	34,164
Restricted			
Community development projects	-	1,683,300	1,683,300
Public safety	-	20,247	20,247
Culture and leisure	-	89,821	89,821
Transportation	-	2,618,557	2,618,557
Capital projects	-	4,042,463	4,042,463
Committed			
Emergency contingency	1,500,000	-	1,500,000
Assigned			
Capital replacement	1,500,000	5,088,061	6,588,061
Unassigned	753,377	(195,094)	558,283
Total fund balances	3,956,052	13,347,355	17,303,407
Total liabilities, deferred inflows of resources, and fund balances	$ 8,941,214	$ 23,271,982	$ 32,213,196

Fund Balances - Total Governmental Funds		$ 17,303,407
Amounts reported for governmental activities in the statement of net position are different because:		
Capital and right to use assets net of depreciation and amortization have not been included as financial resources in governmental fund activity.		81,711,703
Pension related liabilities applicable to the City's governmental activities are not due and payable in the current period and accordingly are not reported as fund liabilities. Deferred outflows of resources and deferred inflows of resources related to pensions are only reported in the statement of net position as the changes in these amounts affect only the government-wide statements for governmental activities:		
Deferred outflows of resources	$ 11,109,362	
Deferred inflows of resources	(4,204,640)	
Pension liability	(29,928,901)	(23,024,179)
Long-term debt and compensated absences that have not been included in the governmental fund activity:		
Compensated absences	(1,414,744)	
Lease liability	(1,333,487)	
Subscription-based IT arrangements (SBITAs)	(77,830)	(2,826,061)
OPEB related liabilities applicable to the City's governmental activities are not due and payable in the current period and accordingly are not reported as fund liabilities. Deferred outflows of resources and deferred inflows of resources related to pensions are only reported in the statement of net position as the changes in these amounts affect only the government-wide statements for governmental activities:		
Deferred outflows of resources	(20,055)	
Deferred inflows of resources	(18,570)	
OPEB liability	(604,109)	(642,734)
Revenues reported as unavailable revenue in the governmental funds and recognized in the statement of activities. These are included in the intergovernmental revenues in the governmental fund activity.		2,075,172
Internal service funds are used by management to charge the costs of certain activities, such as equipment management and self-insurance, to individual funds. The assets and liabilities of the internal service funds must be added to the statement of net position.		(3,437,774)
Net Position of Governmental Activities		$ 71,159,534

City of Banning, California
Statement of Revenues, Expenditures, and Changes in Fund Balances
Governmental Funds
Year Ended June 30, 2023

	General Fund	Other Governmental Funds	Total Governmental Funds
Revenues			
Taxes	$ 14,274,562	$ 1,060,163	$ 15,334,725
Licenses and permits	1,868,894	-	1,868,894
Intergovernmental	1,026,131	3,164,200	4,190,331
Charges for services	4,743,090	-	4,743,090
Use of money and property	188,719	100,737	289,456
Fines and forfeitures	187,665	-	187,665
Contribution from Successor Agency	250,000	-	250,000
Miscellaneous	823,882	300,283	1,124,165
Total revenues	23,362,943	4,625,383	27,988,326
Expenditures			
Current			
General government	6,015,150	6,301	6,021,451
Public safety	15,965,660	23,775	15,989,435
Community development	4,876,713	546,969	5,423,682
Culture and leisure	1,918,080	977	1,919,057
Transportation	-	1,857,734	1,857,734
Capital outlay	737,152	3,174,508	3,911,660
Debt service			
Principal retirement	179,036	-	179,036
Interest and Fiscal Charges	38,140	-	38,140
Total expenditures	29,729,931	5,610,264	35,340,195
Excess (Deficiency) of Revenues over Expenditures	(6,366,988)	(984,881)	(7,351,869)
Other Financing Sources (Uses)			
Subscriptions	106,550	-	106,550
Leases	361,506	762,007	1,123,513
Transfers in	976,234	1,170,868	2,147,102
Transfers out	(281,617)	(696,716)	(978,333)
Total other financing sources (uses)	1,162,673	1,236,159	2,398,832
Net Change in Fund Balances	(5,204,315)	251,278	(4,953,037)
Fund Balances - Beginning of Year	9,820,214	13,096,077	22,916,291
Prior Period Adjustment	(659,847)	-	(659,847)
Fund Balances - Beginning of Year, As Restated	9,160,367	13,096,077	22,256,444
Fund Balances - End of Year	$ 3,956,052	$ 13,347,355	$ 17,303,407

See Notes to Financial Statements

Net Change in Fund Balances - Total Governmental Funds		$ (4,953,037)
Amounts reported for governmental activities in the statement of activities are different because:		
Governmental funds report capital outlays as expenditures. However, in the statement of activities, the costs of those assets is allocated over their estimated useful lives as depreciation expense. This is the amount by which capital outlays exceeded depreciation in the current period.		
Capital outlay	$ 3,911,660	
Capital contributions	2,476,459	
Gain/(Loss) on Disposal	(22,496)	
Depreciation	(6,438,893)	(73,270)
Debt proceeds provide current financial resources to governmental funds, issuing debt increases long-term liabilities in the statement of net position. Repayment of debt principal is an expenditure in the governmental funds, but repayment reduces long-term liabilities in the statement of net position.		
Debt issuance - leases	(1,123,513)	
Lease principal payments	122,533	
Debt issuance - subscriptions	(106,550)	
Subscription IT principal payments	28,720	(1,078,810)
Expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.		
Compensated absences		(130,927)
Pension		(1,780,982)
OPEB		(320,146)
Revenues reported as unavailable revenue in the governmental funds and recognized in the statement of activities. These are included in the intergovernmental revenues in the governmental fund activity.		1,041,956
Internal service funds are used by management to charge the costs of certain activities, such as equipment management and self-insurance, to individual funds. The net revenues (expenses) of the internal service funds is reported with governmental activities.		(1,349,546)
Change in Net Position of Governmental Activities		$ (8,644,762)

	Business-Type Activities Enterprise Funds	
	Banning Utility Authority Water	Electric Utility
Assets		
Current		
Pooled Cash and Investments	$ 28,353,840	$ 119,474
Receivables		
Accounts, net	2,257,589	6,438,472
Loans	-	1,172
Interest	92,265	25,703
Grants	1,498,240	-
Prepaid costs	2,625	781,048
Due from other funds	-	-
Inventories	802,540	6,411,886
Restricted		
Cash and investments	-	1,156,151
Cash with fiscal agent	126,430	701,200
Investment in SCPPA Project Stabilization Fund	-	3,176,262
Total current assets	33,133,529	18,811,368
Noncurrent		
Capital assets		
Capital assets not being depreciated	5,502,898	18,176,897
Capital assets - net of accumulated depreciation	50,860,126	55,956,415
Right to use lease assets, net of accumulated amortization	228,774	137,941
Right to use subscription IT assets, net of accumulated amortization	-	74,180
Total noncurrent assets	56,591,798	74,345,433
Total assets	89,725,327	93,156,801
Deferred Outflows of Resources		
Deferred charge on refunding	611,975	1,646,781
Deferred pension related items	912,029	2,520,151
Deferred OPEB related items	21,139	5,652
Total deferred outflows of resources	1,545,143	4,172,584

Business-Type Activities Enterprise Funds			Governmental Activities
Banning Utility Authority Wastewater	Other Enterprise Funds	Total	Internal Service Fund
$ 20,662,343	$ 1,120,274	$ 50,255,931	$ 2,596
956,879	119,666	9,772,606	161,811
-	752	1,924	-
71,156	22,523	211,647	1,726
-	88,818	1,587,058	-
1,313	2,626	787,612	3,096
-	5,075,930	5,075,930	615,506
-	33,270	7,247,696	54,297
-	-	1,156,151	-
2,732,753	-	3,560,383	-
-	-	3,176,262	-
24,424,444	6,463,859	82,833,200	839,032
1,100,768	506,402	25,286,965	-
12,748,916	1,885,764	121,451,221	264,700
-	-	366,715	39,642
-	26,855	101,035	-
13,849,684	2,419,021	147,205,936	304,342
38,274,128	8,882,880	230,039,136	1,143,374
-	-	2,258,756	-
351,532	662,336	4,446,048	1,095,573
18,713	2,624	48,128	8,610
370,245	664,960	6,752,932	1,104,183

	Business-Type Activities Enterprise Funds	
	Banning Utility Authority Water	Electric Utility
Liabilities		
Current		
Accounts payable	$ 1,482,164	$ 1,211,488
Accrued liabilities	46,542	120,756
Accrued interest	133,885	85,254
Unearned revenues	-	-
Deposits payable	236,770	469,091
Due to other governments	-	-
Due to other funds	-	8,694,938
Compensated absences	14,174	88,351
Claims and judgments	-	-
Bonds, notes, and leases	1,278,053	1,475,075
Total current liabilities	3,191,588	12,144,953
Noncurrent		
Net pension liability	3,224,756	8,865,125
Total OPEB liability	107,525	171,756
Compensated absences	222,995	485,709
Claims and judgments	-	-
Bonds, notes, and leases	18,778,514	23,052,414
Total noncurrent liabilities	22,333,790	32,575,004
Total liabilities	25,525,378	44,719,957
Deferred Inflows of Resources		
Deferred gain on refunding	-	-
Deferred pension related items	49,575	136,287
Deferred OPEB related items	10,633	17,558
Total deferred inflows of resources	60,208	153,845
Net Position		
Net investment in capital assets	37,147,206	52,165,925
Restricted for capital projects	126,430	-
Restricted for SCPPA projects	-	781,048
Restricted for SCPPA Stabilization Fund	-	3,176,262
Unrestricted	28,411,248	(3,667,652)
Total net position	$ 65,684,884	$ 52,455,583

Enterprise Funds			Activities
Banning Utility Authority Wastewater	Other Enterprise Funds	Total	Internal Service Fund
$ 78,818	$ 485,110	$ 3,257,580	$ 292,195
14,600	30,787	212,685	906,323
10,065	-	229,204	-
-	4,076,009	4,076,009	-
58,489	23,484	787,834	-
-	-	-	18,281
-	-	8,694,938	2,379,144
1,758	1,687	105,970	3,801
-	-	-	530,660
324,312	-	3,077,440	26,738
488,042	4,617,077	20,441,660	4,157,142
1,340,651	2,410,414	15,840,946	3,923,746
33,797	79,744	392,822	117,847
90,378	133,111	932,193	189,584
-	-	-	1,915,022
3,411,787	-	45,242,715	2,701
4,876,613	2,623,269	62,408,676	6,148,900
5,364,655	7,240,346	82,850,336	10,306,042
84,621	-	84,621	-
20,610	37,056	243,528	60,321
26,533	15,134	69,858	21,811
131,764	52,190	398,007	82,132
12,531,687	2,419,021	104,263,839	274,903
230,030	-	356,460	-
-	-	781,048	-
-	-	3,176,262	-
20,386,237	(163,717)	44,966,116	(8,415,520)
$ 33,147,954	$ 2,255,304	$ 153,543,725	$ (8,140,617)

Net Position per Statement of Net Position - Proprietary Funds	$ 153,543,725
Prior years' accumulated adjustment to reflect the consolidation of internal service funds activities related to the enterprise funds.	(3,184,854)
Current years' adjustments to reflect the consolidation of internal service activities related to enterprise funds.	(1,517,989)
Net Position per Statement of Net Position	$ 148,840,882

City of Banning, California
Statement of Revenues, Expenses and Changes in Fund Net Position
Proprietary Funds
Year Ended June 30, 2023

	Business-Type Activities Enterprise Funds	
	Banning Utility Authority Water	Electric Utility
Operating Revenues		
Sales and service charges	$ 12,107,023	$ 31,286,002
Miscellaneous	41,664	32,024
Total operating revenues	12,148,687	31,318,026
Operating Expenses		
Salaries and benefits	2,146,615	4,754,296
Supplies and services	5,022,056	4,819,636
Repairs and maintenance	79,192	66,583
Street lighting costs	-	145,275
Power purchased	-	21,914,811
Insurance premiums	-	-
Depreciation expense	1,672,805	2,243,150
Total operating expenses	8,920,668	33,943,751
Operating Income (Loss)	3,228,019	(2,625,725)
Nonoperating Revenues (Expenses)		
Intergovernmental	1,984,405	213,974
Interest revenue and change in fair value of investments	270,365	261,390
Interest expense	(751,722)	(1,053,586)
Gain (loss) on disposal of capital assets	23,213	2,092
Total nonoperating revenues (expenses)	1,526,261	(576,130)
Income (Loss) before Transfers and Capital Contributions	4,754,280	(3,201,855)
Capital Contributions	2,373,208	3,322,330
Transfers In	16,174	339,589
Transfers Out	(470,000)	-
Changes in Net Position	6,673,662	460,064
Net Position - Beginning of Year	59,030,405	51,708,181
Prior Period Adjustment	(19,183)	287,338
Net Position - Beginning of Year As Restated	59,011,222	51,995,519
Net Position - End of Year	$ 65,684,884	$ 52,455,583

Business-Type Activities Enterprise Funds			Governmental Activities
Banning Utility Authority Wastewater	Other Enterprise Funds	Totals	Internal Service Funds
$ 5,029,168	$ 1,316,327	$ 49,738,520	$ 7,532,531
1	20,290	93,979	23,273
5,029,169	1,336,617	49,832,499	7,555,804
872,363	1,714,682	9,487,956	2,695,610
2,040,325	1,205,334	13,087,351	4,410,295
57,784	11,845	215,404	527,899
-	-	145,275	-
-	-	21,914,811	-
-	-	-	2,781,455
727,353	285,836	4,929,144	35,538
3,697,825	3,217,697	49,779,941	10,450,797
1,331,344	(1,881,080)	52,558	(2,894,993)
-	1,826,806	4,025,185	-
193,518	70,869	796,142	27,943
(57,720)	-	(1,863,028)	(596)
-	11,091	36,396	109
135,798	1,908,766	2,994,695	27,456
1,467,142	27,686	3,047,253	(2,867,537)
722,435	-	6,417,973	-
3,693	112,857	472,313	2
(181,000)	(990,084)	(1,641,084)	-
2,012,270	(849,541)	8,296,455	(2,867,535)
31,003,409	7,320,880	149,062,875	(5,273,082)
132,275	(4,216,035)	(3,815,605)	-
31,135,684	3,104,845	145,247,270	(5,273,082)
$ 33,147,954	$ 2,255,304	$ 153,543,725	$ (8,140,617)

Changes in Net Position, per the Statement of Revenues, Expenses and Changes in Fund Net Position - Proprietary Funds	$ 8,296,455
Adjustment to reflect the consolidation of current fiscal year internal service funds activities related to enterprise funds.	(1,517,989)
Changes in Net Position of Business-Type Activities per Statement of Activities	$ 6,778,466

	Business-Type Activities Enterprise Funds	
	Banning Utility Authority Water	Electric Utility
Operating Activities		
Cash received from customers and users	$ 12,087,456	$ 29,287,945
Cash paid to suppliers for goods and services	(4,156,978)	(29,526,598)
Cash paid to employees for services	(2,246,774)	(5,081,511)
Net Cash Provided (Used) by Operating Activities	5,683,704	(5,320,164)
Noncapital Financing Activities		
Cash transfers in	16,174	339,589
Cash transfers out	(470,000)	-
Interfund borrowings	-	8,694,938
Intergovernmental	505,720	213,974
Net Cash Provided (Used) by Noncapital Financing Activities	51,894	9,248,501
Capital and Related Financing Activities		
Acquisition and construction of capital assets	(5,300,923)	(10,006,291)
Capital contributions	2,373,208	3,322,330
Principal paid on capital debt	(1,226,836)	(1,393,256)
Interest paid on capital debt	(837,520)	(1,094,337)
Proceeds from sales of capital assets	23,213	2,092
Net Cash Used by Capital and Related Financing Activities	(4,968,858)	(9,169,462)
Investing Activities		
Collections of repayment on loan receivables	-	13,488
Issuance of notes and loans receivable	-	-
Payments made to SCPPA project stabilization fund	-	(271,013)
Interest received	219,662	238,838
Net Cash Used by Investing Activities	219,662	(18,687)
Net Change in Cash and Cash Equivalents	986,402	(5,259,812)
Cash and Cash Equivalents - Beginning of Year	27,493,868	7,236,637
Cash and Cash Equivalents - End of Year	$ 28,480,270	$ 1,976,825
Reconciliation to the Statement of Net Position		
Pooled Cash and Investments	$ 28,353,840	$ 119,474
Restricted Cash and investments	-	1,156,151
Restricted Cash with fiscal agent	126,430	701,200
Total Cash and Cash Equivalents	$ 28,480,270	$ 1,976,825

Business-Type Activities Enterprise Funds			Governmental Activities
Banning Utility Authority Wastewater	Other Enterprise Funds	Totals	Internal Service Fund
$ 4,799,196	$ 1,308,142	$ 47,482,739	$ 7,555,938
(2,077,831)	(1,235,445)	(36,996,852)	(6,932,098)
(884,129)	(1,731,932)	(9,944,346)	(2,788,537)
		-	
1,837,236	(1,659,235)	541,541	(2,164,697)
3,693	112,857	472,313	2
(181,000)	(990,084)	(1,641,084)	-
-	(5,075,930)	3,619,008	1,092,966
-	1,752,623	2,472,317	18,678
(177,307)	(4,200,534)	4,922,554	1,111,646
(1,024,950)	(133,279)	(16,465,443)	-
722,435	-	6,417,973	-
(420,950)	-	(3,041,042)	(22,821)
(65,165)	-	(1,997,022)	(596)
-	11,091	36,396	109
(788,630)	(122,188)	(15,049,138)	(23,308)
-	-	13,488	-
-	4,044	4,044	-
-	-	(271,013)	-
154,069	59,325	671,894	27,001
		-	
154,069	63,369	418,413	27,001
		-	
1,025,368	(5,918,588)	(9,166,630)	(1,049,358)
		-	
22,369,728	7,038,862	64,139,095	1,051,954
		-	
$ 23,395,096	$ 1,120,274	$ 54,972,465	$ 2,596
$ 20,662,343	$ 1,120,274	$ 50,255,931	$ 2,596
-	-	1,156,151	-
2,732,753	-	3,560,383	-
$ 23,395,096	$ 1,120,274	$ 54,972,465	$ 2,596

	Business-Type Activities Enterprise Funds	
	Banning Utility Authority Water	Electric Utility
Reconciliation of Operating Income (Loss) to Net Cash Provided (Used) by Operating Activities		
Operating Income (Loss)	$ 3,228,019	$ (2,625,725)
Adjustments to Reconcile Operating Income (Loss) to Net Cash Provided (Used) by Operating Activities		
Changes in Operating Assets and Liabilities		
Depreciation (expense)	1,672,805	2,243,150
(Increase) Decrease in Assets and Deferred Outflow of Resources		
Accounts receivable	(178,271)	(233,511)
Deposits receivable	-	115,569
Prepaid expense	(2,625)	196,499
Inventories	119,665	(2,108,638)
Deferred pension related items	(539,047)	(1,494,791)
Deferred OPEB related items	(17,338)	4,796
Increase (Decrease) in Liabilities		
Accounts payable	908,740	(1,937,834)
Accrued liabilities	14,297	37,271
Deposits payable	21,233	(679,730)
Unearned revenue	-	-
Net pension liability	1,096,987	3,015,708
Total OPEB liability	(12,425)	(157,996)
Claims and judgments	-	-
Compensated absences	16,911	90,577
Deferred pension related items	(655,880)	(1,803,067)
Deferred OPEB related items	10,633	17,558
Net Cash Provided (Used) by Operating Activities	$ 5,683,704	$ (5,320,164)
Supplemental Disclosures of Noncash Investing and Financing Activity		
Financed purchase of capital asset with long-term debt	$ -	$ -
Amortization of Unamortized Premiums/Discounts	125,339	152,816
Amortization of Gain/Loss on Defeasance	$ (48,958)	$ (117,627)

Business-Type Activities Enterprise Funds			Governmental Activities
Banning Utility Authority Wastewater	Other Enterprise Funds	Totals	Internal Service Fund
$ 1,331,344	$ (1,881,080)	$ 52,558	$ (2,894,993)
727,353	285,836	4,929,144	35,538
		-	
(228,660)	(26,985)	(667,427)	(103,622)
-	-	115,569	-
(1,313)	(2,626)	189,935	(3,096)
-	1,136	(1,987,837)	106,852
(196,469)	(383,542)	(2,613,849)	(641,744)
(17,133)	217	(29,458)	(3,985)
17,523	430,284	(581,287)	27,998
2,617	12,999	67,184	870,097
138	(64,743)	(723,102)	-
-	(396,806)	(396,806)	-
456,058	819,965	5,388,718	1,334,767
(16,071)	(9,916)	(196,408)	(28,103)
-	-	-	(110,544)
7,990	31,143	146,621	22,373
(272,674)	(490,251)	(3,221,872)	21,811
26,533	15,134	69,858	(798,046)
$ 1,837,236	$ (1,659,235)	$ 541,541	$ (2,164,697)
$ 577,049	$ -	$ -	$ -
-	-	-	-
$ 6,770	$ -	$ -	$ -

	Custodial Funds	Private-Purpose Trust Fund Successor Agency of the Former RDA
Assets		
Pooled cash and investments	$ 530,962	$ 71,660
Receivables		
Accounts	2,951	11,500
Notes and loans	-	250,155
Interest	439	-
Prepaid costs	-	185,340
Due from other governements	2,217	-
Restricted assets		
Cash and investments with fiscal agents	228,564	-
Total assets	765,133	518,655
Deferred Outflows of Resources		
Deferred charge on refunding	-	484,971
Liabilities		
Accounts payable	32	-
Accrued interest	-	293,907
Deposits payable	49,193	-
Long-term liabilities		
Bonds and loans payable due in one year	-	1,320,000
Bonds and loans payable due in more than one year	-	23,640,000
Total liabilities	49,225	25,253,907
Net Position		
Restricted for other organizations	715,908	-
Restricted for successor agency	-	(24,250,281)
Total net position	$ 715,908	$ (24,250,281)

	Custodial Funds	Private-Purpose Trust Fund Successor Agency of the Former RDA
Additions		
Taxes	$ 430,754	$ 2,438,551
Interest and change in fair value of investments	1,757	-
Miscellaneous	-	1,500
Total additions	432,511	2,440,051
Deductions		
Administrative expenses	54,559	15,989
Community development	-	268,410
Principal payment	110,000	-
Interest expense	88,930	961,331
Total deductions	253,489	1,245,730
Change in Net Position	179,022	1,194,321
Net Position - Beginning of Year	536,886	(13,993,891)
Prior Period Adjustment	-	(11,450,711)
Net Position - Beginning of Year, as Restated	536,886	(25,444,602)
Net Position - End of Year	$ 715,908	$ (24,250,281)

Notes to Basic Financial Statements

Note 1 - Summary of Significant Accounting Policies

a. Description of the Report Entity

The City of Banning (the City) was incorporated in 1913 under the laws of the state of California and enjoys all the rights and privileges applicable to a general law city. It is governed by an elected five-member board. As required by accounting principles generally accepted in the United States of America (U.S. GAAP), these financial statements present the City of Banning (the primary government) and its component units. The component units discussed below are included in the reporting entity because of their operational or financial relationships with the City of Banning.

Blended Component Units

The Banning Wastewater Facilities Corporation (the Corporation) was organized at the request of the City in 1984 pursuant to the Nonprofit Public Corporation Law of the State of California (Title 1, Division 2, Part 2 of the California Corporations Code). In 1986, an amendment to its articles of incorporation changed the name of the Corporation to the Banning Public Facilities Corporation. It exists for the purposes of participating with the City of Banning in projects to improve the health, safety and welfare of the City and its residents, purchasing and leasing real and personal property in connection with such projects, and assisting the City in financing, acquiring and constructing such projects. It does not issue separate financial statements. The activity is presented as the Banning Utility Authority wastewater fund in these financial statements.

The Banning Utility Authority (Authority) is a joint powers authority which was established on July 12, 2005, pursuant to a Joint Exercise of Powers Agreement between the City of Banning and the former Redevelopment Agency of the City of Banning in accordance with the Joint Powers Law (Article 1 through 4 of Chapter 5, division 7, title 1 of the California Government code) for the purpose of assisting the City in operating the utility system. See Note 15 for details on the arrangement between the City and the Authority. Separate financial statements can be obtained at City Hall.

The City of Banning Financing Authority (the Authority) was formed by a joint exercise of powers agreement between the City of Banning and the former Banning Redevelopment Agency. It was established November 12, 2003, under Article 1 (commencing with Section 6500) of the Joint Powers Law of the State of California for the purpose of providing an entity to assist in providing financing for the City and the Agency. It does not issue separate financial statements. Its activities are included with the City's activities in these financial statements. There was no activity within the Authority for the fiscal year ended June 30, 2023.

The City of Banning Housing Authority was established on January 10, 2012 to accept the assets of the former Redevelopment Agency. The Housing Authority is designed to protect local housing funds and programs, provide new revenue opportunities for affordable housing programs, serve the public interest, promote public safety and welfare and ensure decent, safe, sanitary and affordable housing accommodations to persons of low income. The Board consists of members of the City Council, which is substantively the same governing body of the City and management has operational responsibility for the Housing Authority. The housing assets and functions are reported in the Banning Housing Authority, a special revenue fund of the City. It does not issue separate financial statements.

b. Government-Wide and Fund Financial Statements

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the nonfiduciary activities of the primary government and its component units. Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely, to a significant extent, on fees and charges for support. Likewise, the primary government is reported separately from certain legally separate component units for which the primary government is financially accountable.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements. All internal balances in the statement of net position have been eliminated except those representing balances between the governmental activities and the business-type activities, which are presented as internal balances.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include: 1) charges to customers or applicants who purchase, use or directly benefit from goods, services or privileges provided by a given function or segment, and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as general revenues.

c. Measurement Focus, Basis of Accounting, and Financial Statement Presentation

Major individual governmental funds are reported as separate columns in the fund financial statements.

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the proprietary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due.

Property taxes, franchise taxes, licenses and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Only the portion of special assessments receivable due within the current fiscal period is considered to be susceptible to accrual as revenue of the current period. All other revenue items are considered to be measurable and available only when cash is received by the government.

The proprietary and fiduciary funds are reported using the economic resources measurement focus and the accrual basis of accounting.

The City reports the following major governmental fund:

- The General Fund is the government's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

The City reports the following major proprietary funds:

- The Banning Utility Authority Water Fund is used to account for the construction, operation, maintenance and consumption of water services within the City's water service area.
- The Electric Utility Fund is used to account for the costs of labor and materials used in the maintenance, construction and consumption of electric services throughout the City.
- The Banning Utility Authority Wastewater Fund is used to account for the costs of labor and materials, construction and consumption of wastewater services within the City's wastewater service area.

Additionally, the City reports the following fund types:

- Special Revenue Funds are used to account for the proceeds of specific revenue sources that are legally restricted to expenditures for specified purposes.
- Capital Project Funds are used to account for capital project expenditures throughout the City.
- Internal Service Funds are used to account for the financing of goods or services provided by one department or agency for other departments or agencies of the City, or to other governments, on a cost reimbursement basis.
- Nonmajor proprietary funds are used to account for operation and maintenance of airport, transit and refuse services within the City.
- The Custodial Funds are used to report resources held by the City in a purely custodial capacity, which involves only the receipt, temporary investment and remittance of fiduciary resources to individuals, private organizations or other governments. The City's custodial funds account for assessments levied for debt service on bond issues which are not a debt of the City.
- The Private-purpose Trust Fund accounts for the assets and liabilities of the former redevelopment agency and is allocated revenue to pay estimated installment payments of enforceable obligations until obligations of the former redevelopment agency are paid in full and assets have been liquidated.

Amounts reported as program revenues include: 1) charges to customers or applicants for goods, services or privileges provided, 2) operating grants and contributions, and 3) capital grants and contributions, including special assessments. Internally dedicated resources are reported as general revenues rather than as program revenues. Likewise, general revenues include all taxes. Certain indirect costs are included in the program expense reported for individual functions and activities.

Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the enterprise funds and of the internal service funds are charges to customers for sales and services. Operating expenses for enterprise funds and internal service funds include the cost of sales and services, administrative expenses and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

d. Assets, Deferred Outflows/Inflows of Resources, Liabilities and Net Position or Equity

Investments and Cash and Cash Equivalents

The City's cash and cash equivalents are considered to be cash on hand, demand deposits and short-term investments with original maturities of three months or less from the date of acquisition.

Investments for the City, as well as for its component units, are reported at fair value. The State Treasurer's Investment Pool operates in accordance with appropriate state laws and regulations. The reported value of the pool is the same as the fair value of the pool shares.

The provisions of Governmental Accounting Standards Board (GASB) Statement No. 31, *Accounting and Financial Reporting for Certain Investments and External Pools*, require governmental entities to report certain investments at fair value in the balance sheet and recognize the corresponding change in the fair value of investments in the fiscal year in which the change occurred. All investments have been stated at fair value.

Receivables and Payables

Activity between funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as either "due to/from other funds" (i.e., the current portion of interfund loans) or "advances to/from other funds" (i.e., the noncurrent portion of interfund loans). All other outstanding balances between funds are reported as "due to/from other funds." Any residual balances outstanding between the governmental activities and business-type activities are reported in the government- wide financial statements as "internal balances."

Advances between funds, as reported in the fund financial statements, are offset by nonspendable fund balance in applicable governmental funds to indicate that they are not available for appropriation and are not expendable available financial resources.

All trade and property tax receivables are shown net of an allowance for uncollectibles.

The noncurrent portion of receivables related to revenue is set up as unavailable revenue and recognized as revenue when the receivables become available (collectible within 60 days of year-end). The noncurrent portion of loans and other receivables are offset by fund balance non spendable accounts. Property tax revenue is recognized in the fiscal year for which the taxes have been levied providing they become available. Property taxes in the state of California are administered for all local agencies at the county level and consist of secured, unsecured and utility tax rolls. The following is a summary of major policies and practices relating to property taxes:

Property Valuations are established by the Assessor of the County of Riverside for the secured and unsecured property tax rolls; the utility property tax rolls are valued by the State Board of Equalization. Under the provisions of Article XIIIA of the State Constitution (Proposition 13 adopted by the voters on June 6, 1978), properties are assessed at 100% of full value. From this base of assessment, subsequent annual increases in valuation are limited to a maximum of 2%. However, increases to full value are allowed for property improvements or upon change in ownership. Personal property is excluded from these limitations and is subject to annual reappraisal.

Tax Levies are limited to 1% of appraised value, which results in a tax rate of $1.00 per $100 assessed valuation, under the provisions of Proposition 13. Tax rates for voter- approved indebtedness are excluded from this limitation.

Tax Levy Dates are attached annually on January 1 preceding the fiscal year for which the taxes are levied. The fiscal year begins July 1 and ends June 30 of the following year. Taxes are levied on both real and unsecured personal property as they exist at that time. Liens against real estate, as well as the tax on personal property, are not relieved by subsequent renewal or change in ownership.

Tax Collections are the responsibility of the county tax collector. Taxes and assessments on secured and utility rolls, which constitute a lien against the property, may be paid in two installments; the first is due on November 1 of the fiscal year and is delinquent if not paid by December 10, and the second is due on January 1 of the fiscal year and is delinquent if not paid by April 10. Unsecured personal property taxes do not constitute a lien against real property unless the taxes become delinquent. Payment must be made in one installment, which is delinquent if not paid by August 31 of the fiscal year. Significant penalties are imposed by the county for late payment.

Tax Levy Apportionments are due to the nature of the citywide maximum levy. It is not possible to identify general purpose tax rates for specific entities. Under state legislation adopted subsequent to the passage of Proposition 13, apportionments to local agencies are made by the county auditor-controller based primarily on the ratio that each agency represented of the total City-wide levy for the three years prior to fiscal year 1979.

Property Tax Administration Fees for the state of California fiscal year 1990-1991 Budget Act authorized counties to collect an administrative fee for collection and distribution of property taxes. Property taxes are recorded net of administrative fees withheld during the fiscal year.

Inventories and Prepaid Items

Inventories of materials and supplies (if material) are carried at cost on a first-in, first-out (FIFO) basis. The City uses the consumption method of accounting for inventories. Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both government-wide and fund financial statements.

Capital and Right to Use Assets

Capital assets, which include property, plant, equipment and infrastructure assets (e.g., roads, bridges, sidewalks and similar items), are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are defined by the government as assets with an initial, individual cost of more than $5,000 (amount not rounded) and an estimated useful life in excess of two years. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at acquisition value at the date of donation.

Right to use leased assets with an initial, individual cost of more than $25,000 ($5,000 in prior years) are recognized at the lease commencement date and represent the City's right to use an underlying asset for the lease term. Right to use leased assets are measured at the initial value of the lease liability plus any payments made to the lessor before commencement of the lease term, less any lease incentives received from the lessor at or before the commencement of the lease term, plus any initial direct costs necessary to place the lease asset into service. Right to use leased assets are amortized over the shorter of the lease term or useful life of the underlying asset using the straight-line method. The amortization period varies from 3 to 5 years.

Right to use subscription IT assets with an initial, individual cost of more than $25,000 are recognized at the subscription commencement date and represent the City's right to use the underlying IT asset for the subscription term. Right to use subscription IT assets are measured at the initial value of the subscription liability plus any payments made to the vendor at the commencement of the subscription term, less any subscription incentives received from the vendor at or before the commencement of the subscription term, plus any capitalizable initial implementation costs necessary to place the subscription asset into service. Right to use subscription IT assets are amortized over the shorter of the subscription term or useful life of the underlying asset using the straight-line method. The amortization period varies from 3 to 5 years.

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are not capitalized.

Major outlays for capital assets and improvements are capitalized as projects as constructed.

Property, plant and equipment of the primary government, as well as the component units, are depreciated using the straight-line method over the following estimated useful lives:

Building and Structures	20 to 50 Years
Improvements	15 to 25 Years
Machinery and Equipment	3 to 25 years
Vehicles	5 to 10 Years
Infrastructure	40 to 50 Years
Airport Master Plan	10 to 20 Years
Utility Plant	20 to 60 Years

Deferred Outflows/Inflows of Resources

In addition to assets, the statement of net position and governmental balance sheets will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net assets that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then. The government currently has three items that qualify for reporting in this category.

The first item is the deferred charge on refunding reported in the statement of net position. A deferred charge on refunding results from the difference in the carrying value of refunded debt and its reacquisition price. This amount is deferred and amortized over the shorter of the life of the refunded or refunding debt.

The second are deferred outflows relating to the net pension obligation reported in the statement of net position. These outflows are due to the following: contributions made subsequent to the measurement date of the net pension liability, which are deferred and recognized against the respective liabilities in the following year and differences between expected and actual experiences, and the difference between actual contributions made and the proportionate share of the risk pool's total contributions which is deferred and amortized over the expected average remaining service life.

The third are deferred outflows relating to the OPEB obligation reported in the statement of net position. These outflows are due to the following: contributions made subsequent to the measurement date of the net OPEB liability, which are deferred and recognized against the respective liabilities in the following year and change in assumption which is amortized over the expected average remaining service life.

In addition to liabilities, the statement of net position and governmental balance sheet will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net assets that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. The government currently has three items that qualify for reporting in this category.

The first item, which arises only under a modified accrual basis of accounting, unavailable revenue, is reported only in the governmental funds balance sheet. The governmental funds report unavailable revenues from sources, such as, taxes, grant revenues, and long-term receivables.

The second item is the deferred charge on refunding reported in the statement of net position. A deferred charge on refunding results from the difference in the carrying value of refunded debt and its reacquisition price. This amount is deferred and amortized over the shorter of the life of the refunded or refunding debt.

The third item is in relation to the net pension obligation reported in the statement of net position. These inflows are either the net difference between projected and actual earnings on pension plan investments is deferred and will be recognized as a portion of pension expense in future years over a five year amortization period, and the results of differences between expected and actual experiences, difference between actual contributions made and the proportionate share of the risk pool's total contributions and adjustments due to change in proportions which are deferred and amortized over the expected average remaining service life.

Unearned Revenue

Governmental funds and governmental activities report unearned revenues on the balance sheet in connection with resources that have been received, but not yet earned. Accordingly, this type of unearned revenue is also reported on the Statement of Net Position. At June 30, 2023, unearned revenue primarily consisted of $4,067,478 relating to ARPA and $4,070,052 as refundable franchise retention fees within the refuse utility fund. With regard to the franchise retention fee, the City entered into an agreement in a prior year with Waste Management and received an upfront payment totaling $4,500,000 that is refundable over a 20-year term and dependent upon compliance with the terms of the agreement. Revenue is recognized straight-line through July 2041.

Compensated Absences

Compensated absences are the amounts due to employees for future absences that are attributable to services already rendered. The City has determined that no current liability exists for compensated absences at the fund level; therefore, the liability for governmental activities is shown only in the government-wide statements. For proprietary funds the liability for compensated absences, if any, is segregated between short-term and long term as indicated above and both portions are reflected in the fund involved. Vacation pay is payable to employees at the time a vacation is taken or upon termination of employment. Sick leave is payable when an employee is unable to work because of illness or upon termination. Compensatory time, personal leave, executive leave and holiday pay are payable at the time leave is taken or upon termination. The vested portion of these compensated absences is accrued in the government-wide statements and is also accrued in proprietary funds at year-end.

The following are summaries of the City's compensated leave policies:

Compensatory Time/ Personal Leave/Executive Leave

Compensatory time for Police employees up to 240 hours, Utility and General employees up to 160 hours, and Nonexempt Managers up to 240 hours.

Exempt Managers receive 98 hours of personal leave per year that may be accrued up to 192 hours.

The City Manager receives 48 hours and Department Directors receive 98 hours of executive leave annually that may be accrued up to 200 hours.

General and Utility employees have an Irrevocable Comp Time Leave Cash-Out. They may cash out up to 80 hours of compensatory time, or vacation, or any combination. Election must be made by 12/31 for the May and November.

Nonexempt and Exempt Management employees may cash out 60 hours of compensatory time per year. Police employees may elect to cash out 80 hours of personal leave per year. The City Manager and Department Directors may cash out 48 and 98 hours, respectively, of executive leave per year.

All compensatory time/personal leave/executive leave is payable to employees upon termination at the rate of pay at termination.

Sick Leave

Police employees accrue sick leave without limit. Each employee may be eligible to convert up to 40 hours of unused sick leave to vacation each year, and after 10 years of service to the City, each employee, upon voluntary separation or involuntary disability, shall be eligible to be paid 40% of accrued sick leave.

Management employees, Utility personnel and General employees will accrue sick leave up to a cap of 400 hours. Upon separation, service retirement, disability retirement or termination, after 10 years of service, Utility and General personnel may receive a cash payment for 30% of all unused sick leave or contribute the entire remaining balance of sick leave to the employee’s 457 Deferred Compensation Account (subject to Internal Revenue Service maximum contributions provided by law) or City’s Retiree Medical Savings Account.

Upon separation, service retirement, disability retirement or termination, Management employees shall be eligible to receive a cash payment for accrued sick leave in an amount not to exceed 96 hours. After 10 years of continuous City service, all hours accrued, less the total hours cashed out, shall be eligible for conversion to cash in an amount equivalent to 30% of such unused sick leave. Beginning with the 11th year of service, all Management, Utility, and General employees, as well as Police employees, have the option to convert their sick leave bank, less 40 hours, to deferred compensation or the City's Retiree Health Savings Plan.

The City Manager and Department Directors shall accrue sick leave to a maximum of 480 hours and may receive an annual sick leave pay off of up to 96 hours, in excess of 40 hours. Upon separation, the City Manager shall receive payment for all sick hours accrued. Upon separation, service retirement, disability retirement or termination, Department Directors shall receive payment for all sick hours accrued.

Police Management employees will accrue sick leave up to a cap of 320 hours. Annually, employees may receive a 96-hour sick leave pay off or convert hours to deferred compensation but will not be able to cash out sick leave below 40 hours. Upon separation, service retirement, disability retirement, or termination, an employee may receive a cash payment for a maximum of 96 hours. Beginning the 10th year of continuous City service, all hours accrued shall be eligible for conversion to cash in an amount equivalent to 30% of such unused sick leave. Beginning with the 11th year of service, unit members may convert 50% of their sick leave bank, less 40 hours, to deferred compensation or the City's Retiree Health Savings Plan.

Police employees accrue hours according to schedules set forth in a memorandum of understanding. After one year of employment, each employee is eligible to be paid for accrued vacation. Maximum accrual for vacation is 320 hours and 336 hours for nonsupervisory and supervisory personnel, respectively. Holiday leave accrues at a rate of 3.38 per pay period to a maximum of 160 hours and can be cashed out entire bank anytime during the fiscal year. At termination, holiday leave is 100% paid out and after one year of continuous full-time service, employees shall be paid for 100% of accrued vacation leave.

Vacation and Holiday Leave
Vacation leave accrues up to a maximum of 320 hours. Upon termination, all union personnel with at least six months service will be paid for all accrued hours.

The City Manager and Department Directors accrual for vacation is 480 hours and have a cap of 480 hours. Upon termination, the City Manager and Department Directors shall be entitled to be paid for the entire amount of holiday time accrued. Upon separation, the employee shall be entitled to 100% of the unused vacation leave bank.
Police Management will accrue vacation leave up to a cap of 320 hours. Upon separation, the employee shall be entitled to 100% of the unused vacation leave. Police Management shall accrue holiday hours up to the cap of 96 hours. Upon separation, the employee shall be entitled to 100% of the unused holiday leave bank.

Management employees accrue vacation and holiday leave in accordance with schedules set forth in a memorandum of understanding. Vacation accrues to a limit of 320 hours. All accrued vacation and holiday leave shall be paid upon termination up to a maximum of 320 hours for vacation and an unlimited amount of hours for holiday, after six months of service.

Long-Term Obligations

In the government-wide financial statements, and proprietary fund types in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the governmental activities, business-type activities or proprietary fund type statement of net position. Bond premiums and discounts are deferred and amortized over the life of the bonds using the effective interest method. Bonds payable are reported net of the applicable bond premium or discount.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

Lease liabilities represent the City's obligation to make lease payments arising from the lease. Lease liabilities are recognized at the commencement date based on the present value of future lease payments expected to be made during the lease term. The present value of any lease payments are discounted based on a borrowing rate determined by the City.

Subscription liabilities represent the City's obligation to make subscription payments arising from the subscription contract. Subscription liabilities are recognized at the subscription commencement date based on the present value of future subscription payments expected to be made during the subscription term. The present value of subscription payments are discounted based on a borrowing rate determined by the City.

Net Pension Liability

For purposes of measuring the net pension liability, deferred outflows and inflows of resources related to pensions, and pension expense, information about the pension plans fiduciary net positions and additions to/deductions from the pension plans fiduciary net positions have been determined on the same basis as they are reported by the CalPERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when currently due and payable in accordance with the benefit terms. Investments are reported at fair value. These amounts are payable from future resources and, therefore, have been recorded in the statement of net position. Annual required contributions are recorded as expenditures in the related funds when due. Pension liabilities are liquidated from the related employees' home programs, with majority funded out of General Fund and Enterprise Funds. See Note 11 for more information.

Other Post-Employment Benefit Liability

The City's defined benefit OPEB plan allows employees at retirement to continue participating in City medical plans with payment of the full premium until age 65. The Plan is a single-employer defined benefit OPEB plan administered by the City and governed by the City Council. No assets are accumulated in a trust that meets the criteria in paragraph 4 of GASB Statement No. 75. The General Fund and Enterprise Funds are generally used to liquidate the OPEB liability. See Note 12 for more information.

Net Position Flow Assumption

Sometimes the government will fund outlays for a particular purpose from both restricted (e.g., restricted bond or grant proceeds) and unrestricted resources. In order to calculate the amounts to report as restricted – net position and unrestricted – net position in the government-wide and proprietary fund financial statements, a flow assumption must be made about the order in which the resources are considered to be applied.

When both restricted and unrestricted resources are available for use, it is the government's policy to use restricted resources first, and then unrestricted resources as they are needed.

Fund Balance Flow Assumptions

Sometimes the government will fund outlays for a particular purpose from both restricted and unrestricted resources (the total of committed, assigned, and unassigned fund balance). In order to calculate the amounts to report as restricted, committed, assigned, and unassigned fund balance in the governmental fund financial statements a flow assumption must be made about the order in which the resources are considered to be applied. It is the government's policy to consider restricted fund balance to have been depleted before using any of the components of unrestricted fund balance. Further, when the components of unrestricted fund balance can be used for the same purpose, committed fund balance is depleted first, followed by assigned fund balance. Unassigned fund balance is applied last.

Fund Balance Policies

In the fund financial statements, government funds report the following fund balance classification:

Nonspendable include amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact.

Restricted include amounts that are constrained on the use of resources by either (a) external creditors, grantors, contributors, or laws or regulations of other governments or (b) by law through constitutional provisions or enabling legislation.

Committed include amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of the government's highest authority, City Council. The formal action that is required to be taken to establish, modify, or rescind a fund balance commitment is a resolution.

> Emergency Contingency – City Council has determined the specific purposes for which this may be used for are local disasters, recessions or other financial hardships; to subsidize unforeseen operating or capital needs; and cash flow requirements.

Assigned include amounts that are constrained by the government's intent to be used for specific purposes but are neither restricted nor committed. The City Manager or Deputy City Manager are authorized to assign amounts to a specific purpose, which was established by the governing body by resolution.

Unassigned include the residual amounts that have not been restricted, committed, or assigned to specific purposes.

Fund Balance Deficits

The following nonmajor funds contained a deficit fund balance:

Fund	Type	Amount
Gas Tax Street	Governmental	$ 145,385
Community Development Block Grant	Governmental	49,534
State Park Bond Act	Governmental	89
Animal Control Reserve	Governmental	86
Transit Fund	Proprietary	1,121,806
Self Insurance	Proprietary - ISF	5,330,487
Information Services	Proprietary - ISF	1,162,591
Utility Billing Services	Proprietary - ISF	1,803,511
Successor Agency of the Former RDA	Fiduciary	24,250,281

e. Implementation of GASB Statement No. 96

As of July 1, 2022, the City adopted GASB Statement No. 96, *Subscription Based Information Technology (IT) Arrangements (SBITAs)*. The implementation of this standard establishes that a SBITA results in a right to use subscription IT asset -an intangible asset - and a corresponding liability. The standard provides the capitalization criteria for outlays other than subscription payments, including implementation costs of a SBITA. The Statement requires recognition of certain SBITA assets and liabilities for SBITAs that previously were recognized as outflows of resources based on the payment provisions of the contract. There was no effect on beginning net position as a result of implementation. The additional disclosures required by this standard are included in Notes 4 and 8.

f. Use of Estimates

The preparation of financial statements in accordance with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets, deferred outflows of resources, liabilities, and deferred inflows of resources at the date of the financial statements and the reported amounts of revenues and expenditures/expenses during the reporting period. Actual results could differ from those estimates.

Note 2 - Cash and Investments

As of June 30, 2023, cash and investments were reported in the accompanying financial statements as follows:

Governmental Activities	$ 16,734,063
Business-Type Activities	58,148,727
Fiduciary Funds	831,186
Total cash and investments	$ 75,713,976

Petty Cash	$ 4,058
Deposits with Financial Institutions	9,903,282
Investments	62,630,374
Investment in SCPPA Rate Stabilization Fund	3,176,262
Total cash and investments	75,713,976

The City of Banning maintains a cash and investment pool that is available for use for all funds. Each fund type's position in the pool is reported on the combined balance sheet as cash and investments. The City has adopted an investment policy, which authorizes it to invest in various investments.

Deposits

At June 30, 2023, the carrying amount of the City's deposits was $9,903,282, and the bank balance was $9,942,270. The $38,988 difference represents outstanding checks, deposits and other reconciling items.

The California Government Code requires California banks and savings and loan associations to secure a City's deposits by pledging government securities with a value of 110% of a City's deposits. California law also allows financial institutions to secure City deposits by pledging first trust deed mortgage notes having a value of 150% of a City's total deposits. The City Treasurer may waive the collateral requirement for deposits that are fully insured up to $250,000 by the FDIC. The collateral for deposits in federal and state chartered banks is held in safekeeping by an authorized Agent of Depository recognized by the State of California Department of Banking. The collateral for deposits with savings and loan associations is generally held in safekeeping by the Federal Home Loan Bank in San Francisco, California as an Agent of Depository. These securities are physically held in an undivided pool for all California public agency depositors. Under Government Code Section 53655, the placement of securities by a bank or savings and loan association with an "Agent of Depository" has the effect of perfecting the security interest in the name of the local governmental agency. Accordingly, all collateral held by California Agents of Depository are considered to be held for, and in the name of, the local governmental agency.

Investments

Under provision of the City's investment policy, the City is authorized to invest in investments allowed by Government Code of the State of California. From these permitted investments, the City's investment officials shall determine those investment types that best meet the needs and abilities of the City. Maximum maturity period for any portion of invested operating moneys shall not exceed five years per California Government Code.

Investments Authorized by Debt Agreements

The above investments do not address investment of debt proceeds held by a bond trustee. Investments of debt proceeds held by a bond trustee are governed by provisions of the debt agreements rather than the general provisions of the California Government Code or the City's investment policy.

Investments in State Investment Pool

The City is a voluntary participant in the Local Agency Investment Fund (LAIF) that is regulated by California Government Code Section 16429 under the oversight of the Treasurer of the state of California. LAIF is overseen by the Local Agency Investment Advisory Board, which consists of five members, in accordance with State statute. The State Treasurer's Office audits the fund annually. The fair value of the position in the investment pool is the same as the value of the pool shares.

Investment in SCPPA Project Stabilization Fund

The City has investments held with the Southern California Public Power Authority, a Joint Powers Authority, in a Project Stabilization Fund for future joint projects. At June 30, 2023, the balance held by SCPPA in the Project Stabilization Fund was $3,176,262.

Credit Risk

Generally, credit risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. Presented below is the minimum rating required by (where applicable) the California Government Code, the City's investment policy, or debt agreements, and the actual Standard & Poor's rating as of year-end for each investment type.

Investment Type	Amount	Minimum Legal Rating	Rating as of year-end AAA	AA+	A+	A-1	Not Rated
Federal Agency Securities	$ 14,296,800	N/A	$ -	$ 14,296,800	$ -	$ -	$ -
Local Agency Investment Fund	30,977,844	N/A	-	-	-	-	30,977,844
Money Market Mutual Funds	30,487	AAA or highest rating	30,487	-	-	-	-
Commercial Paper	588,960	A or higher	-	-	-	588,960	-
Corporate	1,933,664	A or higher	-	-	1,933,664	-	-
U.S Treasury	2,620,172	N/A	-	2,620,172	-	-	-
Held by Fiscal Agents							
Money Market Mutual Funds	12,182,447	N/A	-	-	-	-	12,182,447
Total investments	$ 62,630,374		$ 30,487	$ 16,916,972	$ 1,933,664	$ 588,960	$ 43,160,291

Custodial Credit Risk

The custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, a government will not be able to recover deposits or will not be able to recover collateral securities that are in the possession of an outside party. The custodial credit risk for investments is the risk that, in the event of the failure of the counterparty to a transaction, a government will not be able to recover the value of investment or collateral securities that are in the possession of an outside party.

As of June 30, 2023, a total of $8,292,792 of deposits with financial institutions in excess of federal depository insurance limits was held in collateralized accounts, but not in the name of the City.

Concentration of Credit Risk

The City is in compliance with restrictions imposed by its investment policy, which limits certain types of investments. In addition, GASB Statement No. 40 requires a separate disclosure if any single issuer comprised more than 5% of the total investment value. The investments issued or explicitly guaranteed by the US government and investments in mutual money market funds and external investment pools are excluded from this requirement. Reportable investments in any one issuer that represent five percent or more of the City's total investments as of June 30, 2023 are as follows:

Issuer	Investment Type	Reported Amount
Federal Home Loan Bank	Federal Agency Security	$ 11,545,188

Interest Rate Risk

The City's investment policy limits investment maturities as a means of managing its exposure to fair value losses arising from increasing interest rates. The City has elected to use the segmented time distribution method of disclosure for its interest rate risk. As of June 30, 2023, the City had the following investments and maturities:

	Remaining Investment Maturities				
Investment Type	1 Year or Less	1 to 3 Years	3 to 5 Years	More than 5 Years	Fair Value
Federal Agency Securities	$ -	$ 11,499,321	$ 2,797,479	$ -	$ 14,296,800
Local Agency Investment Fund	30,977,844	-	-	-	30,977,844
Money Market Mutual Funds	30,487	-	-	-	30,487
Commercial Paper	588,960	-	-	-	588,960
Corporate	-	1,933,664	-	-	1,933,664
U.S Treasury	2,129,620	490,552	-	-	2,620,172
Held by Fiscal Agents					
Money Market Mutual Funds	12,182,447	-	-	-	12,182,447
Total investments	$ 45,909,358	$ 13,923,537	$ 2,797,479	$ -	$ 62,630,374

Fair Value Measurement and Application

The City categorizes its fair value measurements within the fair value hierarchy established by U.S. GAAP. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant unobservable inputs.

Deposits and withdrawals in governmental investment pools, such as LAIF, are made on the basis of $1 and not at fair value.

The City has the following recurring fair value measurements as of June 30, 2023:

Investment Type	Totals	Uncategorized	Level 1	Level 2	Level 3
Federal Agency Securities	$ 14,296,800	$ -	$ -	$ 14,296,800	$ -
Local Agency Investment Fund	30,977,844	30,977,844	-	-	-
Money Market Mutual Funds	30,487	-	30,487	-	-
Commercial Paper	588,960	-	-	588,960	-
Corporate	1,933,664	-	-	1,933,664	-
U.S Treasury	2,620,172	-	-	2,620,172	-
Held by Fiscal Agent					
Money Market Mutual Funds	12,182,447	-	12,182,447	-	-
Total Investments	$ 62,630,374	$ 30,977,844	$ 12,212,934	$ 19,439,596	$ -

Federal Agency Securities classified in Level 2 of the fair value hierarchy are valued using institutional bond quotes.

Note 3 - Interfund Receivables, Payables and Transfers

The composition of interfund balances as of June 30, 2023, is as follows:

Due To/From Other Funds

	Due to Other Funds			
Funds	Nonmajor Governmental Funds	Electric Utility	Internal Service Funds	Total
Due from Other Funds				
General Fund	$ 1,869,623	$ -	$ 1,589,081	$ 3,458,704
Other Governmental Funds	2,271,693	3,793,565	-	6,065,258
Other Enterprise Funds	-	4,901,373	174,557	5,075,930
Internal Service Funds	-	-	615,506	615,506
	$ 4,141,316	$ 8,694,938	$ 2,379,144	$ 15,215,398

The interfund balances were the results of routine interfund transactions not cleared prior to year-end and short-term negative cash balances.

Interfund Transfers

Funds	General Fund	BUA Water Fund	BUA Wastewater Fund	Nonmajor Governmental Funds	Other Enterprise Funds	Totals
Transfers In:						
General Fund	$ -	$ 470,000	$ 181,000	$ 321,650	$ 3,584	$ 976,234
BUA Electric Fund	-	-		339,589	-	339,589
BUA Water Fund	1,672	-	-	14,502	-	16,174
BUA Wastewater Fund	1,333	-	-	2,360	-	3,693
Other Enterprise Funds	112,231	-	-	626	-	112,857
Internal Service Funds	2	-	-		-	2
Nonmajor Governmental Funds	166,379	-	-	17,989	986,500	1,170,868
Totals	$ 281,617	$ 470,000	$ 181,000	$ 696,716	$ 990,084	$ 2,619,417

Transfers out of the General Fund to BUA Water Fund, BUA Wastewater Fund, Nonmajor Governmental Funds and Nonmajor Enterprise are to pay certain costs incurred for special projects. Transfers out of the BUA Water Fund and BUA Wastewater Fund to General Fund were pursuant to an agreement between the City and Authority. See note 15 for additional details regarding the agreement. Transfers out of Nonmajor Governmental Funds to General fund and Electric Fund were for payment of eligible grant expenditures.

Note 4 - Changes in Capital Assets

Capital asset activity for the year ended June 30, 2023, is as follows:

Governmental Activities	Beginning Balance, as Restated (Note 18)	Increases	Decreases	Transfers/ Adjustments	Ending Balance
Capital Assets Not Being Depreciated					
Land	$ 9,438,620	$ -	$ -	$ -	$ 9,438,620
Construction in progress	4,470,154	591,509	-	(3,857,221)	1,204,442
Total capital assets not being depreciated	13,908,774	591,509	-	(3,857,221)	10,643,062
Capital Assets Being Depreciated					
Buildings and structures	26,133,515	181,727	-	-	26,315,242
Land improvements	14,511,589	-	-	-	14,511,589
Machinery and equipment	6,915,474	34,503	(115,814)	132,308	6,966,471
Vehicles	3,912,712	1,080,322	(57,426)	75,967	5,011,575
Utility Plant	1,927,413	-	-	-	1,927,413
Infrastructure	137,383,420	3,598,488	-	3,648,946	144,630,854
Total capital assets being depreciated	190,784,123	4,895,040	(173,240)	3,857,221	199,363,144
Less Accumulated Depreciation					
Buildings and structures	19,661,719	871,480	(108,681)	-	20,424,518
Land improvements	7,755,257	622,541	-	-	8,377,798
Machinery and equipment	6,175,465	104,255	-	-	6,279,720
Vehicles	3,547,150	216,057	(39,286)	-	3,723,921
Utility Plant	554,992	12,470	-	-	567,462
Infrastructure	85,283,674	4,349,329	-	-	89,633,003
Total accumulated depreciation	122,978,257	6,176,132	(147,967)	-	129,006,422
Total capital assets, being depreciated, net	67,805,866	(1,281,092)	(25,273)	3,857,221	70,356,722
Right to Use Lease Assets Being Amortized					
Buildings and structures	-	799,982	-	-	799,982
Machinery and equipment	43,441	-	(14,450)	-	28,991
Vehicles	483,992	-	(17,975)	-	466,017
Total Right to Use Lease Assets being Amortized	527,433	799,982	(32,425)	-	1,294,990
Less Accumulated Amortization for Right to Use Lease Assets	112,258	263,827	(25,278)	-	350,807
Right to Use Lease Assets, being amortized, net	415,175	536,155	(7,147)	-	944,183
Right to Use Subscription IT Assets, Being Amortized	-	106,550	-	-	106,550
Less Accumulated Amortization for Right to Use Subscription IT Assets	-	34,472	-	-	34,472
Right to Use Subscription IT, Assets being amortized, net	-	72,078	-	-	72,078
Governmental Activities Capital Assets, Net	$ 82,129,815	$ (81,350)	$ (32,420)	$ -	$ 82,016,045

Depreciation and amortization expense was charged to governmental functions as follows:

General Government	$	499,666
Public Safety		944,758
Community Development		315,520
Transportation		4,293,402
Culture and Leisure		385,547
Interal Service Fund		35,538
Total depreciation/amortization Expense - governmental activities	$	6,474,431

Business-Type Activities	Beginning Balance	Increases	Decreases	Transfers/ Adjustments	Ending Balance
Capital Assets Not Being Depreciated					
Land	$ 5,615,491	$ 252,193	$ -	$ -	$ 5,867,684
Construction in progress	16,166,975	8,956,972	(1,498,621)	(4,206,045)	19,419,281
Total capital assets not being depreciated	21,782,466	9,209,165	(1,498,621)	(4,206,045)	25,286,965
Capital Assets Being Depreciated					
Airport master plan	38,875	-	-	-	38,875
Buildings and structures	546,084	12,751	-	375,428	934,263
Land improvements	5,100,459	-	-	4,221,783	9,322,242
Machinery and equipment	4,084,386	2,465,746	(124,092)	8,740,761	15,166,801
Utility plant	198,410,915	6,752,295	-	(9,103,125)	196,060,085
Total capital assets being depreciated	208,180,719	9,230,792	(124,092)	4,234,847	221,522,266
Less Accumulated Depreciation					
Airport master plan	38,875	-	-	-	38,875
Buildings and structures	797,305	10,353	-	-	807,658
Land improvements	6,476,418	366,626	-	-	6,843,044
Machinery and equipment	8,144,756	1,359,257	(118,982)	28,802	9,413,833
Utility plant	79,903,423	3,064,212	-	-	82,967,635
Total accumulated depreciation	95,360,777	4,800,448	(118,982)	28,802	100,071,045
Total capital assets being depreciated, net	112,819,942	4,430,344	(5,110)	4,206,045	121,451,221
Right to Use Lease Assets Being Amortized					
Machinery and equipment	49,679	-	-	-	49,679
Vehicles	555,756	-	-	-	555,756
Total Right to Use Lease Assets being Amortized	605,435	-	-	-	605,435
Less Accumulated Amortization for Right to Use Lease Assets	116,147	122,573	-	-	238,720
Right to Use Lease Assets, being amortized, net	489,288	(122,573)	-	-	366,715
Right to Use Subscription IT Assets, Being Amortized	-	107,158	-	-	107,158
Less Accumulated Amortization for Right to Use Subscription IT Assets	-	6,123	-	-	6,123
Right to Use Subscription IT, Assets being amortized, net	-	101,035	-	-	101,035
Business-Type Activities Capital Assets, Net	$ 135,091,696	$ 13,617,971	$ (1,503,731)	$ -	$ 147,205,936

Depreciation and amortization expense was charged to business-type functions as follows:

Banning Utility Authority Water	$ 1,672,805
Electric Utility	2,243,150
Banning Utility Authority Wastewater	727,353
Airport	196,005
Transit	82,411
Refuse Utility	7,420
Total depreciation/amortization Expense - business-type activities	$ 4,929,144

Note 5 - Accounts Receivable

Accounts receivables are shown net of applicable allowances for doubtful accounts. The accounts receivable and respective allowances are as follows:

	Gross Receivable	Allowance for Doubtful Accounts	Net Receivable
General Fund	$ 2,291,827	$ (201,714)	$ 2,090,113
Nonmajor Governmental	304	-	304
Internal Service Funds	161,811	-	161,811
Water	2,787,793	(530,204)	2,257,589
Electric	7,453,021	(1,014,549)	6,438,472
Wastewater	1,151,522	(194,643)	956,879
Nonmajor Proprietary	128,062	(8,396)	119,666
Total	$ 13,974,340	$ (1,949,506)	$ 12,024,834

Note 6 - Loans Receivable

The City has entered into various loan agreements relating to owner's participation agreements, developer loans, the first-time home buyer loan program, the rehabilitation loan program, and various other loans receivable. The owner's participation agreement was entered into March 2011 for $500,000, has a term of 55 years, matures March 2066, and is forgivable. The assistance loans consist of first-time homebuyer loans for 30 years that range in maturity from 2038 to 2039 and are forgivable. The following summarizes the loans outstanding at June 30, 2023:

	Balance at June 30, 2023
Owner's Participation Loan	$ 500,000
Assistance Loans	220,000
Rehabilitation Loans	19,937
Employee Loans	36,088
Total loans available	$ 776,025

Note 7 - Deposits with Other Agencies

On August 14, 2001, the City of Banning adopted Resolution 2001-85, approving the Utility Services Agreement between the City of Banning and the City of Riverside. Under this agreement, the City of Riverside shall provide scheduling, dispatching and other related electric utility services to the City. The implementation of this agreement required the payment of a refundable deposit by the City of Banning to the City of Riverside. This amount is shown as restricted cash and investments in the Electric Utility fund totaling $1,151,478 as of June 30, 2023.

Note 8 - Long-Term Debt

The following is a summary of the changes in long-term debt for the fiscal year ended June 30, 2023:

	Beginning Balance	Incurred	Retired	Ending Balance	Due Within One Year
Governmental Activities					
Direct Borrowing					
Lease Liability	$ 389,729	$ 1,123,513	$ 150,316	$ 1,362,926	$ 646,181
SBITA Liability	-	106,550	28,720	77,830	36,549
Total	$ 389,729	$ 1,230,063	$ 179,036	$ 1,440,756	$ 682,730
Business-Type Activities					
Direct Borrowing					
Lease Liability	$ 457,987	$ -	$ 155,092	$ 302,895	$ 168,128
Financed Purchase	-	577,049	195,950	381,099	94,312
Bonds Payable					
2015 Electric Refunding Bond	23,615,000	-	1,335,000	22,280,000	1,400,000
2015 Water Revenue Bond	19,425,000	-	1,130,000	18,295,000	1,185,000
2019 Wastewater Refunding Bond	3,580,000	-	225,000	3,355,000	230,000
Premium	3,984,316	-	278,155	3,706,161	-
Total	$ 51,062,303	$ 577,049	$ 3,319,197	$ 48,320,155	$ 3,077,440

Governmental Activities

Lease Liability

The City has entered into various lease agreements for the use of vehicles and equipment. As of June 30, 2023, the value of the lease liabilities were $1,362,926. The City is required to make principal and interest payments through July 2029 with annual payments ranging from $1,422 to $296,926. The lease liability was valued using discount rates between 1.35% and 4.25% which were the City's incremental borrowing rate at the inception of the lease liabilities. The total right to use lease assets, and the related accumulated amortization on the right to use lease assets was $1,294,990 and $350,807, as of June 30, 2023, respectively.

The annual requirements to amortize the lease liabilities as of June 30, 2023, including interest, are as follows:

Year Ending June 30,	Principal	Interest	Totals
2024	$ 646,181	$ 4,459	$ 650,640
2025	188,252	2,731	190,983
2026	138,927	1,512	140,439
2027	103,496	962	104,458
2028	95,047	625	95,672
2029-2033	191,023	318	191,341
Total	$ 1,362,926	$ 10,607	$ 1,373,533

SBITA Liability

The City has entered into two IT agreements for use of IT software, platforms, and infrastructure. As of June 30, 2023, the value of the IT liabilities were $77,830. The City is required to make principal and interest payments through August 2025 with annual payments ranging from $41,138 to $62,146. The IT liability was valued using discount rates between 5.27% and 6.69% which were the City's incremental borrowing rate at the inception of the IT liabilities. The total right to use IT assets, and the related accumulated amortization on the right to use IT assets was $106,550 and $34,472, as of June 30, 2023, respectively.

The annual requirements to amortize the SBITA liabilities as of June 30, 2023, including interest, are as follows:

Year Ending June 30,	Principal	Interest	Totals
2024	$ 36,549	$ 4,589	$ 41,138
2025	41,281	2,325	43,606
Total	$ 77,830	$ 6,914	$ 84,744

Business-Type Activities

Lease Liability

The City has entered into various lease agreements for the use of vehicles and equipment. As of June 30, 2023, the value of the lease liabilities were $302,895. The City is required to make principal and interest payments through February 2026 with annual payments ranging from $1,987 to $10,097. The lease liability was valued using discount rate 1.35% which was the City's incremental borrowing rate at the inception of the lease liabilities. The total right to use lease assets, and the related accumulated amortization on the right to use lease assets was $605,437 and $238,720, as of June 30, 2023, respectively.

The annual requirements to amortize the lease liabilities as of June 30, 2023, including interest, are as follows:

Year Ending June 30,	Principal	Interest	Totals
2024	$ 168,128	$ 2,614	$ 170,742
2025	94,427	1,048	95,475
2026	40,340	145	40,485
Total	$ 302,895	$ 3,807	$ 306,702

Financed Purchase

On September 28, 2022, the Banning Utility Authority entered into a financed purchase agreement to purchase a vactor truck for wastewater operations. The financed purchase bears an interest rate of 4.50%. Interest is payable annually on September 28. The annual requirements to amortize the outstanding financed purchase as of June 30, 2023, including interest, are as follows:

Year Ending June 30,	Principal	Interest	Totals
2024	$ 94,312	$ 962	$ 95,274
2025	94,619	656	95,275
2026	94,940	335	95,275
2027	97,228	-	97,228
Total	$ 381,099	$ 1,953	$ 383,052

2015 Water Enterprise Revenue Bonds, Refunding and Improvement Projects

On August 19, 2015, the Banning Utility Authority issued $25,365,000 in Water Enterprise Revenue Bonds, Refunding and Improvement Projects. The proceeds of the bonds, together with other money being made available by the Authority, will be used to (i) finance certain capital improvements to the Water Enterprise; (ii) refund a portion of the Authority's $35,635,000 Water Enterprise Revenue Bonds, Refunding and Improvement Projects, 2005 Series, currently outstanding in the aggregate principal amount of $29,165,000; and (iii) pay costs of issuance of the Bonds. As a result, the refunding bonds defeased the liability of the 2005 Water Revenue Bonds, which have been removed from long-term debt. The annual requirements to amortize the outstanding bond indebtedness as of June 30, 2023, including interest, are as follows:

Year Ending June 30,	Principal	Interest	Totals
2024	$ 1,185,000	$ 773,688	$ 1,958,688
2025	1,240,000	713,063	1,953,063
2026	1,305,000	649,438	1,954,438
2027	1,370,000	582,563	1,952,563
2028	1,440,000	526,713	1,966,713
2029 to 2033	8,065,000	1,706,106	9,771,106
2034 to 2035	3,690,000	139,500	3,829,500
Total	$ 18,295,000	$ 5,091,071	$ 23,386,071

Pledged Revenue

The City pledged, as security for bonds issued, the net water revenues to the payment of the bonds. This is calculated by deducting gross water revenues in each fiscal year from the amounts required for operation and maintenance of the water enterprise. For the current year, revenue recognized for the payment of indebtedness incurred was $6,673,663. Principal and interest paid for the current year were $1,961,563.

The bonds include a provision, that in any event of default, the trustee has the right to accelerate the total unpaid principal amount of the Bonds. However, in the event of default and such acceleration, there can be no assurance that the Trustee will have sufficient moneys available for payment of the bonds.

2015 Electric Revenue Refunding Bonds

On August 19, 2015, the Banning Financing Authority issued $31,755,000 in Refunding Revenue Bonds (Electric System Project). The proceeds of the bond, together with other money being made available by the Authority, will be used to (i) refund the Authority's $45,790,000 Revenue Bonds (Electric System Project) Series 2007, currently outstanding in the amount of $34,270,000; (ii) finance certain improvements (the Facilities) to the electric system of the City of Banning; (iii) pay the insurance premium for the Bonds; (iv) purchase a reserve surety bond for the Bonds; and (v) pay costs of issuance of the Bonds. As a result, the refunding bonds defeased the liability of the 2007 Electric Revenue Bonds, which have been removed from long-term debt. The 2015 Electric Enterprise Revenue Bonds bear interest at rates ranging from 3.00% to 5.00%. Interest is payable semi-annually on June 1 and December 1.

The annual requirements to amortize the outstanding bond indebtedness as of June 30, 2023, including interest, are as follows:

Year Ending June 30,	Principal	Interest	Totals
2024	$ 1,400,000	$ 1,023,044	$ 2,423,044
2025	1,470,000	953,044	2,423,044
2026	1,545,000	879,544	2,424,544
2027	1,620,000	802,294	2,422,294
2028	1,705,000	721,294	2,426,294
2029 to 2033	8,515,000	2,661,238	11,176,238
2034 to 2037	6,025,000	771,750	6,796,750
Total	$ 22,280,000	$ 7,812,208	$ 30,092,208

Pledged Revenue

The City pledged, as security for bonds issued, the net electric revenues to the payment of the bonds. This is calculated by deducting gross electric revenues in each fiscal year the amounts required for operation and maintenance of the electric enterprise. For the current year, revenue recognized for the payment of indebtedness incurred was $3,569,731. Principal and interest paid for the current year were $2,424,794.

The bonds include a provision, that in any event of default, the trustee has the right to accelerate the total unpaid principal amount of the Bonds. However, in the event of default and such acceleration, there can be no assurance that the Trustee will have sufficient moneys available for payment of the bonds.

2019 Wastewater Enterprise Refunding Revenue Bonds

On October 8, 2019, the Banning Utility Authority issued the 2019 Wastewater Enterprise Refunding Revenue Bonds. The proceeds of the bond, together with other money being made available by the Authority, will be used to (i) refund the Authority's 2005 $7,100,000 Wastewater Revenue Bonds, currently outstanding in the amount of $4,585,000; (ii) finance certain improvements (the Facilities) to the Wastewater System of the City of Banning; (iii) and to refinance certain obligations of the Authority. The 2019 Wastewater Enterprise Refunding Revenue Bonds bear interest of 1.80%. Interest is payable semi-annually on May 1 and November 1, commencing May 1, 2020. The annual requirements to amortize the outstanding bond indebtedness as of June 30, 2023, including interest, are as follows:

Year Ending June 30,	Principal	Interest	Totals
2024	$ 230,000	$ 58,320	$ 288,320
2025	235,000	54,135	289,135
2026	240,000	49,860	289,860
2027	245,000	45,495	290,495
2028	250,000	41,040	291,040
2029 to 2033	1,315,000	135,585	1,450,585
2034 to 2036	840,000	22,860	862,860
Total	$ 3,355,000	$ 407,295	$ 3,762,295

Pledged Revenue

The City pledged, as security for bonds issued, all surplus revenues from the fund. For the current year, revenue recognized for the payment of indebtedness incurred was $2,252,212. Principal and interest paid for the current year were $287,415.

The bonds include a provision, that in any event of default, the trustee has the right to accelerate the total unpaid principal amount of the Bonds. However, in the event of default and such acceleration, there can be no assurance that the Trustee will have sufficient moneys available for payment of the bonds.

Note 9 - Compensated Absences

As described in Note 1, under certain circumstances and accordingly to the negotiated labor agreements, City employees are allowed to accumulate annual leave. The annual leave amount is accrued and accounted for as compensated absences in the government-wide and proprietary fund statements. As shown in the table below, for governmental activities, accumulated vacation, sick leave benefits, holiday and compensatory time payable at June 30, 2023, was $1,608,129 which includes $193,385 recorded in the internal service funds. These amounts are payable from future resources and, therefore, have been recorded in the statement of net position. Vacation, sick leave, holiday and compensatory time are recorded as expenditures in the related funds when used. For enterprise funds, accumulated vacation, sick leave, holiday and compensatory time amounted to $1,038,163.

	Balance July 01, 2022	Additions	Deletions	June 30, 2023	Amounts Due Within One Year	Amounts Due In More Than One Year
Governmental Activities	$ 1,454,829	$ 1,048,219	$ 894,919	$ 1,608,129	$ 989,219	$ 618,910
Business-Type Activities	$ 891,542	$ 851,365	$ 704,744	$ 1,038,163	$ 105,970	$ 932,193

Note 10 - Assessment District and Community Facilities District Bonds

Bonds issued for improvements in certain special assessment districts in accordance with the provisions of the Municipal Improvement Acts of 1911, 1913 and 1915, as well as the Mello-Roos Community Facilities District Act, are liabilities of the property owners and are secured by liens against the assessed properties. The City acts as an agent for collection of principal and interest payments by the property owners and remittance of such monies to the bondholders. Neither the faith and credit, nor the taxing power, of the City of Banning or the Agency has been pledged to the payment of the bonds. Therefore, none of the following special assessment bonds are shown in the financial statements of the City.

	Amount of Issue	Outstanding June 30, 2023
AD 2004-1	$ 2,898,000	$ 1,690,000

Note 11 - City Employees Retirement Plan (Defined Benefit Pension Plan)

The City participates in the California Public Employees' Retirement System (CalPERS) with both a miscellaneous and safety plan. A summary of pension amounts for the City's plans at June 30, 2023, is presented below:

	CalPERS Miscellaneous	CalPERS Safety	Total
Deferred outflows	$ 8,531,816	$ 8,119,167	$ 16,650,983
Deferred inflows	462,430	4,046,059	4,508,489
Net pension liability	30,079,956	19,613,637	49,693,593

Plan Description – City Miscellaneous Plan

All qualified permanent and probationary employees are eligible to participate in the City's Miscellaneous Plan, agent multiple employer defined benefit pension plan administered by the California Public Employees' Retirement System (CalPERS), which acts as a common investment and administrative agent for its participating member employers. Benefit provisions under the Plan are established by State statute and City resolution. CalPERS issues publicly available reports that include a full description of the pension plan regarding benefit provisions, assumptions and membership information that can be found on the CalPERS website.

Plan Description – City Safety Plan

The City of Banning Safety Plan is a cost-sharing multiple-employer defined benefit pension plan administered by the California Public Employees' Retirement System (CalPERS). All qualified safety employees are eligible to participate in the City's Safety (Police and Fire) Plan. Benefit provisions under the Safety Plan are established by State statue and City resolution. CalPERS issues publicly available reports that include a full description of the pension plans regarding benefit provisions, assumptions and membership information that can be found on the CalPERS website.

Benefits Provided

CalPERS provides service retirement and disability benefits, annual cost of living adjustments and death benefits to plan members, who must be public employees and beneficiaries. Benefits are based on years of credited service, equal to one year of full-time employment. Members with five years of total service are eligible to retire at age 50 with statutorily reduced benefits. All members are eligible for nonduty disability benefits after 10 years of service. The death benefit is one of the following: the Basic Death Benefit, the 1957 Survivor Benefit, or the Optional Settlement 2W Death Benefit. The cost-of-living adjustments for each plan are applied as specified by the Public Employees' Retirement Law.

The Plan provisions and benefits in effect at June 30, 2023, are summarized as follows:

Miscellaneous Plan		
Hire Date	Prior to January 1, 2013*	On/after January 1, 2013
Benefit Formula	2.5% at Age 55	2.2% at Age 62
Benefit Vesting Schedule	5 Years of Service	5 Years of Service
Benefit Payments	Monthly for Life	Monthly for Life
Retirement Age	Age 50	Age 52
Monthly Benefits, as a Percentage of Eligible Compensation	2.00% to 2.50%	1.00% to 2.50%
Required Employee Contribution Rates	7.460%	7.000%
Required Employer Contribution Rates		
Normal Cost Rate	9.42%	7.19%
Payment of Unfunded Liability	$ 2,291,664	$ -

*Closed to new entrants not previously in CalPERS

Safety Cost-Sharing Plan			
Hire Date	Prior to January 1, 2013	Prior to January 1, 2013	On/after January 1, 2013
Benefit Formula	3% at Age 55	2% at Age 50	2.7% at Age 57
Benefit Vesting Schedule	5 Years of Service	5 Years of Service	5 Years of Service
Benefit Payments	Monthly for Life	Monthly for Life	Monthly for Life
Retirement Age	Age 50	Age 50	Age 57
Monthly Benefits, as a Percentage of Eligible Compensation	3.000%	3.000%	3.000%
Required Employee Contribution Rates	8.990%	8.942%	7.000%
Required Employer Contribution Rates			
Normal Cost Rate	25.64%	19.87%	13.66%
Payment of Unfunded Liability	$ 1,355,941	$ 3,477	$ 11,212

*Closed to new entrants not previously in CalPERS

Contribution

Section 20814(c) of the California Public Employees' Retirement Law requires that the employer contribution rates for all public employers be determined on an annual basis by the actuary and shall be effective on the July 1 following notice of a change in the rate. Funding contributions for both Plans are determined annually on an actuarial basis as of June 30, 2023, by CalPERS. The actuarially determined rate is the estimated amount necessary to finance the costs of benefits earned by employees during the year, with an additional amount to finance any unfunded accrued liability. The City is required to contribute the difference between the actuarially determined rate and the contribution rate of employees. For the period ended June 30, 2023, City contributions were $3,513,971 for the miscellaneous plan and $2,150,975 for the safety plan.

Net Pension Liability

The net pension liability is measured as the total pension liability, less the pension plan's fiduciary net position. The net pension liability of each of the Plans is measured as of June 30, 2022, using an annual actuarial valuation as of June 30, 2021, rolled forward to June 30, 2022, using standard update procedures. A summary of principal assumptions and methods used to determine the net pension liability is shown below.

For the measurement period ended June 30, 2022, the total pension liability was determined by rolling forward the June 30, 2021 total pension liability. The June 30, 2021 and the June 30, 2022 total pension liabilities were based on the following actuarial methods and assumptions for both the miscellaneous and safety plans:

Valuation Date	June 30, 2021
Measurement Date	June 30, 2022
Actuarial Cost Method	Entry-Age Normal Cost Method
Actuarial Assumptions	
Discount Rate	6.90%
Inflation	2.30%
Projected Salary Increase	Varies by Entry Age and Service
Mortality Rate Table (1)	Derived from CalPERS' Membership Data for all Funds
Post Retirement Benefit Increase	Contract COLA up to 2.30% until Purchasing Power Protection Protection Allowance Floor on Purchasing Power applies

(1) The mortality table used was developed based on CalPERS-specific data. The rates incorporate Generational Mortality to capture ongoing mortality improvement using 80% of Scale MP 2020 published by the Society of Actuaries. For more details, please refer to the 2021 experience study report that can be found on the CalPERS website.

Change in Assumption

For both the miscellaneous and safety plans, for the measurement period ended June 30, 2022, the discount rate was reduced from 7.15 percent to 6.90 percent, the inflation rate was reduced from 2.50 percent to 2.30 percent, and the investment rate of return was reduced from 7.15 percent to 6.90 percent.

Long-Term Expected Rate of Return

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class.

In determining the long-term expected rate of return, CalPERS took into account both short-term and long-term market return expectations. Using historical returns of all of the funds' asset classes, expected compound (geometric) returns were calculated over the next 20 years using a building-block approach. The expected rate of return was then adjusted to account for assumed administrative expenses of 10 basis points.

The expected real rates of return by asset class are as followed:

Asset Class (1)	Assumed Asset Allocation	Real Return (1)(2)
Global Equity - Cap-Weighted	30.00 %	4.54 %
Global Equity - Non-Cap-Weighted	12.00	3.84
Private Equity	13.00	7.28
Treasury	5.00	0.27
Mortgage-Backed Securites	5.00	0.50
Investment Grade Corporates	10.00	1.56
High Yield	5.00	2.27
Emerging Market Debt	5.00	2.48
Private Debt	5.00	3.57
Real Assets	15.00	3.21
Leverage	(5.00)	(0.59)
Total	100.0 %	

(1) An expected inflation of 2.30% used for this period.
(2) Figures are based on the 2021-22 Asset Liability Management study.

Discount Rate

For both the miscellaneous and safety plans, the discount rate used to measure the total pension liability was 6.90%. The projection of cash flows used to determine the discount rate assumed that contributions from plan members will be made at the current member contribution rates and that contributions from employers will be made at statutorily required rates, actuarially determined. Based on those assumptions, the Plan's fiduciary net position was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

Changes in the Net Pension Liability

The following table shows the changes in net pension liability recognized over the measurement period.

Miscellaneous Rate Plan	Total Pension Liability (a)	Plan Fiduciary Net Position (b)	Net Pension Liability (Assets) (c)=(a)-(b)
Balance at June 30, 2022 (Reporting Date)	$ 86,195,352	$ 67,244,557	$ 18,950,795
Changes Recognized for the Measurement Period			
Service Cost	1,899,321	-	1,899,321
Interest on the Total Pension Liability	6,006,137	-	6,006,137
Changes of Assumptions	2,731,582	-	2,731,582
Difference between Expected and Actual Experience	(693,645)	-	(693,645)
Plan to Plan Resource Movement	-	-	-
Contributions from the Employer	-	3,114,207	(3,114,207)
Contributions from Employees	-	827,315	(827,315)
Net Investment Income	-	(5,085,399)	5,085,399
Benefit Payments including Refunds of Employee Contributions	- (4,274,948)	(4,274,948)	- -
Administrative Expense	-	(41,889)	41,889
Other Miscellaneous Income/(Expense)	-	-	-
Net Changes During 2022-23	5,668,447	(5,460,714)	11,129,161
Balance at June 30, 2023 (Reporting Date) (1)	$ 91,863,799	$ 61,783,843	$ 30,079,956

(1) The fiduciary net position includes receivables for employee service buybacks, deficiency reserves, fiduciary self-insurance and pension expense. This may differ from the plan assets reported in the funding actuarial valuation report.
(2) net of administrative expenses.

As of June 30, 2023, the City reported a $19,613,637 net pension liability for its proportionate share of the pooled net pension liability for the Safety Cost-Sharing Plan.

For the Safety Cost-Sharing Plan, the City's net pension liability is measured as the proportionate share of the net pension liability. The net pension liability is measured as of June 30, 2022, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of June 30, 2021, rolled forward to June 30, 2022, using standard update procedures. The City's proportion of the net pension liability was based on CalPERS' Public Agency Cost-Sharing Allocation Methodology Report, which can be obtained on the CalPERS website.

The City's proportionate share of the net pension liability as of June 30, 2022 and 2023 was as follows:

	Safety Plan
Proportion - June 30, 2022	0.32972%
Proportion - June 30, 2023	0.28543%
Change- Increase (Decrease)	-0.04429%

Sensitivity of the Net Pension Liability to Changes in the Discount Rates

The following presents the net pension liability of the Plan as of the measurement date, calculated using the discount rate of 6.90%, as well as what the net pension liability would be if it were calculated using a discount rate that is 1 percentage-point lower (5.90%) or 1 percentage-point higher (7.90%) than the current rate:

	1% Decrease (5.90%)	Current Discount Rate (6.90%)	1% Increase (7.90%)
Miscellaneous Plan's Net Pension Liability	$ 42,019,745	$ 30,079,956	$ 20,189,456
Safety Plan's Net Pension Liability	$ 28,336,702	$ 19,613,637	$ 12,484,503

Pension Plan Fiduciary Net Position

Detailed information about the plan's fiduciary net position is available in the separately issued CalPERS financial report.

Pension Expense and Deferred Outflows and Deferred Inflows of Resources Related to Pensions

For the year ended June 30, 2023, the City recognized pension expense of $3,660,775 for Miscellaneous Plan and $153,610 for Safety Plan, for a total of $3,814,385. As of June 30, 2023, the following were the reported deferred outflows of resources and deferred inflows of resources related to the pension plans:

	Miscellaneous		Safety	
	Deferred Outflows of Resources	Deferred Inflows of Resources	Deferred Outflows of Resources	Deferred Inflows of Resources
Contributions subsequent to the measurement date	$ 3,513,971	$ -	$ 2,150,975	$ -
Change of Assumptions	1,821,055	-	1,977,648	-
Difference between Expected and Actual Experience	113,730	462,430	811,737	212,989
Net Difference Between Projected and Actual Earnings on Pension Plan Investments	3,083,060	-	3,097,267	-
Differences between Employer's Contributions and Proportionate Share of Contributions				3,725,768
Change in Employer's Proportion	-	-	81,540	107,302
Total	$ 8,531,816	$ 462,430	$ 8,119,167	$ 4,046,059

The Miscellaneous Plan reported $3,114,207 and the Safety Plan reported $2,150,975 as deferred outflows of resources related to contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability in the year ending June 30, 2024. Other amounts reported as deferred outflows or deferred inflows of resources related to pensions will be recognized as pension expense as follows:

Measurement Period Ending June 30,	Miscellaneous Plan	Safety Plan
2024	$ 1,280,735	$ (215,770)
2025	1,118,278	70,920
2026	214,964	177,612
2027	1,941,438	1,889,371
2028	-	-
Thereafter	-	-
Total	$ 4,555,415	$ 1,922,133

PARS

Plan Description

Effective July 2005, the City began participating in a Public Agency Retirement System (PARS) program, which is a defined contribution retirement plan for part-time, seasonal and temporary employees. A defined contribution retirement plan provides retirement benefits in return for services rendered, provides an individual account for each participant, and specifies how contributions to the individual's account are to be determined instead of specifying the amount of benefits the individual is to receive.

As established by the plan, all eligible employees of the City will become participants in the plan from the date they are hired. An eligible employee is any employee who, at any time during which the employer maintains this plan, is not accruing benefits under the Public Employees Retirement System.

Funding Plan

Contributions made to the plan vest immediately. As determined by the plan, all members must contribute 7.5% of their gross earnings to the plan. The City is not required to contribute.

Annual Contributions

The amount of employee contributions was $13,921 (7.5% of covered payroll). Total payroll for employees covered under this plan for the year was $185,614.

Note 12 - Other Postemployment Benefit Plan

Plan Description

The City provides other postemployment benefits (OPEB) through a single-employer defined benefit healthcare plan. The plan, which is administered by the City, allows employees at retirement to continue participating in City medical plans with payment of the full premium until age 65. Premiums are the same for actives and retirees, resulting in an implicit subsidy to retirees. Employees who waive coverage at retirement are not eligible to reenroll. The authority to do so is included annually in the memorandum of understanding between the City and each of its employee groups and ultimately passed by City council action. No assets are accumulated in a trust that meets the criteria in paragraph 4 of GASB statement 75. The plan does not issue a separate report.

Employees Covered

As of the June 30, 2022, measurement date, the following current and former employees were covered by the benefit terms under the plan:

Inactive Employees or Beneficiaries Currently Receiving Benefits	5
Active Employees	156
Total	161

Total OPEB Liability

The City's OPEB liability of $1,114,778 was measured as of June 30, 2022, and was determined by an actuarial valuation as of June 30, 2022.

Actuarial Assumptions and Other Inputs

The total OPEB liability as of measurement period June 30, 2022, was determined using the following actuarial assumptions and other inputs, applied to all periods included in the measurement, unless otherwise specified:

Valuation Date	June 30, 2022
Measurement Date	June 30, 2021
Actuarial Cost Method	Entry-Age Normal Cost Method
Actuarial Assumptions:	
Discount Rate	3.54%
Inflation	2.50%
Projected Salary Increase	2.75% per annum, in aggregate
Healthcare Cost Trend Rates	8.5% decreasing to 3.45% by 2076
Pre-retirement Turnover	Derived from CalPERS pension plan
Mortality	Derived from CalPERS pension plan updated to reflect most recent experience study

Discount Rate

There are no assets accumulated in a trust, therefore, the discount rate is the average of three rate indices: S&P General Obligation Municipal Bond 20-Year High Grade Index, the Fidelity Municipal Bond AA 20-Year Maturity Yield and the Bond Buyer General Obligation 20-Bond Municipal Bond index. The use of this index results in a discount rate of 3.54% at measurement date June 30, 2022.

Change in Assumption

Discount rate was changed from 2.16% to 3.54%.

Changes in Total OPEB Liability

The change in total OPEB liability is as follows:

	Total OPEB Liability
Balance at June 30, 2021 (Measurement Date)	$ 1,068,323
Changes in the Year:	
Service Cost	173,445
Interest on the Total OPEB Liability	26,493
Changes in Assumptions	(123,025)
Benefit Payments	(30,458)
Net Changes	46,455
Balance at June 30, 2022 (Measurement Date)	$ 1,114,778

Sensitivity of the Total OPEB Liability to Changes in the Discount Rate

The following presents the total OPEB liability of the City, calculated using the discount rate for the Plan, as well as what the City's total OPEB liability would be if it were calculated using a discount rate that is one percentage point lower or one percentage point higher than the current rate:

	1% Decrease (2.54%)	Discount Rate (3.54%)	1% Increase (4.54%)
Total OPEB Liability	$ 1,202,985	$ 1,114,778	$ 1,031,992

The following presents the total OPEB liability of the City, as well as what the City's total OPEB liability would be if it were calculated using healthcare cost trend rates that are one percentage point lower than the current healthcare cost trend rates:

	1% Decrease	Healthcare Cost Trent Rates Current	1% Increase
Total OPEB Liability	$ 985,718	$ 1,114,778	$ 1,267,541

OPEB Expense and Deferred Outflows/Inflows of Resources Related to OPEB

For the year ended June 30, 2023, the City recognized OPEB expense of $187,546. At June 30, 2023, the City reported deferred outflows of resources and deferred inflows of resources related to OPEB from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
OPEB Contributions Subsequent to Measurement Date	$ 33,685	$ -
Change in Assumptions	2,998	110,239
Total	$ 36,683	$ 110,239

An amount of $33,685 reported as deferred outflows of resources related to contributions subsequent to the measurement date will be recognized as a reduction of the OPEB liability in the year ending June 30, 2024.

Other amounts reported as deferred outflows of resources and deferred inflows of resources related to OPEB will be recognized as OPEB expense as follows:

Year Ending June 30,	Amount
2024	$ (12,392)
2025	(12,392)
2026	(12,392)
2027	(12,392)
2028	(12,392)
Thereafter	(45,281)
Total	$ (107,241)

Note 13 - Deferred Compensation Plan

The City offers its employees a deferred compensation plan created in accordance with Internal Revenue Code Section 457. The plan, available to all City employees, permits them to defer a portion of their salary until future years. The deferred compensation is not available to employees until termination, retirement, death or unforeseeable emergency. All amounts of compensation deferred under the plan, all property and rights purchased with those amounts, and all income attributable to those amounts, property or rights are solely the property and rights of the employee. Participants' rights under the plan are equal to an amount equal to the fair market of the deferred account for each participant. The City has no liability for losses under the plan.

Note 14 - Insurance Programs

The City maintains self-insurance programs for workers' compensation, general liability and wrongful employment practices. For general liability claims, the City is at risk for up to $50,000 per occurrence; amounts in excess of $50,000 up to $50,000,000 are covered through the Public Entity Risk Management Authority (PERMA) and excess insurance. For workers' compensation claims, the City is at risk for up to $250,000 per occurrence. Losses exceeding $250,000 up to statutory limits are covered by the PERMA under their risk- sharing pool program and excess insurance. For wrongful employment practices claims, the City is at risk for up to $25,000 per occurrence; amounts in excess of $25,000 up to $1,000,000 are covered through the Employment Risk Management Authority. Estimates for all liabilities, including an estimate for incurred but not reported claims (IBNR's), have been included in the Self-Insurance Internal Service Fund.

PERMA also provides a nonrisk sharing "deductible" or claims-servicing pool for general liability claims within the self-insured retention (SIR) level ($50,000). Annual contributions are deposited with the Authority from which claims are paid on behalf of the City. Any claims paid by PERMA for the City in excess of deposits at year-end are recorded as "Due to Other Agencies" within the Self-Insurance Internal Service Fund.

In addition, the City makes deposits with PERMA for workers' compensation claims below the $250,000 SIR from which claims are paid on behalf of the City.

Claims expenditures and liabilities are reported when it is probable that a loss has occurred, and the amount of that loss can be reasonably estimated. These losses include an estimate of claims that have been incurred but not reported. At June 30, 2023, the amount of these liabilities was $2,445,682. The amount represents an estimate of $1,644,650 for reported claims through June 30, 2023, and $801,032 of estimate incurred but not reported claims. This liability is the City's best estimate based on available information. There are no significant reductions in insurance coverages from prior years and there have been no settlements exceeding the insurance coverages for each of the past four fiscal years.

Changes in the reported liability since June 30, 2023, resulted from the following:

Year	Liability at Beginning of Fiscal Year	Current Year Claims in Changes in Estimates	Claim Payments	Liability at End of Fiscal Year
2022	$ 2,039,415	$ 1,396,464	$ 879,653	$ 2,556,226
2023	2,556,226	444,102	554,646	2,445,682

The City of Banning is a member of the Public Entity Risk Management Authority (a joint powers authority of 22 California cities, one Transit Agency and one other special district) which was established to pool resources, share risks, purchase excess insurance and share costs for professional risk management and claims administration. The City continues to carry commercial insurance for all other risks of loss.

Note 15 - Commitments and Contingencies

a. Grant Compliance Audits

The City participates in certain federal and state assisted grant programs. These programs are subject to program compliance audits by the grantors or their representatives. Any liability for reimbursement that may arise as the result of these audits is not believed to be material.

b. Pending Litigation

The City is involved in several pending lawsuits of a nature common to many similar jurisdictions. City management estimates that potential claims against the City, not covered by insurance, will not have a material adverse effect on the financial statements of the City.

c. Proposition 218

Was approved by the voters in November 1996, regulates the City's ability to impose, increase and extend taxes, assessments and fees. Any new, increased or extended taxes, assessments and fees subject to the provisions of Proposition 218 requires voter approval before they can be implemented. Proposition 218 is also a protest vote and requires more than 50% of customers for applicable service to vote against the proposed increase to fail. Additionally, Proposition 218 provides that these taxes, assessments and fees are subject to the voter initiative process and may be rescinded in the future by the voters. Therefore, the City's ability to finance the services for which the taxes, assessments and fees were imposed may be significantly impaired.

At this time, it is uncertain how Proposition 218 will affect the City's ability to maintain or increase the revenue it receives from taxes, assessments and fees.

d. Banning Utility Authority Lease Commitment

The City created the Authority on July 1, 2005. The Authority leases from the City all of its utility enterprise assets. The Authority has also entered into a management agreement with the City for the operation and maintenance of the utility enterprises. The lease expires on June 30, 2060, after which time, all of the utility enterprise assets and activities revert to the City. The lease does not qualify as a lease under GASB Statement No. 87, *Leases*. The Authority's right to the utility enterprise funds does not meet the description of an exchange or exchange-like transaction because each party does not receive or give up essentially equal value or not quite equal value. In addition, the governing boards of the City and Authority are the same and can modify the terms of the lease at will. No fixed payment amounts from the Authority to the City were identified and payments are only to be made after maintenance and operations costs of the Authority, as well an any outstanding debt service. The amount will then be determined between the City and the Authority. During the fiscal year, the Authority made lease payments of $651,000 to the City, which are reported within the Transfers Out line item in the Statements of Revenues, Expenses, and Changes in Fund Net Position.

e. Construction Contracts

The following material construction commitments existed at June 30, 2023:

PO#	Project Name	Contract Amount	Expenditures to Date as of June 30, 2023	Remaining Commitments
31763	Materials Inventory for Various Projects	$ 2,517,600	$ 921,624	$ 1,595,976
32037	Advisor Services for the Preliminary Engineering	1,576,430	268,470	1,307,960
31764	Materials Inventory for Various Projects	3,125,000	2,201,296	923,704
31985	Design of Well M12A Driling and Equipping	866,128	206,231	659,897
31759	Materials Inventory for Various Projects	675,000	138,762	536,238
31245	Wastewater Treatment Plant Maintenance and Operations	2,525,358.00	1,510,596	1,014,762
29243	Design - Well C8	884,683.00	375,252	509,431
30653	Project No. 2020-01 EL, Ivy and Stagecoach Substation	6,618,664	6,148,907	469,757
31284	Ivy and Stagecoach Substations	3,629,129	3,466,471	162,658
31000	Materials Inventory for Various Projects	580,378	492,027	88,351
30891	Project No. 2016-11 "Ramsey Street and Hathaway Street Improvements"	4,067,319	4,004,590	62,729
30148	Electric Substation Equipment Maintenance	1,474,982	1,432,635	42,347
30998	Materials Inventory for Various Projects	731,688	692,585	39,103
30848	Purchase of One Metal-Clad Switchgear Building	731,688	692,585	39,103
30996	Materials Inventory for Various Projects	801,334	765,106	36,228
31215	AMI Meter project (Water)	516,675	490,419	26,256
31277	Two Transit Bus Replacements	1,812,446	1,794,035	18,411
30792	Maintenance and Operations Agreement with Suez Water Environmental Services, Inc.	785,490	770,547	14,943
30404	Pardee Development Project	443,752	430,306	13,446
31497	Street Rehab at various locations	848,796	843,644	5,152
30391	Pardee Development Project	398,382	398,368	14
	Total	$ 35,610,922	$ 28,044,456	$ 7,566,466

Note 16 - Southern California Public Power Authority

"Take or Pay" Contracts

The City, through its Electric Utility Fund, has entered into a "take or pay" contract and "take and pay" contract through its participation in the Southern California Public Power Authority (SCPPA) in order to meet the electric needs of its customers. These contracts are not considered a joint venture since the City has no interest in the assets, liabilities, or equity associated with any of the projects to which these contracts refer. Under the "take or pay" contract, the City is obligated to pay its share of the indebtedness regardless of the ability of the contracting agency to provide electricity or the City's need for the electricity. The City is only obligated to pay its share of the indebtedness upon delivery of energy under the "take and pay" contracts. A long-term obligation has not been recorded in the accompanying basic financial statements as these commitments do not represent an obligation of the Electric Utility until the year the power is available to be delivered to the Electric Utility.

During the fiscal year ended June 30, 2023, the Electric Utility Fund made payments totaling $9,971,987 on these contracts. SCPPA membership consists of eleven Southern California cities and one public irrigation district of the state of California, which serves the electric power needs of its Southern California electricity customers. SCPPA, a public entity organized under the laws of the state of California, was formed by a joint powers agreement dated November 1, 1980, pursuant to the Joint Exercise of Powers Act of the state of California. SCPPA was created for the purpose of planning, financing, developing, acquiring, constructing, operating and maintaining projects for the generation and transmission of electric energy for sale to its participants. The joint powers agreement has a term expiring in 2030 or such later date as all bonds and notes of SCPPA and the interest thereon have been paid in full or adequate provisions for payments have been made. A copy of SCPPA's audited financial statements can be reviewed on their website at www.scppa.org or can be obtained by written request at 225 South Lake Avenue, Suite 1250, Pasadena, California 91101.

For the year ended June 30, 2023, the City of Banning's interests in various SCPPA projects are described as follows:

a. Palo Verde Project

Pursuant to an assignment agreement dated August 14, 1981 with the Salt River Project, SCPPA purchased a 5.910% interest in the Palo Verde Nuclear Generating Station, a 3,810 MW nuclear-fueled generating station near Phoenix, Arizona and a 6.550% share of the right to use certain portions of the Arizona nuclear power project valley transmission system (collectively, the PV). Units 1, 2, and 3 of PV began commercial operations in January 1986, September 1986 and January 1988, respectively. The City's ownership share of this project is 1.0%.

b. Mead-Phoenix Project

SCPPA entered into an agreement dated December 17, 1991, to acquire an interest in the MP, a transmission line extending between the West Wing substation in Arizona and the Marketplace substation in Nevada. The agreement provides SCPPA with an 18.308% interest in the West Wing-Mead project, a 17.756% interest in the Mead substation project component and a 22.408% interest in the Mead-Marketplace component. The project is a 256 mile, 500 kV AC transmission line with a rating of 1,300 MW. The City's ownership share of MP is 1.0%.

c. Mead-Adelanto Project

SCPPA also entered into an agreement dated December 17, 1991, to acquire a 67.917% interest in the MA, a transmission line extending between the Adelanto substation in Southern California and the Marketplace substation in Nevada. Funding for these projects was provided by a transfer from the Multiple Projects Fund, and commercial operations commenced in April 1996. LADWP serves as the operations manager of MA. The project is a 202 mile, 500 kV AC transmission line with a rating of 1,200 MW. The City's ownership share of MA is 1.35%.

Power Purchase Agreements

The City entered into power sales agreements with SCPPA for the following projects:

Astoria 2 Solar Project – In July 2014, the City entered into a 20-year power sales agreement for the Astoria 2 Solar Project for purchase of up to 8 megawatts of the project electric energy. The project began commercial operation in December 2016.

Puente Hills Landfill Gas-to-Energy Project – In June 2014, the City entered into a 13- year power sales agreement for the Puente Hills Landfill Gas-to-Energy Project for purchase of up to 7 megawatts of the electric generation from a landfill gas to energy facility. The project began commercial operation in January 2017.

COSO Geothermal Energy Project – In January 2021, the City entered into a 20-year power sales agreement for the COSO Geothermal Energy Project for purchase of up to 8 megawatts of the project electric energy. The program began commercial operation in January 2022.

Note 17 - Successor Agency Trust for Assets of Former Redevelopment Agency

On December 29, 2011, the California Supreme Court upheld Assembly Bill 1X 26 (the Bill) that provides for the dissolution of all redevelopment agencies in the state of California. This action impacted the reporting entity of the City of Banning that previously had reported a redevelopment agency within the reporting entity of the City as a blended component unit.

The Bill provides that upon dissolution of a redevelopment agency, either the city or another unit of local government will agree to serve as the "successor agency" to hold the assets until they are distributed to other units of state and local government. On January 24, 2012, the City Council elected to become the Successor Agency for the former redevelopment agency in accordance with the Bill as part of City resolution number 2012-01.

After enactment of the law, which occurred on June 28, 2011, redevelopment agencies in the state of California cannot enter into new projects, obligations or commitments. Subject to the control of a newly established oversight board, remaining assets can only be used to pay enforceable obligations in existence at the date of dissolution (including the completion of any unfinished projects that were subject to legally enforceable contractual commitments).

In future fiscal years, successor agencies will only be allocated revenue in the amount that is necessary to pay the estimated annual installment payments on enforceable obligations of the former redevelopment agency until all enforceable obligations of the prior redevelopment agency have been paid in full and all assets have been liquidated.

The Bill directs the State Controller of the state of California to review the propriety of any transfers of assets between redevelopment agencies and other public bodies that occurred after January 1, 2011. If the public body that received such transfers is not contractually committed to a third party for the expenditure or encumbrance of those assets, the State Controller is required to order the available assets to be transferred to the public body designated as the successor agency by the Bill.

Management believes, in consultation with legal counsel, that the obligations of the former redevelopment agency due to the City are valid enforceable obligations payable by the successor agency trust under the requirements of the Bill. The City's position on this issue is not a position of settled law and there is considerable legal uncertainty regarding this issue. It is reasonably possible that a legal determination may be made at a later date by an appropriate judicial authority that would resolve this issue unfavorably to the City.

In accordance with the timeline set forth in the Bill (as modified by the California Supreme Court on December 29, 2011) all redevelopment agencies in the state of California were dissolved and ceased to operate as a legal entity as of February 1, 2012.

a. Cash and Investments

Cash and investments reported in the accompanying financial statements consisted of the following:

Cash and Investments Pooled with the City	$ 71,660
Total	$ 71,660

b. Loans Receivable

The former redevelopment agency had entered into an owner's participation agreement totaling $250,155 in September 2006 for 55 years, matures September 2061, and is forgivable.

During the fiscal year ending June 30, 2023, no loans were forgiven. In a year in which forgiveness occurs, forgiven loans are reported as forgiven loan expense on the statement of changes in fiduciary net position.

c. Capital Assets

A prior period adjustment was recorded to reflect the transfer of all capital assets to governmental activities during the year ended June 30, 2023. See note 18 for details regarding the prior period adjustment.

d. Long-Term Debt

A description of long-term debt outstanding of the Successor Agency as of June 30, 2023, follows:

	Balance June 30, 2022	Additions	Repayments	Balance June 30, 2023	Due Within One Year
Fiduciary Funds					
2016 Tax Allocation Refunding Bonds	$ 26,250,000	$ -	$ 1,290,000	$ 24,960,000	$ 1,320,000
Total fiduciary funds	26,250,000	-	1,290,000	24,960,000	1,320,000

e. 2016 Tax Allocation Refunding Bonds

On September 22, 2016, the Successor Agency of the Dissolved Redevelopment Agency of the City of Banning issued Tax Allocation Refunding Bonds, Series 2016 (Taxable) in the amount of $32,255,000, in order to (i) refund the Taxable Allocation Bonds, Series 2003 and 2007; (ii) purchase a surety bond for the Reserve Fund for the 2016 Bonds; (iii) purchase a municipal bond insurance policy for the 2016 Bonds as described below; and (iv) pay costs of issuance of the 2016 Bonds.

Principal on the 2016 Bonds is due annually on September 1 of each year, commencing September 1, 2018, and interest on the 2016 Bonds is due semiannually on March 1 and September 1 of each year, commencing March 1, 2017. Interest rates vary from 1.240% to 3.935%.

The annual requirements to amortize the outstanding bond indebtedness as of June 30, 2023, including interest, are as follows:

Year Ending June 30,	Principal	Interest	Total
2024	$ 1,320,000	$ 865,057	$ 2,185,057
2025	1,355,000	830,472	2,185,472
2026	1,390,000	793,057	2,183,057
2027	1,430,000	752,792	2,182,792
2028	1,470,000	706,259	2,176,259
2029 to 2033	8,170,000	2,702,631	10,872,631
2034 to 2038	9,825,000	996,440	10,821,440
Total	$ 24,960,000	$ 8,543,426	$ 32,606,708

f. Pledged Revenue

The City pledged, as security for bonds issued, either directly or through the Financing Authority, a portion of tax increment revenue (including Low and Moderate Income Housing set-aside and pass through allocations) that it receives. The bonds issued were to provide financing for various capital projects, accomplish Low and Moderate Income Housing projects and to defease previously issued bonds. Assembly Bill 1X 26 provided that upon dissolution of the Redevelopment Agency, property taxes allocated to redevelopment agencies no longer are deemed tax increment but rather property tax revenues and will be allocated first to successor agencies to make payments on the indebtedness incurred by the dissolved redevelopment agency. Total principal and interest remaining on the debt is $32,606,708 with annual debt service requirements as indicated above. For the current year, the total property tax revenue recognized by the Successor Agency for the payment of indebtedness incurred by the dissolved redevelopment agency was $886,720 and the debt service obligation on the bonds was $1,290,000.

g. Insurance

The Successor Agency is covered under the City of Banning's insurance policies. Therefore, the limitation and self-insured retentions applicable to the City also apply to the Successor Agency. Additional information as to coverage and self-insured retentions can be found in Note 14.

h. Commitments and Contingencies

At June 30, 2023, the Successor Agency was involved as a defendant in several lawsuits arising out of the ordinary conduct of its affairs. It is the opinion of management that settlements of these lawsuits, including losses for claims that are incurred but not reported, if any, will not have a material effect on the financial position of the Successor Agency.

Note 18 - Correction of Errors

A restatement was recorded to the governmental activities, business-type activities, and electric utility fund beginning net position, as well as general fund balance to remove an advance between the funds that should have been reflected as a transfer. The restatement increased governmental activities net position, decreased business-type activities and Electric Utility Fund beginning net position, and increased general fund balance by $394,118. The restatement increased prior year change in net position for governmental activities, decreased change in net position for business-type activities and the electric utility fund, and increased net change in fund balance for the general fund by $394,118.

A restatement was recorded to the governmental activities beginning net position and general fund balance to remove an invalid receivable that had been recognized as revenue in prior years totaling $708,520. An additional restatement was recorded to recognize a refundable developer deposit that had been recognized as revenue in prior years totaling $41,141. The restatement reduced governmental activities beginning net position and general fund balance by $749,661. The restatement reduced prior year change in net position for governmental activities and reduced prior year net change in fund balance for the general fund by $749,661.

A restatement was recorded to governmental activities beginning net position and general fund balance to increase unearned revenue that had been recognized as revenue in prior years. The restatement reduced governmental activities beginning net position and general fund balance by $304,304. The restatement reduced prior year change in net position for governmental activities and reduced prior year net change in fund balance for the general fund by $304,304.

A restatement was recorded to business-type activities and refuse utility beginning net position to increase unearned revenue that had been recognized as revenue in prior years. The restatement reduced prior year change in net position by $4,275,000.

A restatement was recorded to the governmental activities and private-purpose trust fund successor agency beginning net position to reduce land held for resale under the successor agency and present them as land under governmental activities. The restatement increased governmental activities net position and decreased private-purpose trust fund successor agency beginning net position by $4,675,556. The restatement increased prior year change in net position for governmental activities and decreased prior year change in net position for the private-purpose trust fund successor agency by $4,675,556. The assets were transferred by approved Council action in Resolutions 2011-09 and 2021-99.

A restatement was recorded to the governmental activities and private-purpose trust fund successor agency beginning net position to transfer capital assets erroneously recognized as successor agency fund capital assets in prior years. The restatement increased governmental activities net position and decreased private-purpose trust fund successor agency beginning net position by $6,775,155. The restatement increased prior year change in net position for governmental activities and decreased prior year change in net position for the private-purpose trust fund successor agency by $6,775,155.

A restatement was recorded to the beginning net position of the business-type activities in the amount of $853,513, the Banning Utility Authority water fund in the amount of ($19,183), electric utility fund in the amount of $681,456, Banning Utility Authority wastewater fund in the amount of $132,275, and refuse utility fund in the amount of $58,965 to record receivable balances incurred but not recorded in the prior year. The restatement reduced the prior year change in fund balance by $19,183 for the Banning Utility Authority water fund and increased the prior year change in net position by $681,456 for the electric utility fund, by $132,275 for the Banning Utility Authority wastewater fund and by $58,965 for the refuse utility fund.

	Governmental Activities	Business-Type Activities	General Fund	Banning Utility Authority Water	Electric Utility	Banning Utility Authority Wastewater	Other Enterprise Funds	Private-Purpose Trust Fund
Net Position/Fund Balance at July 1, 2022, as previously reported	$ 69,013,432	$ 145,878,021	$ 9,820,214	$ 59,030,405	$ 51,708,181	$ 31,003,409	$ 7,320,880	$ (13,993,891)
Removal of advance	394,118	(394,118)	394,118	-	(394,118)	-	-	-
Unearned revenue	(304,304)	-	(304,304)	-	-	-	-	-
Revenue recognition	(749,661)	-	(749,661)	-	-	-	-	-
Unearned revenue	-	(4,275,000)	-	-	-	-	(4,275,000)	-
Correction of land/land held for resale	4,675,556	-	-	-	-	-	-	(4,675,556)
Capital asset transfer	6,775,155	-	-	-	-	-	-	(6,775,155)
Accounts receivable	-	853,513	-	(19,183)	681,456	132,275	58,965	-
Net Position/Fund Balance, as restated	$ 79,804,296	$ 142,062,416	$ 9,160,367	$ 59,011,222	$ 51,995,519	$ 31,135,684	$ 3,104,845	$ (25,444,602)

Required Supplementary Information
June 30, 2023

City of Banning, California

City of Banning, California

Schedule of Changes in the Net Pension Liability and Related Ratios (Miscellaneous Rate Plan)

Last Ten Years As of June 30, 2023

	2015	2016	2017	2018	2019	2020	2021	2022	2023
Total Pension Liability									
Service cost	$ 1,309,205	$ 1,237,963	$ 1,068,763	$ 1,380,599	$ 1,475,045	$ 1,525,937	$ 1,598,026	$ 1,716,925	$ 1,899,321
Interest on the total pension liability	4,417,332	4,647,945	4,783,405	4,880,944	5,086,725	5,383,175	5,587,964	5,835,395	6,006,137
Differences between expected and actual experience	-	(48,685)	(1,098,175)	(1,096,153)	733,536	1,456,383	(29,569)	398,058	(693,645)
Changes of assumptions	-	(1,116,894)	-	3,969,912	(653,917)	-	-	-	2,731,582
Benefit Payments, including refunds of employee contributions	(2,569,019)	(2,762,291)	(3,102,523)	(3,187,613)	(3,833,044)	(3,961,830)	(4,140,982)	(4,224,859)	(4,274,948)
Net Change in Total Pension Liability	3,157,518	1,958,038	1,651,470	5,947,689	2,808,345	4,403,665	3,015,439	3,725,519	5,668,447
Total Pension Liability - Beginning	59,527,669	62,685,187	64,643,225	66,294,695	72,242,384	75,050,729	79,454,394	82,469,833	86,195,352
Total Pension Liability - Ending (a)	$ 62,685,187	$ 64,643,225	$ 66,294,695	$ 72,242,384	$ 75,050,729	$ 79,454,394	$ 82,469,833	$ 86,195,352	$ 91,863,799
Plan Fiduciary Net Position									
Contributions - employer	$ 1,511,733	$ 1,479,527	$ 1,579,886	$ 2,059,833	$ 2,011,248	$ 2,350,584	$ 2,667,289	$ 2,971,273	$ 3,114,207
Contributions - employee	608,478	566,122	445,598	674,451	670,531	721,618	734,736	803,793	827,315
Net investment income	-	1,020,136	221,312	4,904,903	4,077,253	3,354,860	2,657,597	12,554,124	(5,085,399)
Benefit Payments, including refunds of employee contributions	6,586,288	(2,762,291)	(3,102,523)	(3,187,613)	(3,833,044)	(3,961,830)	(4,140,982)	(4,224,859)	(4,274,948)
Administrative expenses	(2,569,019)	(50,336)	(27,249)	(64,709)	(75,132)	(36,340)	(75,213)	(55,137)	(41,889)
Other Miscellaneous Income/(Expense)	-	9,303	-	-	(142,796)	119	-	-	-
Net Change in Plan Fiduciary Net Position	6,137,480	262,461	(882,976)	4,386,865	2,708,060	2,429,011	1,843,427	12,049,194	(5,460,714)
Plan Fiduciary Net Position - Beginning	38,311,035	44,448,515	44,710,976	43,828,000	48,214,865	50,922,925	53,351,936	55,195,363	67,244,557
Plan Fiduciary Net Position - Ending (b)	$ 44,448,515	$ 44,710,976	$ 43,828,000	$ 48,214,865	$ 50,922,925	$ 53,351,936	$ 55,195,363	$ 67,244,557	$ 61,783,843
Net Pension Liability - Ending (a)-(b)	$ 18,236,672	$ 19,932,249	$ 22,466,695	$ 24,027,519	$ 24,127,804	$ 26,102,458	$ 27,274,470	$ 18,950,795	$ 30,079,956
Plan Fiduciary Net Position as A Percentage Of The Total Pension Liability	70.91%	69.17%	66.11%	66.74%	67.85%	67.15%	66.93%	78.01%	78.19%
Covered Payroll	$ 7,427,270	$ 6,992,494	$ 7,149,518	$ 5,903,926	$ 8,719,354	$ 9,781,645	$ 8,912,142	$ 9,790,189	$ 10,501,315
Plan Net Pension Liability (Asset) as Percentage of Covered Payroll	245.54%	285.05%	314.24%	406.98%	276.72%	266.85%	306.04%	193.57%	286.44%

* This schedule is present to illustrate the requirement to show information for 10 years. However, until a full 10-year trend is compiled, information for those years for which information is available is shown.

Notes:

Benefit Changes - There were no changes to benefit terms. However, the figures above do not include any liability impact that may have resulted from plan changes which occurred after the measurement dates. This applies for voluntary benefit changes as well as any offers of Two Years Additional Service Credit (a.k.a. Golden Handshakes).

Changes of Assumption

In 2023, demographic assumptions and inflation rate were changed in accordance to the CalPERS Experience Study and Review of Actuarial Assumptions November 2021. In 2023, the discount rate reduced from 7.15% to 6.90%. In 2019, there were no changes. In 2018, demographic assumptions and inflation rate were changed in accordance to the CalPERS Experience Study and Review of Actuarial Assumptions December 2017. There were no changes in discount rate in 2018. In 2017, the accounting discount rate reduced from 7.65% to 7.15%. In 2016, there were no changes. In 2015, amounts reported reflect an adjustment of the discount rate from 7.5% (net of administrative expense) to 7.65% (without a reduction for pension plan administrative expense.) In 2014, amounts reported were based on the 7.5% discount rate.

City of Banning, California

Schedule of Proportionate Share of the Net Pension Liability (Safety Rate Plan)

Last Ten Years As of June 30, 2023

	2015	2016	2017	2018	2019	2020	2021	2022	2023
Proportion of the Net Pension Liability	0.23259%	0.01734%	0.16650%	0.16191%	0.16713%	0.26886%	0.26745%	0.32972%	0.28543%
Proportionate Share of the Net Pension Liability	$ 10,599,884	$ 11,900,560	$ 14,407,636	$ 16,057,212	$ 15,962,108	$ 16,783,668	$ 17,818,398	$ 11,571,452	$ 19,613,637
Covered Payroll	$ 2,399,596	$ 2,184,008	$ 2,205,720	$ 1,581,595	$ 2,439,376	$ 2,608,731	$ 3,538,340	$ 3,141,440	$ 3,871,832
Proportionate Share of the Net Pension Liability as a Percentage of Covered Payroll	441.74%	544.90%	653.19%	1015.25%	654.35%	643.37%	503.58%	368.35%	506.57%
Plan Fiduciary Net Position	$ 33,631,871	$ 32,989,395	$ 32,521,518	$ 35,284,479	$ 37,103,510	$ 38,589,307	$ 39,295,336	$ 47,960,112	$ 47,858,980
Plan Fiduciary Net Position as a Percentage of the Total Pension Liability	79.82%	78.40%	72.69%	71.74%	73.39%	73.37%	68.80%	80.56%	75.53%

* This schedule is present to illustrate the requirement to show information for 10 years. However, until a full 10-year trend is compiled, information for those years for which information is available is shown.

Notes:
Benefit Changes - There were no changes to benefit terms. However, the figures above do not include any liability impact that may have resulted from plan changes which occurred after the measurement dates. This applies for voluntary benefit changes as well as any offers of Two Years Additional Service Credit (a.k.a. Golden Handshakes).

Changes of Assumptions - In 2023, demographic assumptions and inflation rate were changed in accordance to the CalPERS Experience Study and Review of Actuarial Assumptions November 2021. In 2023, the discount rate reduced from 7.15% to 6.90%. In 2019, there were no changes. In 2018, demographic assumptions and inflation rate were changed in accordance to the CalPERS Experience Study and Review of Actuarial Assumptions December 2017. There were no changes in discount rate in 2018. In 2017, the accounting discount rate reduced from 7.65% to 7.15%. In 2016, there were no changes. In 2015, amounts reported reflect an adjustment of the discount rate from 7.5% (net of administrative expense) to 7.65% (without a reduction for pension plan administrative expense). In 2014, amounts reported were based on the 7.5% discount rate.

City of Banning, California
Schedule of Plan Contributions (Miscellaneous Rate Plan)
Last Ten Years As of June 30, 2023

	2015	2016	2017	2018	2019	2020	2021	2022	2023
Actuarially Determined Contribution	$ 1,349,103	$ 1,483,525	$ 1,829,173	$ 1,862,651	$ 2,153,041	$ 2,491,669	$ 2,810,447	$ 3,066,042	$ 3,513,971
Contribution in Relation to the Actuarially Determined Contribution	(1,349,103)	(1,483,525)	(1,829,173)	(1,862,651)	(2,153,041)	(2,491,669)	(2,810,447)	(3,066,042)	(3,513,971)
Contribution Deficiency (Excess)	-	-	-	-	-	-	-	-	-
Covered Payroll	$ 6,992,494	$ 7,149,518	$ 5,903,926	$ 8,719,354	$ 9,781,645	$ 8,912,142	$ 9,790,189	$ 10,501,315	$ 12,321,259
Contributions as a Percentage of Covered Payroll	19.29%	20.75%	30.98%	21.36%	22.01%	27.96%	28.71%	29.20%	28.52%

* This schedule is present to illustrate the requirement to show information for 10 years. However, until a full 10-year trend is compiled, information for those years for which information is available is shown.

Notes:
Valuation Date: June 30, 2021

Methods and assumptions used to determine contribution rates:

Actuarial Cost Method	Entry Age Normal Cost Method
Amortization Method	Level Percentage of Payroll, Closed
Asset Valuation Method	Direct Rate Smoothing
Inflation	2.30%
Payroll Growth	2.75%
Projected Salary Increases	Varies by Entry Age and Service
Investment Rate of Return	7.00%, Net of Administrative Expenses
Retirement Age	The probabilities of reitrement are based on the 2017 CalPERS Experience study for the period from 1997 to 2015.
Mortality	The mortality table used was developed based on CalPERS' specific data. The table includes 15 years of mortality improvements using 90% of Society of Actuaries' Scale 2016. For more details on this table, please refer to the 2017 experience study report.

City of Banning, California
Schedule of Plan Contributions (Safety Rate Plan)
Last Ten Years As of June 30, 2023

	2015	2016	2017	2018	2019	2020	2021	2022	2023
Actuarially Determined Contribution	$ 1,034,818	$ 1,329,187	$ 1,481,661	$ 1,599,794	$ 1,830,085	$ 2,163,458	$ 2,353,753	$ 2,345,157	$ 2,150,975
Contribution in Relation to the Actuarially Determined Contribution	(1,034,818)	(1,329,187)	(1,481,661)	(1,599,794)	(1,830,085)	(2,163,458)	(2,353,753)	(2,345,157)	(2,150,975)
Contribution Deficiency (Excess)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Covered Payroll	$ 2,184,008	$ 2,205,720	$ 1,581,595	$ 2,439,376	$ 2,608,731	$ 3,538,340	$ 3,141,440	$ 3,871,832	$ 4,310,875
Contributions as a Percentage of Covered Payroll	47.38%	60.26%	93.68%	65.58%	70.15%	61.14%	74.93%	60.57%	49.90%

* This schedule is present to illustrate the requirement to show information for 10 years. However, until a full 10-year trend is compiled, information for those years for which information is available is shown.

Notes:
Valuation Date: June 30, 2021

Methods and assumptions used to determine contribution rates:

Actuarial Cost Method	Entry Age Normal Cost Method
Amortization Method	Level Percentage of Payroll, Closed
Asset Valuation Method	Direct Rate Smoothing
Inflation	2.30%
Payroll Growth	2.75%
Projected Salary Increases	Varies by Entry Age and Service
Investment Rate of Return	7.00%, Net of Administrative Expenses
Retirement Age	The probabilities of reitrement are based on the 2017 CalPERS Experience study for the period from 1997 to 2015.
Mortality	The mortality table used was developed based on CalPERS' specific data. The table includes 15 years of mortality improvements using 90% of Society of Actuaries' Scale 2016. For more details on this table, please refer to the 2017 experience study report.

	2022	2023
Total OPEB Liability		
Service Cost	$ 167,505	$ 173,445
Interest	23,337	26,493
Difference in Expected and Actual Experiences	-	-
Changes of Assumptions	3,786	(123,025)
Benefit Payments, Including Refunds of Employee Contributions	(29,571)	(30,458)
Net Change in Total OPEB Liability	165,057	46,455
Total OPEB Liability - Beginning	903,266	1,068,323
Total OPEB Liability - Ending (a)	1,068,323	1,114,778
Covered Payroll	$ 17,724,658	$ 22,481,573
Plan Net OPEB Liability (Asset) as a Percentage of Covered Payroll	6.03%	4.96%

* This schedule is present to illustrate the requirement to show information for 10 years. However, until a full 10-year trend is compiled, information for those years for which information is available is shown.

No assets are accumulated in a trust that meets the criteria in paragraph 4 of GASB statement 75

Notes:
Benefit Changes - There were no changes to benefit terms.

City of Banning, California
Budgetary Comparison Schedule - General Fund
Last Ten Years As of June 30, 2023

	Budget Amounts		Actual	Variance With Final Budget Positive
	Original	Final	Amounts	(Negative)
Budgetary Fund Balance - Beginning of Year, as restated	$ -	$ 3,799,826	$ 9,160,367	$ 5,360,541
Resources (Inflows)				
Taxes				
Sales and use	5,872,144	6,173,883	4,875,534	(1,298,349)
Property	6,720,426	6,957,457	6,939,283	(18,174)
Franchise	674,155	654,378	543,207	(111,171)
Transient occupancy	1,240,681	1,342,200	1,179,126	(163,074)
Other	860,871	857,871	737,412	(120,459)
Subtotal	15,368,277	15,985,789	14,274,562	(1,711,227)
Licenses and Permits				
Building permits	565,000	820,000	1,186,624	366,624
Other permits	1,210,895	706,667	682,270	(24,397)
Subtotal	1,775,895	1,526,667	1,868,894	342,227
Intergovernmental				
State mother vehicle in-lieu fees	15,016	35,016	31,650	(3,366)
Other intergovernmental revenues	453,896	1,077,882	994,481	(83,401)
Subtotal	468,912	1,112,898	1,026,131	(86,767)
Charges for Services				
Engineering, police, fire, and other fees	2,578,454	2,226,260	1,404,928	(821,332)
Recreation fees	222,300	185,800	161,765	(24,035)
Interfund charges	2,580,093	2,840,915	3,176,397	335,482
Subtotal	5,380,847	5,252,975	4,743,090	(509,885)
Use of Money and Property				
Interest and rents	69,349	47,349	188,719	141,370
Subtotal	69,349	47,349	188,719	141,370
Fines and Forfeitures				
Parking fines	38,385	38,385	8,441	(29,944)
Court fines and other fines	176,004	175,004	179,224	4,220
Subtotal	214,389	213,389	187,665	(25,724)
Contributions	5,000	5,000	638	(4,362)
Contributing from successor agency	250,000	250,000	250,000	-
Miscellaneous	2,239,824	2,612,103	823,244	(1,788,859)
Subscriptions	-	-	106,550	106,550
Leases	-	-	361,506	361,506
Transfers in	651,000	921,384	976,234	54,850
Subtotal	3,145,824	3,788,487	2,518,172	(1,270,315)
Total Resources (Inflows)	26,423,493	27,927,554	24,807,233	(3,120,321)
Amounts Available for Appropriations	26,423,493	31,727,380	33,967,600	2,240,220

	Budget Amounts		Actual	Variance With Final Budget Positive
	Original	Final	Amounts	(Negative)
Changes to Appropriations (Outflow)				
General Government				
City council	$ 123,122	$ 195,957	$ 171,922	$ 24,035
Public Information	-	-	911,420	(911,420)
Grant program management	-	-	463	(463)
City manager	553,515	687,201	422,471	264,730
Personnel	469,387	535,626	411,872	123,754
City clerk	136,823	166,580	163,572	3,008
Elections	44,500	44,500	60,412	(15,912)
City attorney	294,727	329,812	329,812	-
Finance	1,473,837	1,598,189	1,546,548	51,641
Economic development	463,612	344,914	378,012	(33,098)
Community enhancement	305,035	389,829	404,424	(14,595)
Central services	542,842	953,398	825,419	127,979
Building maintenance	666,928	769,267	388,803	380,464
Subtotal	5,074,328	6,015,273	6,015,150	123
Public Safety				
Police	9,722,430	10,612,816	11,004,816	(392,000)
Animal control	286,381	308,056	255,761	52,295
Fire	3,550,223	3,604,423	3,568,164	36,259
Dispatch	1,082,798	982,865	1,136,919	(154,054)
Subtotal	14,641,832	15,508,160	15,965,660	(457,500)
Community Development				
TV government access	141,399	165,051	159,967	5,084
Building safety	914,298	1,712,842	1,128,624	584,218
Code enforcement	412,792	365,329	390,355	(25,026)
Planning	1,104,313	1,589,265	1,031,521	557,744
Engineering	1,173,485	2,496,233	2,068,484	427,749
Community enhancement	102,900	102,900	97,762	5,138
Subtotal	3,849,187	6,431,620	4,876,713	1,554,907
Culture and Leisure				
Parks	826,582	796,711	769,538	27,173
Recreation	816,844	1,084,878	774,075	310,803
Aquatics	248,338	241,463	250,274	(8,811)
Daycare	55,486	58,486	5,346	53,140
Senior center	125,603	139,609	118,847	20,762
Subtotal	2,072,853	2,321,147	1,918,080	403,067
Capital Outlay	1,480,592	2,076,378	737,152	1,339,226
Subtotal	1,480,592	2,076,378	737,152	1,339,226
Debt Service				
Principal retirement	-	-	179,036	(179,036)
Interest and fiscal charges	-	-	38,140	(38,140)
Subtotal	-	-	217,176	(217,176)
Transfers Out	225,825	225,825	281,617	(55,792)
Subtotal	225,825	225,825	281,617	(55,792)
Total Charges to Appropriations	27,344,617	32,578,403	30,011,548	2,784,031
Budgetary Fund Balance - End of Year	$ (921,124)	$ (851,023)	$ 3,956,052	$ (543,811)

Note 1 - Stewardship, Compliance and Accountability

Budgets and Budgetary Accounting

The City Council has the responsibility for adoption of the City's budgets. Budgets are adopted for governmental funds. From the effective date of the budget, the amounts stated as proposed expenditures become appropriations to the various City departments.

The City Council may amend the budget by resolution during each fiscal year. The City Manager is authorized to transfer funds from one major expenditure category to another within the same department and fund. Any revisions that alter the total expenditures of any fund must be approved by the City Council.

All appropriations lapse at the end of the fiscal year to the extent that they have not been expended. Lease contracts entered into by the City are subject to annual review by the City Council.

Budgetary comparison is provided in the accompanying financial statements for the General Fund. Budgeted revenue and expenditure amounts shown represent the City's originally adopted legal budget adjusted for unanticipated revenues and appropriations during the course of the fiscal year. Budget amounts, as adjusted, reported for the governmental funds of the City are adopted on a basis consistent with U.S. GAAP.

Excess Expenditures Over Appropriations

Fund	Actual	Budget	Excess
Gas Tax Street	$ 2,072,467	$ 2,063,149	$ (9,318)
Supplemental Law Enforcement	429,183	100,000	(329,183)
Park Development	762,895	322,814	(440,081)
BEA Capital Project	197,926	195,057	(2,869)

	Special Revenue Funds		
	Gas Tax Street	Measure A	Community Development Block Grant
Assets			
Pooled cash and investments	$ -	$ 775,577	$ -
Receivables			
Accounts, net	100	-	-
Loans	-	-	-
Interest	-	3,620	-
Grants	25,260	5,055	608
Due from other governments	70,539	160,703	-
Due from other funds	-	540,217	-
Restricted assets			
Cash and investments with fiscal agents	-	-	-
Total assets	95,899	1,485,172	608
Liabilities, Deferred Inflows of Resources, and Fund Balances			
Liabilities			
Accounts payable	68,915	147,379	917
Accrued liabilities	10,931	-	-
Unearned revenue	-	-	-
Deposits payable	95,961	-	-
Due to other funds	40,217	-	48,617
Total liabilities	216,024	147,379	49,534
Deferred Inflows of Resources			
Unavailable revenues	25,260	5,055	608
Total deferred inflows of resources	25,260	5,055	608
Fund Balances			
Restricted for			
Community development projects	-	-	-
Public safety	-	-	-
Culture and leisure	-	-	-
Transportation	-	1,332,738	-
Capital projects	-	-	-
Assigned			
Capital projects	-	-	-
Unassigned	(145,385)	-	(49,534)
Total fund balances	(145,385)	1,332,738	(49,534)
Total liabilities, deferred inflows of resources, and fund balances	$ 95,899	$ 1,485,172	$ 608

	Special Revenue Funds		
	Landscape Maintenance District	AQMD Air Pollution Program	Asset Forfeiture
Assets			
Pooled cash and investments	$ 34,729	$ 375,694	$ 1,865
Receivables			
Accounts, net	28	-	-
Loans	-	-	-
Interest	245	1,532	6
Grants	-	-	-
Due from other governments	1,572	10,298	-
Due from other funds	48,617	85,080	-
Restricted assets			
Cash and investments with fiscal agents	-	-	-
Total assets	85,191	472,604	1,871
Liabilities, Deferred Inflows of Resources, and Fund Balances			
Liabilities			
Accounts payable	7,921	188,303	-
Accrued liabilities	413	-	-
Unearned revenue	-	-	-
Deposits payable	-	-	-
Due to other funds	-	-	-
Total liabilities	8,334	188,303	-
Deferred Inflows of Resources			
Unavailable revenues	-	-	-
Total deferred inflows of resources	-	-	-
Fund Balances			
Restricted for			
Community development projects	-	-	-
Public safety	-	-	1,871
Culture and leisure	-	-	-
Transportation	76,857	284,301	-
Capital projects	-	-	-
Assigned			
Capital projects	-	-	-
Unassigned	-	-	-
Total fund balances	76,857	284,301	1,871
Total liabilities, deferred inflows of resources, and fund balances	$ 85,191	$ 472,604	$ 1,871

	Special Revenue Funds		
	Supplemental Law Enforcement	Special Donations	Senior Center Activities
Assets			
Pooled cash and investments	$ 12,001	$ 14,503	$ 53,136
Receivables			
Accounts, net	-	-	-
Loans	-	-	-
Interest	1,329	-	178
Grants	-	-	-
Due from other governments	-	-	-
Due from other funds	-	29,547	-
Restricted assets			
Cash and investments with fiscal agents	-	-	-
Total assets	13,330	44,050	53,314
Liabilities, Deferred Inflows of Resources, and Fund Balances			
Liabilities			
Accounts payable	-	-	18
Accrued liabilities	-	-	-
Unearned revenue	219	-	-
Deposits payable	-	7,525	-
Due to other funds	-	-	-
Total liabilities	219	7,525	18
Deferred Inflows of Resources			
Unavailable revenues	-	-	-
Total deferred inflows of resources		-	-
Fund Balances			
Restricted for			
Community development projects	-	-	-
Public safety	13,111	-	-
Culture and leisure	-	36,525	53,296
Transportation	-	-	-
Capital projects	-	-	-
Assigned			
Capital projects	-	-	-
Unassigned	-	-	-
Total fund balances	13,111	36,525	53,296
Total liabilities, deferred inflows of resources, and fund balances	$ 13,330	$ 44,050	$ 53,314

	Special Revenue Funds		
	Police Volunteer	Wilson Median Improvement	Banning Housing Authority
Assets			
Pooled cash and investments	$ 5,162	$ 399,708	$ 7,734
Receivables			
Accounts, net	-	-	-
Loans	-	-	739,937
Interest	17	1,350	4,865
Grants	-	-	223,432
Due from other governments	-	-	-
Due from other funds	86	-	1,474,212
Restricted assets			
Cash and investments with fiscal agents	-	-	-
Total assets	5,265	401,058	2,450,180
Liabilities, Deferred Inflows of Resources, and Fund Balances			
Liabilities			
Accounts payable	-	-	26,943
Accrued liabilities	-	-	-
Unearned revenue	-	-	-
Deposits payable	-	-	-
Due to other funds	-	-	-
Total liabilities	-	-	26,943
Deferred Inflows of Resources			
Unavailable revenues	-	-	739,937
Total deferred inflows of resources	-	-	739,937
Fund Balances			
Restricted for			
Community development projects	-	-	1,683,300
Public safety	5,265	-	-
Culture and leisure	-	-	-
Transportation	-	401,058	-
Capital projects	-	-	-
Assigned			
Capital projects	-	-	-
Unassigned	-	-	-
Total fund balances	5,265	401,058	1,683,300
Total liabilities, deferred inflows of resources, and fund balances	$ 5,265	$ 401,058	$ 2,450,180

	Special Revenue Funds		
	SB1	American Rescue Plan Act	State Park Bond Act
Assets			
Pooled cash and investments	$ 402,853	$ 4,078,246	$ -
Receivables			
Accounts, net	-	-	-
Loans	-	-	-
Interest	-	-	-
Grants	192,423	-	-
Due from other governments	120,750	-	-
Due from other funds	-	-	-
Restricted assets			
Cash and investments with fiscal agents	-	-	-
Total assets	716,026	4,078,246	-
Liabilities, Deferred Inflows of Resources, and Fund Balances			
Liabilities			
Accounts payable	-	10,768	-
Accrued liabilities	-	-	-
Unearned revenue	-	4,067,478	-
Deposits payable	-	-	-
Due to other funds	-	-	89
Total liabilities	-	4,078,246	89
Deferred Inflows of Resources			
Unavailable revenues	192,423	-	-
Total deferred inflows of resources	192,423	-	-
Fund Balances			
Restricted for			
Community development projects	-	-	-
Public safety	-	-	-
Culture and leisure	-	-	-
Transportation	523,603	-	-
Capital projects	-	-	-
Assigned			
Capital projects	-	-	-
Unassigned	-	-	(89)
Total fund balances	523,603	-	(89)
Total liabilities, deferred inflows of resources, and fund balances	$ 716,026	$ 4,078,246	$ -

	Special Revenue Fund	Capital Project Funds	
	Animal Control Reserve	Police Facilties Development	Fire Facilities Development
Assets			
Pooled cash and investments	$ -	$ 263,759	$ 7,419
Receivables			
Accounts, net	-	-	-
Loans	-	-	-
Interest	-	878	4,454
Grants	-	-	-
Due from other governments	-	-	-
Due from other funds	-	-	1,313,282
Restricted assets			
Cash and investments with fiscal agents	- -	-	-
Total assets	-	264,637	1,325,155
Liabilities, Deferred Inflows of Resources, and Fund Balances			
Liabilities			
Accounts payable	-	-	-
Accrued liabilities	-	-	-
Unearned revenue	-	-	-
Deposits payable	-	-	-
Due to other funds	86	-	-
Total liabilities	86	-	-
Deferred Inflows of Resources			
Unavailable revenues	-	-	-
Total deferred inflows of resources	-	-	-
Fund Balances			
Restricted for			
Community development projects	-	-	-
Public safety	-	-	-
Culture and leisure	-	-	-
Transportation	-	-	-
Capital projects	-	-	-
Assigned			
Capital projects	-	264,637	1,325,155
Unassigned	(86)	-	-
Total fund balances	(86)	264,637	1,325,155
Total liabilities, deferred inflows of resources, and fund balances	$ -	$ 264,637	$ 1,325,155

	Capital Project Funds		
	Traffic Control Facilities	General Facilites	Park Development
Assets			
Pooled cash and investments	$ 11,170	$ 493,170	$ 302,286
Receivables			
Accounts, net	-	-	-
Loans	-	-	-
Interest	6,712	1,819	999
Grants	-	-	-
Due from other governments	-	-	-
Due from other funds	1,980,283	48,229	-
Restricted assets			
Cash and investments with fiscal agents	-	-	-
Total assets	1,998,165	543,218	303,285
Liabilities, Deferred Inflows of Resources, and Fund Balances			
Liabilities			
Accounts payable	-	-	-
Accrued liabilities	-	-	-
Unearned revenue	-	-	-
Deposits payable	-	-	-
Due to other funds	-	-	-
Total liabilities	-	-	-
Deferred Inflows of Resources			
Unavailable revenues	-	-	-
Total deferred inflows of resources	-	-	-
Fund Balances			
Restricted for			
Community development projects	-	-	-
Public safety	-	-	-
Culture and leisure	-	-	-
Transportation	-	-	-
Capital projects	-	-	-
Assigned			
Capital projects	1,998,165	543,218	303,285
Unassigned	-	-	-
Total fund balances	1,998,165	543,218	303,285
Total liabilities, deferred inflows of resources, and fund balances	$ 1,998,165	$ 543,218	$ 303,285

	Capital Project Funds			
	Capital Improvement	BEA Low/Mod Capital Project Fund	BEA Capital Project Fund	Total Governmental Funds
Assets				
Pooled cash and investments	$ -	$ -	$ -	$ 7,239,012
Receivables				
Accounts, net	-	-	176	304
Loans	-	-	-	739,937
Interest	-	-	-	28,004
Grants	-	-	-	446,778
Due from other governments	-	-	-	363,862
Due from other funds	-	545,705	-	6,065,258
Restricted assets				
Cash and investments with fiscal agents	701,830	-	7,686,997	8,388,827
Total assets	701,830	545,705	7,687,173	23,271,982
Liabilities, Deferred Inflows of Resources, and Fund Balances				
Liabilities				
Accounts payable	-	-	186,337	637,501
Accrued liabilities	-	-	-	11,344
Unearned revenue	-	-	-	4,067,697
Deposits payable	-	-	-	103,486
Due to other funds	48,229	-	4,004,078	4,141,316
Total liabilities	48,229	-	4,190,415	8,961,344
Deferred Inflows of Resources				
Unavailable revenues	-	-	-	963,283
Total deferred inflows of resources	-	-	-	963,283
Fund Balances				
Restricted for				
Community development projects	-	-	-	1,683,300
Public safety	-	-	-	20,247
Culture and leisure	-	-	-	89,821
Transportation	-	-	-	2,618,557
Capital projects	-	545,705	3,496,758	4,042,463
Assigned				
Capital projects	653,601	-	-	5,088,061
Unassigned	-	-	-	(195,094)
Total fund balances	653,601	545,705	3,496,758	13,347,355
Total liabilities, deferred inflows of resources, and fund balances	$ 701,830	$ 545,705	$ 7,687,173	$ 23,271,982

	Special Revenue Funds		
	Gas Tax Street	Measure A	Community Development Block Grant
Revenues			
Taxes	$ -	$ 914,578	$ -
Intergovernmental	825,588	271,204	29,784
Use of money and property	1,699	3,835	-
Miscellaneous	13,822	-	-
Total revenues	841,109	1,189,617	29,784
Expenditures			
Current			
General government	-	-	-
Public safety	-	-	-
Community development	4,958	-	16,918
Culture and leisure	-	-	-
Transportation	1,637,538	42,098	-
Capital Outlay	90,382	428,618	13,026
Total expenditures	1,732,878	470,716	29,944
Excess of Revenues over Expenditures	(891,769)	718,901	(160)
Other Financing Sources (Uses)			
Transfers in	1,169,368	-	-
Transfers out	(339,589)	-	-
Leases	-	-	-
Total other financing sources (uses)	829,779	-	-
Net Change in Fund Balances	(61,990)	718,901	(160)
Fund Balances - Beginning of Year	(83,395)	613,837	(49,374)
Fund Balances - End of Year	$ (145,385)	$ 1,332,738	$ (49,534)

	Special Revenue Funds		
	Landscape Maintenance District	AQMD Air Pollution Program	Asset Forfeiture
Revenues			
Taxes	$ 145,585	$ -	$ -
Intergovernmental	-	31,203	-
Use of money and property	719	4,183	19
Miscellaneous	-	-	-
Total revenues	146,304	35,386	19
Expenditures			
Current			
General government	-	-	-
Public safety	-	-	-
Community development	-	3,000	-
Culture and leisure	-	-	-
Transportation	149,679	200	-
Capital Outlay	-	188,303	-
Total expenditures	149,679	191,503	-
Excess of Revenues over Expenditures	(3,375)	(156,117)	19
Other Financing Sources (Uses)			
Transfers in	-	-	-
Transfers out	-	-	-
Leases	-	-	-
Total other financing sources (uses)	-	-	-
Net Change in Fund Balances	(3,375)	(156,117)	19
Fund Balances - Beginning of Year	80,232	440,418	1,852
Fund Balances - End of Year	$ 76,857	$ 284,301	$ 1,871

	Special Revenue Funds		
	Supplemental Law Enforcement	Special Donations	Senior Center Activities
Revenues			
Taxes	$ -	$ -	$ -
Intergovernmental	429,182	-	-
Use of money and property	2,085	-	461
Miscellaneous	-	5,405	6,347
Total revenues	431,267	5,405	6,808
Expenditures			
Current			
General government	-	-	-
Public safety	23,183	-	-
Community development	-	286	1,924
Culture and leisure	-	-	-
Transportation	-	-	-
Capital Outlay	406,000	-	-
Total expenditures	429,183	286	1,924
Excess of Revenues over Expenditures	2,084	5,119	4,884
Other Financing Sources (Uses)			
Transfers in	-	-	-
Transfers out	-	-	-
Leases	-	-	-
Total other financing sources (uses)	-	-	-
Net Change in Fund Balances	2,084	5,119	4,884
Fund Balances - Beginning of Year	11,027	31,406	48,412
Fund Balances - End of Year	$ 13,111	$ 36,525	$ 53,296

	Special Revenue Funds		
	Police Volunteer	Wilson Median Improvement	Banning Housing Authority
Revenues			
Taxes	$ -	$ -	$ -
Intergovernmental	-	-	350,000
Use of money and property	34	3,950	24,262
Miscellaneous	-	-	-
Total revenues	34	3,950	374,262
Expenditures			
Current			
General government	-	-	-
Public safety	293	-	-
Community development	-	-	467,564
Culture and leisure	-	-	-
Transportation	-	127	-
Capital Outlay	-	-	58,663
Total expenditures	293	127	526,227
Excess of Revenues over Expenditures	(259)	3,823	(151,965)
Other Financing Sources (Uses)			
Transfers in	1,500	-	-
Transfers out	-	-	-
Leases	-	-	-
Total other financing sources (uses)	1,500	-	-
Net Change in Fund Balances	1,241	3,823	(151,965)
Fund Balances - Beginning of Year	4,024	397,235	1,835,265
Fund Balances - End of Year	$ 5,265	$ 401,058	$ 1,683,300

	Special Revenue Funds		
	SB1	American Rescue Plan Act	State Park Bond Act
Revenues			
Taxes	$ -	$ -	$ -
Intergovernmental	689,098	538,141	-
Use of money and property	-	-	-
Miscellaneous	-	-	-
Total revenues	689,098	538,141	-
Expenditures			
Current			
General government	-	6,301	-
Public safety	-	-	-
Community development	-	-	-
Culture and leisure	-	-	89
Transportation	19,481	-	-
Capital Outlay	906,808	174,713	-
Total expenditures	926,289	181,014	89
Excess of Revenues over Expenditures	(237,191)	357,127	(89)
Other Financing Sources (Uses)			
Transfers in	-	-	-
Transfers out	-	(357,127)	-
Leases	-	-	-
Total other financing sources (uses)	-	(357,127)	-
Net Change in Fund Balances	(237,191)	-	(89)
Fund Balances - Beginning of Year	760,794	-	-
Fund Balances - End of Year	$ 523,603	$ -	$ (89)

	Special Revenue Fund	Capital Projects Funds	
	Animal Control Reserve	Police Facilties Development	Fire Facilities Development
Revenues			
Taxes	$ -	$ -	$ -
Intergovernmental	-	-	-
Use of money and property	-	1,965	12,660
Miscellaneous	-	35,342	20,888
Total revenues	-	37,307	33,548
Expenditures			
Current			
General government	-	-	-
Public safety	-	150	149
Community development	86	-	-
Culture and leisure	-	-	-
Transportation	-	-	-
Capital Outlay	-	-	-
Total expenditures	86	150	149
Excess of Revenues over Expenditures	(86)	37,157	33,399
Other Financing Sources (Uses)			
Transfers in	-	-	-
Transfers out	-	-	-
Leases	-	-	-
Total other financing sources (uses)	-	-	-
Net Change in Fund Balances	(86)	37,157	33,399
Fund Balances - Beginning of Year	-	227,480	1,291,756
Fund Balances - End of Year	$ (86)	$ 264,637	$ 1,325,155

	Capital Projects Funds		
	Traffic Control Facilities	General Facilites	Park Development
Revenues			
Taxes	$ -	$ -	$ -
Intergovernmental	-	-	-
Use of money and property	18,077	5,057	1,007
Miscellaneous	92,066	17,136	109,277
Total revenues	110,143	22,193	110,284
Expenditures			
Current			
General government	-	-	-
Public safety	-	-	-
Community development	-	185	-
Culture and leisure	-	-	888
Transportation	8,103	-	-
Capital Outlay	-	-	762,007
Total expenditures	8,103	185	762,895
Excess of Revenues over Expenditures	102,040	22,008	(652,611)
Other Financing Sources (Uses)			
Transfers in	-	-	-
Transfers out	-	-	-
Leases	-	-	762,007
Total other financing sources (uses)	-	-	762,007
Net Change in Fund Balances	102,040	22,008	109,396
Fund Balances - Beginning of Year	1,896,125	521,210	193,889
Fund Balances - End of Year	$ 1,998,165	$ 543,218	$ 303,285

	Capital Project Funds			
	Capital Improvement	BEA Low/Mod Capital Project Fund	BEA Capital Project Fund	Total Governmental Funds
Revenues				
Taxes	$ -	$ -	$ -	$ 1,060,163
Intergovernmental	-	-	-	3,164,200
Use of money and property	20,135	-	589	100,737
Miscellaneous	-	-	-	300,283
Total revenues	20,135	-	589	4,625,383
Expenditures				
Current				
General government	-	-	-	6,301
Public safety	-	-	-	23,775
Community development	-	110	51,938	546,969
Culture and leisure	-	-	-	977
Transportation	508	-	-	1,857,734
Capital Outlay	-	-	145,988	3,174,508
Total expenditures	508	110	197,926	5,610,264
Excess of Revenues over Expenditures	19,627	(110)	(197,337)	(984,881)
Other Financing Sources (Uses)				
Transfers in	-	-	-	1,170,868
Transfers out	-	-	-	(696,716)
Leases	-	-	-	762,007
Total other financing sources (uses)	-	-	-	1,236,159
Net Change in Fund Balances	19,627	(110)	(197,337)	251,278
Fund Balances - Beginning of Year	633,974	545,815	3,694,095	13,096,077
Fund Balances - End of Year	$ 653,601	$ 545,705	$ 3,496,758	$ 13,347,355

	Original	Final	Actual Amounts	Variance with Final Budget Positive (Negative)
Budgetary Fund Balance - Beginning of Year	$ (498,523)	$ (144,371)	$ (83,395)	$ 60,976
Resources (Inflows)				
Intergovernmental	1,245,079	1,245,079	825,588	(419,491)
Investment income	-	-	1,699	1,699
Miscellaneous	13,409	13,409	13,822	413
Transfers in	981,500	981,500	1,169,368	187,868
Amounts available for appropriations	1,741,465	2,095,617	1,927,082	(168,535)
Charges to Appropriations (Outflows)				
Community development	-	4,958	4,958	-
Transportation	1,984,544	2,058,191	1,637,538	420,653
Capital Outlay	-	-	90,382	(90,382)
Transfers out	-	-	339,589	(339,589)
Total charges to appropriations	1,984,544	2,063,149	2,072,467	(9,318)
Budgetary Fund Balance - End of Year	$ (243,079)	$ 32,468	$ (145,385)	$ (159,217)

	Original	Final	Actual Amounts	Variance with Final Budget Positive (Negative)
Budgetary Fund Balance - Beginning of Year	$ 1,417,007	$ 46,378	$ 613,837	$ 803,170
Resources (Inflows)				
Taxes	857,000	857,000	914,578	57,578
Intergovernmental	-	-	271,204	271,204
Investment income	1,200	1,200	3,835	2,635
Amounts available for appropriations	2,275,207	904,578	1,803,454	1,134,587
Charges to Appropriations (Outflows)				
Transportation	41,924	41,924	42,098	(174)
Capital outlay	1,350,000	1,733,989	428,618	1,305,371
Total charges to appropriations	1,391,924	1,775,913	470,716	1,305,197
Budgetary Fund Balance - End of Year	$ 883,283	$ (871,335)	$ 1,332,738	$ (170,610)

	Original	Final	Actual Amounts	Variance with Final Budget Positive (Negative)
Budgetary Fund Balance - Beginning of Year	$ 161,123	$ (444,952)	$ (49,374)	$ 210,497
Resources (Inflows)				
Intergovernmental	45,031	239,849	29,784	(210,065)
Subscriptions	-	-	-	-
Amounts available for appropriations	206,154	(205,103)	(19,590)	432
Charges to Appropriations (Outflows)				
Community development	6,917	16,917	16,918	(1)
Capital outlay	348,783	453,601	13,026	440,575
Total charges to appropriations	355,700	470,518	29,944	440,574
Budgetary Fund Balance - End of Year	$ (149,546)	$ (675,621)	$ (49,534)	$ (440,142)

	Original	Final	Actual Amounts	Variance with Final Budget Positive (Negative)
Budgetary Fund Balance - Beginning of Year	$ 190,465	$ 189,665	$ 80,232	$ 110,233
Resources (Inflows)				
Taxes	141,270	141,270	145,585	4,315
Investment income	200	200	719	519
Miscellaneous	78,834	78,834	-	(78,834)
Amounts available for appropriations	410,769	409,969	226,536	36,233
Charges to Appropriations (Outflows)				
Transportation	219,379	238,577	149,679	88,898
Total charges to appropriations	219,379	238,577	149,679	88,898
Budgetary Fund Balance - End of Year	$ 191,390	$ 171,392	$ 76,857	$ (52,665)

	Original	Final	Actual Amounts	Variance with Final Budget Positive (Negative)
Budgetary Fund Balance - Beginning of Year	$ 291,959	$ 291,959	$ 440,418	$ (148,459)
Resources (Inflows)				
Intergovernmental	44,324	44,324	31,203	(13,121)
Investment income	293	293	4,183	3,890
Amounts available for appropriations	336,576	336,576	475,804	(157,690)
Charges to Appropriations (Outflows)				
Community development	3,000	3,000	3,000	-
Transportation	201	201	200	1
Capital outlay	90,000	261,358	188,303	73,055
Total charges to appropriations	93,201	264,559	191,503	73,056
Budgetary Fund Balance - End of Year	$ 243,375	$ 72,017	$ 284,301	$ (230,746)

	Original	Final	Actual Amounts	Variance with Final Budget Positive (Negative)
Budgetary Fund Balance - Beginning of Year	$ 7,847	$ 7,847	$ 1,852	$ 5,995
Resources (Inflows)				
Investment income	565	565	19	(546)
Amounts available for appropriations	8,412	8,412	1,871	5,449
Budgetary Fund Balance - End of Year	$ 8,412	$ 8,412	$ 1,871	$ 5,449

	Original	Final	Actual Amounts	Variance with Final Budget Positive (Negative)
Budgetary Fund Balance - Beginning of Year	$ 13,173	$ (11,827)	$ 11,027	$ 2,146
Resources (Inflows)				
Intergovernmental	99,294	99,294	429,182	(329,888)
Investment income	706	706	2,085	1,379
Amounts available for appropriations	113,173	88,173	442,294	(326,363)
Charges to Appropriations (Outflows)				
Public safety	100,000	100,000	23,183	76,817
Capital outlay	-	-	406,000	(406,000)
Total charges to appropriations	100,000	100,000	429,183	(329,183)
Budgetary Fund Balance - End of Year	$ 13,173	$ (11,827)	$ 13,111	$ 2,820

	Original	Final	Actual Amounts	Variance with Final Budget Positive (Negative)
Budgetary Fund Balance - Beginning of Year	$ 42,561	$ 34,761	$ 31,406	$ 11,155
Resources (Inflows)				
Miscellaneous	12,983	12,983	5,405	(7,578)
Amounts available for appropriations	55,544	47,744	36,811	3,577
Charges to Appropriations (Outflows)				
Community development	10,581	15,426	286	15,140
Total charges to appropriations	10,581	15,426	286	15,140
Budgetary Fund Balance - End of Year	$ 44,963	$ 32,318	$ 36,525	$ (11,563)

	Original	Final	Actual Amounts	Variance with Final Budget Positive (Negative)
Budgetary Fund Balance - Beginning of Year	$ 49,081	$ 49,081	$ 48,412	$ 669
Resources (Inflows)				
Investment income	80	80	461	381
Miscellaneous	11,604	11,604	6,347	(5,257)
Amounts available for appropriations	60,765	60,765	55,220	(4,207)
Charges to Appropriations (Outflows)				
Community development	8,243	8,258	1,924	6,334
Total charges to appropriations	8,243	8,258	1,924	6,334
Budgetary Fund Balance - End of Year	$ 52,522	$ 52,507	$ 53,296	$ (10,541)

	Original	Final	Actual Amounts	Variance with Final Budget Positive (Negative)
Budgetary Fund Balance - Beginning of Year	$ 3,270	$ 3,270	$ 4,024	$ (754)
Resources (Inflows)				
Investment income	2	2	34	32
Transfers in	-	-	1,500	1,500
Amounts available for appropriations	3,272	3,272	5,558	778
Charges to Appropriations (Outflows)				
Public safety	1,067	1,067	293	774
Community development	11	11	-	11
Total charges to appropriations	1,078	1,078	293	785
Budgetary Fund Balance - End of Year	$ 2,194	$ 2,194	$ 5,265	$ (7)

	Original	Final	Actual Amounts	Variance with Final Budget Positive (Negative)
Budgetary Fund Balance - Beginning of Year	$ 400,917	$ 400,917	$ 397,235	$ 3,682
Resources (Inflows)				
Investment income	775	775	3,950	3,175
Amounts available for appropriations	401,692	401,692	401,185	6,857
Charges to Appropriations (Outflows)				
Transportation	127	127	127	-
Total charges to appropriations	127	127	127	-
Budgetary Fund Balance - End of Year	$ 401,565	$ 401,565	$ 401,058	$ 6,857

	Original	Final	Actual Amounts	Variance with Final Budget Positive (Negative)
Budgetary Fund Balance - Beginning of Year	$ 2,232,075	$ 1,143,529	$ 1,835,265	$ 396,810
Resources (Inflows)				
Intergovernmental	-	-	350,000	350,000
Investment income	3,241	3,241	24,262	21,021
Miscellaneous	16,524	16,524	-	(16,524)
Amounts available for appropriations	2,251,840	1,163,294	2,209,527	751,307
Charges to Appropriations (Outflows)				
Community development	15,441	15,441	467,564	(452,123)
Capital outlay	-	982,577	58,663	923,914
Total charges to appropriations	15,441	998,018	526,227	471,791
Budgetary Fund Balance - End of Year	$ 2,236,399	$ 165,276	$ 1,683,300	$ 279,516

	Original	Final	Actual Amounts	Variance with Final Budget Positive (Negative)
Budgetary Fund Balance - Beginning of Year	$ 841,762	$ (123,325)	$ 760,794	$ 80,968
Resources (Inflows)				
Intergovernmental	734,740	1,184,740	689,098	(495,642)
Amounts available for appropriations	1,576,502	1,061,415	1,449,892	(414,674)
Charges to Appropriations (Outflows)				
Transportation	17,482	19,482	19,481	1
Capital outlay	730,000	1,838,623	906,808	931,815
Total charges to appropriations	747,482	1,858,105	926,289	931,816
Budgetary Fund Balance - End of Year	$ 829,020	$ (796,690)	$ 523,603	$ (1,346,490)

	Original	Final	Actual Amounts	Variance with Final Budget Positive (Negative)
Budgetary Fund Balance - Beginning of Year	$ -	$ -	$ -	$ -
Resources (Inflows)				
Intergovernmental	-	-	538,141	538,141
Amounts available for appropriations	-	-	538,141	538,141
Charges to Appropriations (Outflows)				
General government	-	-	6,301	(6,301)
Capital outlay	-	432,950	174,713	258,237
Transfers out	-	398,808	357,127	41,681
Total charges to appropriations	-	831,758	538,141	293,617
Budgetary Fund Balance - End of Year	$ -	$ (831,758)	$ -	$ 244,524

	Original	Final	Actual Amounts	Variance with Final Budget Positive (Negative)
Budgetary Fund Balance - Beginning of Year	$ -	$ -	$ -	$ -
Amounts available for appropriations	-	-	-	-
Charges to Appropriations (Outflows)				
Culture and leisure	-	89	89	-
Total charges to appropriations	-	89	89	-
Budgetary Fund Balance - End of Year	$ -	$ (89)	$ (89)	$ -

	Original	Final	Actual Amounts	Variance with Final Budget Positive (Negative)
Budgetary Fund Balance - Beginning of Year	$ -	$ -	$ -	$ -
Amounts available for appropriations	-	-	-	-
Charges to Appropriations (Outflows)				
Community development	-	87	86	1
Total charges to appropriations	-	87	86	1
Budgetary Fund Balance - End of Year	$ -	$ (87)	$ (86)	$ (1)

	Original	Final	Actual Amounts	Variance with Final Budget Positive (Negative)
Budgetary Fund Balance - Beginning of Year	$ 223,000	$ 223,000	$ 227,480	$ (4,480)
Resources (Inflows)				
Investment income	47	47	1,965	1,918
Miscellaneous	2,469	2,469	35,342	32,873
Amounts available for appropriations	225,516	225,516	264,787	30,311
Charges to Appropriations (Outflows)				
Public safety	150	150	150	-
Total charges to appropriations	150	150	150	-
Budgetary Fund Balance - End of Year	$ 225,366	$ 225,366	$ 264,637	$ 30,311

	Original	Final	Actual Amounts	Variance with Final Budget Positive (Negative)
Budgetary Fund Balance - Beginning of Year	$ 1,302,041	$ 1,302,041	$ 1,291,756	$ 10,285
Resources (Inflows)				
Investment income	1,994	1,994	12,660	10,666
Miscellaneous	4,005	4,005	20,888	16,883
Amounts available for appropriations	1,308,040	1,308,040	1,325,304	37,834
Charges to Appropriations (Outflows)				
Public safety	150	150	149	1
Total charges to appropriations	150	150	149	1
Budgetary Fund Balance - End of Year	$ 1,307,890	$ 1,307,890	$ 1,325,155	$ 37,833

	Original	Final	Actual Amounts	Variance with Final Budget Positive (Negative)
Budgetary Fund Balance - Beginning of Year	$ 2,257,337	$ 2,247,337	$ 1,896,125	$ 361,212
Resources (Inflows)				
Investment income	1,098	1,098	18,077	16,979
Miscellaneous	132,200	132,200	92,066	(40,134)
Amounts available for appropriations	2,390,635	2,380,635	2,006,268	338,057
Charges to Appropriations (Outflows)				
Transportation	8,104	9,177	8,103	1,074
Capital outlay	125,000	125,000	-	125,000
Total charges to appropriations	133,104	134,177	8,103	126,074
Budgetary Fund Balance - End of Year	$ 2,257,531	$ 2,246,458	$ 1,998,165	$ 211,983

	Original	Final	Actual Amounts	Variance with Final Budget Positive (Negative)
Budgetary Fund Balance - Beginning of Year	$ 525,675	$ 525,675	$ 521,210	$ 4,465
Resources (Inflows)				
Investment income	529	529	5,057	4,528
Miscellaneous	31,215	31,215	17,136	(14,079)
Amounts available for appropriations	557,419	557,419	543,403	(5,086)
Charges to Appropriations (Outflows)				
Community development	185	185	185	-
Capital outlay	125,000	125,000	-	125,000
Total charges to appropriations	125,185	125,185	185	125,000
Budgetary Fund Balance - End of Year	$ 432,234	$ 432,234	$ 543,218	$ (130,086)

	Original	Final	Actual Amounts	Variance with Final Budget Positive (Negative)
Budgetary Fund Balance - Beginning of Year	$ 171,003	$ (98,997)	$ 193,889	$ (22,886)
Resources (Inflows)				
Intergovernmental	8,992	8,992	-	8,992
Investment income	270	270	1,007	737
Miscellaneous	52,289	52,289	109,277	56,988
Leases	-	-	762,007	762,007
Amounts available for appropriations	232,554	(37,446)	1,066,180	805,838
Charges to Appropriations (Outflows)				
Community development	25,000	25,000	-	25,000
Culture and leisure	881	888	888	-
Capital outlay	296,926	296,926	762,007	(465,081)
Total charges to appropriations	322,807	322,814	762,895	(440,081)
Budgetary Fund Balance - End of Year	$ (90,253)	$ (360,260)	$ 303,285	$ 1,245,919

	Original	Final	Actual Amounts	Variance with Final Budget Positive (Negative)
Budgetary Fund Balance - Beginning of Year	$ 545,943	$ 545,943	$ 545,815	$ 128
Resources (Inflows)				
Miscellaneous	128	128	-	(128)
Amounts available for appropriations	546,071	546,071	545,815	-
Charges to Appropriations (Outflows)				
Community development	110	110	110	-
Total charges to appropriations	110	110	110	-
Budgetary Fund Balance - End of Year	$ 545,961	$ 545,961	$ 545,705	$ -

	Original	Final	Actual Amounts	Variance with Final Budget Positive (Negative)
Budgetary Fund Balance - Beginning of Year	$ 5,361,980	$ 3,771,035	$ 3,694,095	$ 1,667,885
Resources (Inflows)				
Investment income	7,500	7,500	589	(6,911)
Miscellaneous	25,786	25,786	-	(25,786)
Amounts available for appropriations	5,395,266	3,804,321	3,694,684	1,635,188
Charges to Appropriations (Outflows)				
Community development	40,718	40,719	51,938	(11,219)
Capital outlay	-	154,338	145,988	8,350
Total charges to appropriations	40,718	195,057	197,926	(2,869)
Budgetary Fund Balance - End of Year	$ 5,354,548	$ 3,609,264	$ 3,496,758	$ 1,638,057

	Business-Type Activities - Enterprise Funds			
	Airport	Transit	Refuse Utility	Totals
Assets				
Current				
Cash and investments	$ 273,168	$ 400,957	$ 446,149	$ 1,120,274
Receivables				
Accounts	24,950	200	94,516	119,666
Notes and loans	-	752	-	752
Interest	-	2,100	20,423	22,523
Grants	7,052	81,766	-	88,818
Prepaid costs	131	2,364	131	2,626
Due from other funds	-	174,557	4,901,373	5,075,930
Inventories	33,270	-	-	33,270
Total current assets	338,571	662,696	5,462,592	6,463,859
Noncurrent				
Capital assets				
Capital assets, not depreciated	506,402	-	-	506,402
Capital assets, net	1,685,967	156,410	43,387	1,885,764
Right to use lease assets, net of accumulated amortization	-	-	-	-
Right to use subscription IT assets, net of accumulated amortization	-	26,855	-	26,855
Total noncurrent assets	2,192,369	183,265	43,387	2,419,021
Total assets	2,530,940	845,961	5,505,979	8,882,880
Deferred Outflows of Resources				
Pension related items	49,611	495,803	116,922	662,336
OPEB related items	167	2,158	299	2,624
Total deferred outflows of resources	49,778	497,961	117,221	664,960
Liabilities				
Current				
Accounts payable	1,781	464,391	18,938	485,110
Accrued liabilities	1,818	24,033	4,936	30,787
Unearned revenues	5,957	-	4,070,052	4,076,009
Deposits payable	23,484	-	-	23,484
Compensated absences	34	1,415	238	1,687
Total current liabilities	33,074	489,839	4,094,164	4,617,077
Noncurrent				
Compensated absences	15,716	80,119	37,276	133,111
Net pension liability	187,995	1,789,811	432,608	2,410,414
Total OPEB liability	5,073	65,588	9,083	79,744
Total noncurrent liabilities	208,784	1,935,518	478,967	2,623,269
Total liabilities	241,858	2,425,357	4,573,131	7,240,346
Deferred Inflows of Resources				
Pension related items	2,890	27,515	6,651	37,056
OPEB related items	1,380	12,856	898	15,134
Total deferred inflows of resources	4,270	40,371	7,549	52,190
Net Position				
Investment in capital assets	2,192,369	183,265	43,387	2,419,021
Unrestricted	142,221	(1,305,071)	999,133	(163,717)
Total net position (deficit)	$ 2,334,590	$ (1,121,806)	$ 1,042,520	$ 2,255,304

	Business-Type Activities - Enterprise Funds			
	Airport	Transit	Refuse Utility	Totals
Operating Revenues				
Sales and service charges	$ 187,875	$ 52,344	$ 1,076,108	$ 1,316,327
Miscellaneous	5,481	5,390	9,419	20,290
Total operating revenues	193,356	57,734	1,085,527	1,336,617
Operating Expenses				
Salaries and benefits	106,152	1,333,957	274,573	1,714,682
Supplies and services	119,264	872,971	213,099	1,205,334
Repairs and maintenance	9,065	2,780	-	11,845
Depreciation expense	196,005	82,411	7,420	285,836
Total operating expenses	430,486	2,292,119	495,092	3,217,697
Operating Income (Loss)	(237,130)	(2,234,385)	590,435	(1,881,080)
Nonoperating Revenues (Expenses)				
Intergovernmental	43,484	1,766,948	16,374	1,826,806
Interest revenue and change in fair Value of investments	49	9,758	61,062	70,869
Gain (Loss) on Disposal of Capital Assets	-	11,091	-	11,091
Total nonoperating revenues (expenses)	43,533	1,787,797	77,436	1,908,766
Income (Loss) before Transfers	(193,597)	(446,588)	667,871	27,686
Transfers in	848	112,004	5	112,857
Transfer out	-	(3,584)	(986,500)	(990,084)
Total other financing sources	848	108,420	(986,495)	(877,227)
Changes in Net Position	(192,749)	(338,168)	(318,624)	(849,541)
Net Position (deficit) - Beginning of Year	2,527,339	(783,638)	5,577,179	7,320,880
Prior Period Adjustment	-	-	(4,216,035)	(4,216,035)
Net Position (deficit) - End of Year	$ 2,334,590	$ (1,121,806)	$ 1,042,520	$ 2,255,304

City of Banning, California
Combining Statement of Cash Flows –
Non-Major Proprietary Funds
Year Ended June 30, 2023

	Business-Type Activities - Enterprise Funds			
	Airport	Transit	Refuse Utility	Totals
Operating Activities				
Cash received from customers and users	$ 191,156	$ 55,385	$ 1,061,601	$ 1,308,142
Cash paid to suppliers for goods and Services	(160,046)	(559,075)	(516,324)	(1,235,445)
Cash paid to employees for services	(105,681)	(1,344,932)	(281,319)	(1,731,932)
Net Cash Provided (Used) by Operating Activities	(74,571)	(1,848,622)	263,958	(1,659,235)
Noncapital Financing Activities				
Cash transfers in	848	112,004	5	112,857
Cash transfers out	-	(3,584)	(986,500)	(990,084)
Interfund borrowings	-	(174,557)	(4,901,373)	(5,075,930)
Intergovernmental	49,422	1,686,827	16,374	1,752,623
Net Cash Provided (Used) by Noncapital Financing Activities	50,270	1,620,690	(5,871,494)	(4,200,534)
Capital and Related Financing activities				
Sale of capital assets	-	11,091	-	11,091
Acquisition and construction of capital Assets	(16,346)	(92,068)	(24,865)	(133,279)
Net Cash (Used) by Capital and Related Financing Activities	(16,346)	(80,977)	(24,865)	(122,188)
Cash Flows from Investing Activities				
Issuance of notes and loans receivable	-	4,044	-	4,044
Interest received and change in fair value of investments	49	9,041	50,235	59,325
Net Cash Provided by Investing Activities	49	13,085	50,235	63,369
Net Change in Cash and Cash Equivalents	(40,598)	(295,824)	(5,582,166)	(5,918,588)
Cash and Cash Equivalents - Beginning of Year	313,766	696,781	6,028,315	7,038,862
Cash and Cash Equivalents - End of Year	$ 273,168	$ 400,957	$ 446,149	$ 1,120,274

	Business-Type Activities - Enterprise Funds			
	Airport	Transit	Refuse Utility	Totals
Reconciliation of Operating Income to Net Cash Provided (Used) By Operating Activities				
Operating Income (Loss)	$ (237,130)	$ (2,234,385)	$ 590,435	$ (1,881,080)
Adjustments to Reconcile Operating Income (Loss) to Net Cash Provided (Used) by Operating Activities				
Changes in Operating Assets and Liabilities				
Depreciation (expense)	196,005	82,411	7,420	285,836
(Increase) Decrease in Assets				
Accounts receivable	(3,205)	15	(23,795)	(26,985)
Prepaid	(131)	(2,364)	(131)	(2,626)
Inventories	1,136	-	-	1,136
Deferred pension related items	(27,867)	(288,789)	(66,886)	(383,542)
Deferred opeb related items	55	(49)	211	217
Increase (Decrease) in Liabilities				
Accounts payable	(34,746)	463,700	1,330	430,284
Accrued liabilities	400	10,067	2,532	12,999
Deposits payable	970	-	(65,713)	(64,743)
Unearned revenue	1,659	(157,091)	(241,374)	(396,806)
Net pension liability	63,951	608,851	147,163	819,965
Total OPEB liability	(1,920)	(987)	(7,009)	(9,916)
Compensated absences	3,108	21,171	6,864	31,143
Deferred pension related items	(38,236)	(364,028)	(87,987)	(490,251)
Deferred OPEB related items	1,380	12,856	898	15,134
Net Cash Provided (Used) by Operating Activities	$ (74,571)	$ (1,848,622)	$ 263,958	$ (1,659,235)

City of Banning, California
Combining Statement of Net Position – Internal Service Funds
June 30, 2023

	Self Insurance	Fleet Maintenance	Information Services	Utility Billing Services	Totals
Assets					
Current					
Pooled cash and investments	$ -	$ 2,596	$ -	$ -	$ 2,596
Receivables					
Accounts	4,206	36,360	-	121,245	161,811
Interest	-	1,726	-	-	1,726
Prepaid costs	-	-	525	2,571	3,096
Due from other funds	-	615,506	-	-	615,506
Inventories	-	54,297	-	-	54,297
Total current assets	4,206	710,485	525	123,816	839,032
Noncurrent					
Capital assets					
Capital assets, net	-	236,286	6,103	22,311	264,700
Right to use lease assets, net of accumulated amortization	-	21,157	-	18,485	39,642
Total noncurrent assets	-	257,443	6,103	40,796	304,342
Total assets	4,206	967,928	6,628	164,612	1,143,374
Deferred Outflows of Resources					
Pension related items	71,374	225,343	200,111	598,745	1,095,573
OPEB related items	1,746	757	3,894	2,213	8,610
Total deferred outflows of resources	73,120	226,100	204,005	600,958	1,104,183
Liabilities					
Current					
Accounts payable	206,528	65,785	1,183	18,699	292,195
Accrued liabilities	859,212	12,592	9,967	24,552	906,323
Due to other governments	18,281	-	-	-	18,281
Due to other funds	1,589,081	-	624,002	166,061	2,379,144
Compensated absences	10	580	543	2,668	3,801
Claims and judgments	530,660	-	-	-	530,660
Bonds, notes, and leases	-	12,968	-	13,770	26,738
Total current liabilities	3,203,772	91,925	635,695	225,750	4,157,142
Noncurrent					
Compensated absences	10,936	40,172	42,654	95,822	189,584
Net pension liability	264,425	865,918	663,928	2,129,475	3,923,746
Total OPEB liability	8,730	23,003	18,874	67,240	117,847
Claims and judgments	1,915,022	-	-	-	1,915,022
Bonds, notes, and leases	-	-	-	2,701	2,701
Total noncurrent liabilities	2,199,113	929,093	725,456	2,295,238	6,148,900
Total liabilities	5,402,885	1,021,018	1,361,151	2,520,988	10,306,042
Deferred Inflows of Resources					
Pension related items	4,065	13,312	10,207	32,737	60,321
OPEB related items	863	3,726	1,866	15,356	21,811
Total deferred inflows of resources	4,928	17,038	12,073	48,093	82,132
Net Position					
Investment in capital assets	-	244,475	6,103	24,325	274,903
Unrestricted	(5,330,487)	(88,503)	(1,168,694)	(1,827,836)	(8,415,520)
Total net position (deficit)	$ (5,330,487)	$ 155,972	$ (1,162,591)	$ (1,803,511)	$ (8,140,617)

	Self Insurance	Fleet Maintenance	Information Services	Utility Billing Services	Totals
Operating Revenues					
Sales and service charges	$ 2,795,711	$ 1,634,906	$ 621,727	$ 2,480,187	$ 7,532,531
Miscellaneous	-	23,273	-	-	23,273
Total operating revenues	2,795,711	1,658,179	621,727	2,480,187	7,555,804
Operating Expenses					
Salaries and benefits	133,631	586,048	444,187	1,531,744	2,695,610
Supplies and services	2,396,869	1,218,561	91,685	703,180	4,410,295
Repairs and maintenance	-	304,114	215,257	8,528	527,899
Insurance premiums	2,781,455	-	-	-	2,781,455
Depreciation expense	-	25,613	-	9,925	35,538
Total operating expenses	5,311,955	2,134,336	751,129	2,253,377	10,450,797
Operating Income (Loss)	(2,516,244)	(476,157)	(129,402)	226,810	(2,894,993)
Nonoperating Revenues (Expenses)					
Interest revenue and change in fair value of investments	21,086	6,857	-	-	27,943
Interest expense	-	(333)	-	(263)	(596)
Gain (loss) on disposal of capital assets	-	109	-	-	109
Total nonoperating revenues (expenses)	21,086	6,633	-	(263)	27,456
Income (Loss) before Transfers	(2,495,158)	(469,524)	(129,402)	226,547	(2,867,537)
Transfers in	-	2	-	-	2
Changes in Net Position	(2,495,158)	(469,522)	(129,402)	226,547	(2,867,535)
Net Position (Deficit) - Beginning of Year	(2,835,329)	625,494	(1,033,189)	(2,030,058)	(5,273,082)
Net Position (Deficit) - End of Year	$ (5,330,487)	$ 155,972	$ (1,162,591)	$ (1,803,511)	$ (8,140,617)

City of Banning, California
Combining Statement of Cash Flows – Internal Service Funds
June 30, 2023

	Self Insurance	Fleet Maintenance	Information Services	Utility Billing Services	Totals
Operating Activities					
Cash received from customers and users	$ 2,798,341	$ 1,757,826	$ 621,202	$ 2,378,569	$ 7,555,938
Cash paid to suppliers for goods and services	(4,378,807)	(1,502,658)	(306,959)	(743,674)	(6,932,098)
Cash paid to employees for services	(128,981)	(598,130)	(480,295)	(1,581,131)	(2,788,537)
Net Cash Provided (Used) by Operating Activities	(1,709,447)	(342,962)	(166,052)	53,764	(2,164,697)
Financing Activities					
Operating Subsidies	1,589,081	(615,506)	166,052	(46,661)	1,092,966
Cash transfers in	-	2	-	-	2
Intergovernmental	18,281	397	-	-	18,678
Net Cash Provided (Used) by Financing Activities	1,607,362	(615,107)	166,052	(46,661)	1,111,646
Capital and Related Financing Activities					
Proceeds from sales of capital assets	-	109	-	-	109
Lease principal payments	-	(15,981)	-	(6,840)	(22,821)
Lease interest payments	-	(333)	-	(263)	(596)
Net Cash Provided (Used) by Capital and Related Financing Activities	-	(16,205)	-	(7,103)	(23,308)
Investing Activities					
Interest received	21,086	5,915	-	-	27,001
Net Change in Cash and Cash Equivalents	(80,999)	(968,359)	-	-	(1,049,358)
Cash and Cash Equivalents - Beginning of Year	80,999	970,955	-	-	1,051,954
Cash and Cash Equivalents - End of Year	$ -	$ 2,596	$ -	$ -	$ 2,596

	Self Insurance	Fleet Maintenance	Information Services	Utility Billing Services	Totals
Reconciliation of Operating Income Loss to Net Cash Provided by Operating Activities					
Operating Income (Loss)	$ (2,516,244)	$ (476,157)	$ (129,402)	$ 226,810	$ (2,894,993)
Adjustments to Reconcile Operating Income (Loss) to Net Cash Provided (Used) by Operating Activities					
Depreciation	-	25,613	-	9,925	35,538
(Increase) Decrease in Assets					
Accounts receivable	2,630	(7,205)	-	(99,047)	(103,622)
Inventories	-	106,852	-	-	106,852
Prepaid costs	-	-	(525)	(2,571)	(3,096)
Deferred pension related items	(40,790)	(125,189)	(123,320)	(352,445)	(641,744)
Deferred OPEB related items	(1,434)	264	(3,112)	297	(3,985)
Increase (Decrease) in Liabilities					
Accounts payable	51,683	13,879	(3,613)	(33,951)	27,998
Accrued liabilities	858,378	6,138	3,596	1,985	870,097
Net pension liability	89,952	294,565	225,853	724,397	1,334,767
Total OPEB liability	(1,106)	(9,206)	(5,822)	(11,969)	(28,103)
Claims and judgments	(110,544)	-	-	-	(110,544)
Compensated absences	10,946	(124)	3,462	8,089	22,373
Deferred OPEB related items	863	3,726	1,866	15,356	21,811
Deferred pension related items	(53,781)	(176,118)	(135,035)	(433,112)	(798,046)
Net Cash Provided (Used) by Operating Activities	$ (1,709,447)	$ (342,962)	$ (166,052)	$ 53,764	$ (2,164,697)

City of Banning, California
Combining Statement of Fiduciary Net Position – Custodial Funds
June 30, 2023

	Sun Lake CFD 86-1	Special AD 91-1	Area Police Computer	Fair Oaks AD 2001-1	Cameo Homes	CFD 2020-02	Totals
Assets							
Pooled cash and investments	$ 37,105	$ 76,722	$ 191	$ 151,791	$ 255	$ 264,898	$ 530,962
Receivables							
Accounts	-	-	-	2,951	-	-	2,951
Interest	125	259	-	-	55	-	439
Due from other governements	-	-	-	2,217	-	-	2,217
Restricted assets							
Cash and investments							
With fiscal agents	-	-	-	228,564	-	-	228,564
Total assets	37,230	76,981	191	385,523	310	264,898	765,133
Liabilities							
Accounts payable	-	-	-	32	-	-	32
Deposits payable	-	19,958	-	29,235	-	-	49,193
Total liabilities	-	19,958	-	29,267	-	-	49,225
Net position							
Held in trust for other Organizations	37,230	57,023	191	356,256	310	264,898	715,908
Total net position	$ 37,230	$ 57,023	$ 191	$ 356,256	$ 310	$ 264,898	$ 715,908

City of Banning, California
Combining Statement of Changes in Fiduciary Net Position – Custodial Funds
Year Ended June 30, 2023

	Sun Lake CFD 86-1	Special AD 91-1	Area Police Computer	Fair Oaks AD 2001-1	Cameo Homes	CFD 2020-02	Totals
Additions							
Taxes	$ -	$ -	$ -	$ 195,837	$ -	$ 234,917	$ 430,754
Interest and change in fair value of investments	366	757	314	10	310	-	1,757
Total additions	366	757	314	195,847	310	234,917	432,511
Deductions							
Administrative expenses	-	-	31,119	15,249	8,191	-	54,559
Principal payment	-	-	-	110,000	-	-	110,000
Interest expense	-	-	-	88,930	-	-	88,930
Total deductions	-	-	31,119	214,179	8,191	-	253,489
Change in Net Position	366	757	(30,805)	(18,332)	(7,881)	234,917	179,022
Net Position - Beginning of Year	36,864	56,266	30,996	374,588	8,191	29,981	536,886
Net Position - End of Year	$ 37,230	$ 57,023	$ 191	$ 356,256	$ 310	$ 264,898	$ 715,908

Statistical Section
June 30, 2023

City of Banning, California

This section of the City of Banning's Annual Comprehensive Financial Report presents detailed information as a context for understanding what the information in the financial statements, note disclosures, and required supplementary information says about the City's overall financial health.

Financial Trends
These schedules contain trend information to help the reader understand how the City's financial performance and well-being have changed over time.

Revenue Capacity
These schedules contain information to help the reader assess the factors affecting the City's ability to generate its key revenues.

Debt Capacity
These schedules present information to help the reader assess the affordability of the City's current levels of outstanding debt and the City's ability to issue additional debt in the future.

Demographic and Economic Information
These schedules offer demographic and economic indicators to help the reader understand the environment within which the City's financial activities take place.

Operating Information
These schedules contain information about the City's operations and resources to help the reader understand how the City's financial information relates to the services the City provides and the activities it performs.

CITY OF BANNING

Table 1 - Net Position by Component

Last Ten Fiscal Years (accrual basis)

	Fiscal Year								
	2015	2016	2017	2018	2019	2020	2021	2022	2023
Governmental activities:									
Net Investment in capital assets	$ 79,795,958	$ 76,155,814	$ 72,517,050	$ 70,010,870	$ 66,686,458	$ 65,515,669	$ 68,336,960	$ 70,289,375	$ 80,575,289
Restricted	5,819,965	14,257,465	14,680,040	14,514,482	15,025,895	13,625,501	11,745,009	9,209,053	9,391,803
Unrestricted	(3,750,779)	1,381,053	569,568	(1,239,778)	(3,339,506)	(6,533,345)	(5,304,091)	(10,484,996)	(18,807,558)
Total governmental activities net position	$ 81,865,144	$ 91,794,332	$ 87,766,658	$ 83,285,574	$ 78,372,847	$ 72,607,825	$ 74,777,878	$ 69,013,432	$ 71,159,534
Business-type activities:									
Net Investment in capital assets	$ 35,025,342	$ 46,164,187	$ 49,101,929	$ 54,651,632	$ 55,418,755	$ 58,185,572	$ 68,242,143	$ 86,364,235	$ 104,263,839
Restricted	20,852,195	17,086,463	17,237,091	6,870,598	12,900,528	$ 10,242,658	$ 7,182,657	7,413,570	4,313,770
Unrestricted	52,395,049	48,642,361	49,602,708	55,601,962	54,083,097	$ 55,642,567	$ 56,186,413	52,100,216	40,263,273
Total business-type activities net position	$ 108,272,586	$ 111,893,011	$ 115,941,728	$ 117,124,192	$ 122,402,380	$ 124,070,797	$ 131,611,213	$ 145,878,021	$ 148,840,882
Primary government:									
Net Investment in capital assets	$ 114,821,300	$ 122,320,001	$ 121,618,979	$ 124,662,502	$ 122,105,213	$ 123,701,241	$ 136,579,103	$ 156,653,610	$ 184,839,128
Restricted	26,672,160	31,343,928	31,917,131	21,385,080	27,926,423	$ 23,868,159	$ 18,927,666	16,622,623	13,705,573
Unrestricted	48,644,270	50,023,414	50,172,276	54,362,184	50,743,591	$ 49,109,222	$ 50,882,322	41,615,220	21,455,715
Total primary government activities net position	$ 190,137,730	$ 203,687,343	$ 203,708,386	$ 200,409,766	$ 200,775,227	$ 196,678,622	$ 206,389,091	$ 214,891,453	$ 220,000,416

*Amounts reported prior to 2023 have not been restated.

Source: City of Banning Finance Department

CITY OF BANNING
Table 2 - Changes in Net Position
Last Ten Fiscal Years (accrual basis)

	Fiscal Year									
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Program Revenue:										
Governmental activities:										
Charges for Services										
General Government	$ 3,518,279	$ 3,673,140	$ 3,428,121	$ 3,498,269	$ 1,935,931	$ 3,522,951	$ 2,391,540	$ 2,794,965	$ 2,806,493	$ 6,336,709
Public Safety	$ 88,698	$ 167,426	$ 71,550	$ 60,673	$ 75,552	$ 60,608	$ 184,204	$ 253,972	$ 540,423	$ 472,520
Community Development		$ 581,449	$ 826,327	$ 692,337	$ 836,137	$ 1,074,183	$ 3,417,110	$ 3,800,759	$ 3,751,762	$ 3,352,881
Culture and Leisure	$ 69,554	$ 78,191	$ 95,455	$ 136,740	$ 154,452	$ 107,551	$ 68,347	$ 105,523	$ 191,458	$ 161,767
Public Works/Transportation	$ 590,975	$ 75,897	$ 92,545	$ 52,830	$ 42,264	$ 162,294	$ 236,781	$ 268,726	$ 40,745	$ 9,432
Operating Contributions and Grants	$ 1,645,348	$ 1,162,736	$ 1,848,420	$ 767,501	$ 2,011,733	$ 882,361	$ 2,027,196	$ 4,170,619	$ 4,987,432	$ 4,654,162
Capital Contributions and Grants	$ 422,492	$ 888,241	$ 392,728	$ 160,156	$ 555,374	$ 195,760	$ 563,818	$ 4,427,752	$ 2,824,531	$ 3,054,584
Total governmental activities program revenues	$ 6,335,346	$ 6,627,080	$ 6,755,146	$ 5,368,506	$ 5,611,443	$ 6,005,708	$ 8,888,996	$ 15,822,316	$ 15,142,844	$ 18,042,055
Business-type activities:										
Charges for Services										
Airport	$ 172,656	$ 147,965	$ 136,789	$ 162,731	$ 232,734	$ 199,253	$ 169,821	$ 226,477	$ 227,757	$ 187,875
Transit	$ 163,257	$ 153,211	$ 138,753	$ 130,112	$ 117,872	$ 111,068	$ 91,376	$ 23,005	$ 62,297	$ 52,344
Electric Utility	$ 30,821,540	$ 30,163,068	$ 30,584,446	$ 34,374,969	$ 31,048,355	$ 31,485,295	$ 30,034,857	$ 29,855,208	$ 12,643,832	$ 31,286,002
BUA Water	$ 10,575,576	$ 9,696,891	$ 8,856,234	$ 9,756,472	$ 9,554,347	$ 9,681,733	$ 10,390,992	$ 12,406,181	$ 31,007,494	$ 12,107,023
BUA Wastewater	$ 3,423,514	$ 3,462,692	$ 3,482,411	$ 3,568,129	$ 3,339,942	$ 3,672,200	$ 3,818,607	$ 3,728,441	$ 4,273,847	$ 5,029,168
Refuse	$ 3,165,206	$ 3,131,670	$ 3,364,634	$ 3,473,035	$ 3,562,532	$ 4,513,331	$ 4,717,664	$ 4,840,340	$ 5,702,140	$ 1,076,108
Operating Contributions and Grants	$ 1,802,425	$ 1,683,815	$ 1,971,552	$ 2,128,770	$ 2,590,014	$ 1,839,875	$ 2,231,912	$ 3,123,766	$ 3,944,910	$ 1,706,363
Capital Contributions and Grants	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 4,557,041	$ 4,926,599	$ 8,736,795
Total business-type activities program revenues	$ 50,124,174	$ 48,439,312	$ 48,534,819	$ 53,594,218	$ 50,445,796	$ 51,502,755	$ 51,455,229	$ 58,760,459	$ 62,788,876	$ 60,181,678
Total primary government program revenues	$ 56,459,520	$ 55,066,392	$ 55,289,965	$ 58,962,724	$ 56,057,239	$ 57,508,463	$ 60,344,225	$ 74,582,775	$ 77,931,720	$ 78,223,733
Expenses:										
Governmental activities:										
Charges for Services										
General Government	$ 2,584,494	$ 2,161,242	$ 2,225,118	$ 2,590,641	$ 2,461,098	$ 3,124,340	$ 3,209,677	$ 5,248,275	$ 5,566,598	$ 7,742,422
Public Safety	$ 10,126,310	$ 9,615,308	$ 8,583,405	$ 11,566,632	$ 13,123,891	$ 13,575,303	$ 14,974,435	$ 15,220,931	$ 17,144,268	$ 18,528,062
Community Development	$ 89,000	$ 1,333,832	$ 1,598,792	$ 1,495,415	$ 1,621,737	$ 2,012,561	$ 3,573,064	$ 4,470,992	$ 4,876,304	$ 8,789,153
Culture and Leisure	$ 1,122,226	$ 1,132,717	$ 1,001,189	$ 1,308,589	$ 1,441,115	$ 1,612,308	$ 1,664,747	$ 1,850,782	$ 2,149,958	$ 2,641,392
Public Works/Transportation	$ 6,270,524	$ 5,044,885	$ 4,585,220	$ 4,967,935	$ 4,970,388	$ 5,747,250	$ 6,089,732	$ 3,819,726	$ 5,980,759	$ 6,865,215
Interest on long-term debt	$ 101,479	$ 88,096	$ 86,124	$ 76,005	$ 55,195	$ 36,109	$ 16,562	$ 2,606	$ -	$ 66,519
Total governmental activities program expenses	$ 20,294,033	$ 19,376,080	$ 18,079,848	$ 22,005,217	$ 23,673,424	$ 26,107,871	$ 29,528,217	$ 30,613,312	$ 35,717,887	$ 44,632,763
Business-type activities:										
Charges for Services										
Airport	382,611	382,510	209,930	351,599	391,245	353,205	319,358	432,421	472,059	443,140
Transit	1,722,416	1,854,509	1,858,161	1,726,873	1,866,561	2,315,554	2,365,198	2,312,227	1,774,710	2,359,493
Electric Utility	28,819,584	28,253,812	29,505,627	33,351,692	32,726,577	31,020,023	30,813,647	31,627,402	9,233,135	9,956,699
BUA Water	7,569,525	7,786,308	7,308,819	7,658,337	8,139,411	8,316,156	8,700,459	8,143,196	33,253,167	36,026,046
BUA Wastewater	2,915,736	2,884,856	2,701,401	2,899,152	2,936,846	3,502,698	3,781,828	3,440,848	3,944,924	3,865,935
Refuse	3,074,393	3,088,208	3,082,003	3,341,491	3,526,288	4,483,427	4,815,164	4,863,174	1,216,002	509,645
Total business-type activities program expenses	$ 44,484,265	$ 44,250,203	$ 44,665,941	$ 49,329,144	$ 49,586,928	$ 49,991,063	$ 50,795,654	$ 50,819,268	$ 49,893,997	$ 53,160,958
Total primary government program expenses	$ 64,778,298	$ 63,626,283	$ 62,745,789	$ 71,334,361	$ 73,260,352	$ 76,098,934	$ 80,323,871	$ 81,432,580	$ 85,611,884	$ 97,793,721
Net revenues (expenses)										
Governmental activities:	$ (13,958,687)	$ (12,749,000)	$ (11,324,702)	$ (16,636,711)	$ (18,061,981)	$ (20,102,163)	$ (20,639,221)	$ (14,790,996)	$ (20,575,043)	$ (26,590,708)
Business-type activities:	$ 5,639,909	$ 4,189,109	$ 3,868,878	$ 4,265,074	$ 858,868	$ 1,511,692	$ 659,575	$ 7,941,191	$ 12,894,879	$ 7,020,720
Total net revenues (expenses)	$ (8,318,778)	$ (8,559,891)	$ (7,455,824)	$ (12,371,637)	$ (17,203,113)	$ (18,590,471)	$ (19,979,646)	$ (6,849,805)	$ (7,680,164)	$ (19,569,988)

CITY OF BANNING
Table 2 - Changes in Net Position
Last Ten Fiscal Years (accrual basis)

	Fiscal Year									
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
General revenues and other changes in net position:										
Governmental activities:										
Taxes:										
Property taxes, general purpose	$ 4,001,164	$ 4,238,973	$ 4,459,662	$ 4,685,723	$ 4,959,588	$ 5,223,775	$ 5,383,240	$ 6,004,043	$ 6,546,613	$ 6,939,283
Transiet occupancy taxes	$ 712,135	$ 722,434	$ 789,994	$ 861,221	$ 854,928	$ 895,887	$ 804,389	$ 1,119,765	$ 1,290,574	$ 1,179,126
Sales taxes	$ 3,413,423	$ 3,533,478	$ 3,497,150	$ 3,762,082	$ 4,188,798	$ 4,466,545	$ 4,300,140	$ 4,630,683	$ 6,797,082	$ 5,790,112
Franchise taxes	$ 861,155	$ 871,284	$ 860,923	$ 839,395	$ 871,107	$ 895,534	$ 919,373	$ 922,932	$ 535,461	$ 543,207
Other taxes	$ 261,305	$ 684,734	$ 734,954	$ 373,310	$ 542,857	$ 1,197,131	$ 1,163,462	$ 574,645	$ 667,052	$ 882,997
Motor vehicle in lieu - unrestricted		$ 12,427	$ 12,303	$ 13,813	$ 16,354	$ 15,016	$ 24,570	$ 22,828	$ 37,237	$ -
Uses of money and property (investment income)	$ 582,558	$ 519,940	$ 628,752	$ 646,221	$ 737,464	$ 1,128,236	$ 967,914	$ 37,985	$ (159,039)	$ 317,399
Other/miscellaneous	$ 469,656	$ 774,987	$ 397,009	$ 534,441	$ 506,692	$ 554,860	$ 436,266	$ 3,266,109	$ 10,017	$ 1,125,051
Gain on sale of capital asset	$ 1,039		$ 8,801,033			$ 3,133	$ 3,600	$ 25,392	$ 2,468	$ -
Extraordinary gain/(loss) on dissolution of redevlopment agency (Note 17)										$ -
Transfers	$ 724,000	$ 720,432	$ 652,157	$ 724,000	$ 724,000	$ 638,759	$ 699,653	$ 177,439	$ (74,274)	$ 1,168,771
Total governmental activities	$ 11,183,677	$ 12,233,714	$ 20,990,205	$ 12,609,037	$ 13,580,897	$ 15,189,436	$ 14,874,199	$ 16,961,049	$ 15,833,053	$ 17,945,946
Business-type activities:										
Property taxes, general purpose										
Uses of money and property (investment income)	$ 272,796	$ 164,885	$ 218,902	$ 252,397	$ 642,496	$ 1,593,722	$ 1,009,209	$ 19,460	$ (450,248)	$ 796,142
Other/miscellaneous	$ 288,557	$ 178,290	$ 184,802	$ 252,581	$ 405,100	$ 272,773	$ 692,150	$ 3	$ -	$ 130,375
Gain on sale of capital asset	$ 461			$ 2,665		$ 835	$ 7,136	$ 108,777	$ 33,968	$ -
Transfers	$ (724,000)	$ (720,432)	$ (652,157)	$ (724,000)	$ (724,000)	$ (638,759)	$ (699,653)	$ (177,439)	$ 74,274	$ (1,168,771)
Total business-like activities	$ (162,186)	$ (377,257)	$ (248,453)	$ (216,357)	$ 323,596	$ 1,228,571	$ 1,008,842	$ (49,199)	$ (342,006)	$ (242,254)
Total general revenues	$ 11,021,491	$ 11,856,457	$ 20,741,752	$ 12,392,680	$ 13,904,493	$ 16,418,007	$ 15,883,041	$ 16,911,850	$ 15,491,047	$ 17,703,692
Changes in net position										
Governmental activities:	$ (2,775,010)	$ (515,286)	$ 9,665,503	$ (4,027,674)	$ (4,481,084)	$ (4,912,727)	$ (5,765,022)	$ 2,170,053	$ (4,741,990)	$ (8,644,762)
Business-type activities:	$ 5,477,723	$ 3,811,852	$ 3,620,425	$ 4,048,717	$ 1,182,464	$ 2,740,263	$ 1,668,417	$ 7,891,992	$ 12,552,873	$ 6,778,466
Total primary government	$ 2,702,713	$ 3,296,566	$ 13,285,928	$ 21,043	$ (3,298,620)	$ (2,172,464)	$ (4,096,605)	$ 10,062,045	$ 7,810,883	$ (1,866,296)

*Amounts reported prior to 2023 have not been restated.

Source: City of Banning Finance Department

CITY OF BANNING
Table 3 - Fund Balances of Governmental Funds
Last Ten Fiscal Years (modified accrual basis)

	Fiscal Year									
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
General Fund:										
Non-Spendable	$ 27,950	$ 5,100	$ 43,923	$ 63,225	$ 61,372	$ 54,552	$ 28,434	$ 26,315	$ 29,431	$ 202,675
Restricted	-	-	-	-	-	-	-	-	-	-
Committed	3,480,481	3,806,936	3,975,332	4,096,473	4,528,172	4,785,065	3,525,858	1,500,000	1,500,000	1,500,000
Assigned	2,340,003	2,722,165	4,687,477	4,415,700	4,911,017	4,998,482	5,185,192	3,404,019	3,411,665	1,500,000
Unassigned	753,115	3,267,395	3,536,735	4,742,954	2,739,006	3,269,500	3,044,388	5,029,615	4,879,118	753,377
Total general fund	$ 6,601,549	$ 9,801,596	$ 12,243,467	$ 13,318,352	$ 12,239,567	$ 13,107,599	$ 11,783,872	$ 9,959,949	$ 9,820,214	$ 3,956,052
All Other Governmental Funds										
Non-Spendable										
Restricted										
Reported in:										
Special revenue funds	5,986,616	5,805,914	5,503,509	5,312,223	6,214,265	6,862,505	6,144,345	5,837,086	4,224,502	1,793,368
Capital project funds	325,116	14,051	8,753,956	9,367,817	8,300,217	8,163,390	7,481,156	5,907,923	4,239,910	6,661,020
Debt Service funds										
Committed										
Assigned	2,628,525	2,620,462	2,624,852	2,662,362	2,674,301	2,565,078	2,542,385	5,000,419	4,764,434	5,088,061
Unassigned	(2,485,462)	(2,061,740)	(1,547,898)	(1,113,773)	(633,728)	(699,152)	(1,144,021)	(286,646)	(132,769)	(195,094)
Total all other governmental funds	$ 6,454,795	$ 6,378,687	$ 15,334,419	$ 16,228,629	$ 16,555,055	$ 16,891,821	$ 15,023,865	$ 16,458,782	$ 13,096,077	$ 13,347,355
Total primary government program revenues	$ 13,056,344	$ 16,180,283	$ 27,577,886	$ 29,546,981	$ 28,794,622	$ 29,999,420	$ 26,807,737	$ 26,418,731	$ 22,916,291	$ 17,303,407

*Amounts reported prior to 2023 have not been restated.

Note: The City of Banning implemented changes to the presentation of fund balance per GASB Statement No 54 in fiscal year 2011
Source: City of Banning Finance Department

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CITY OF BANNING

Table 4 - Changes in Fund Balance of Governmental Funds

Last Ten Fiscal Years (modified accrual basis)

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Revenues										
Taxes	$ 9,406,564	$ 10,138,020	$ 10,792,461	$ 10,739,122	$ 11,596,387	$ 12,849,432	$ 12,742,196	$ 13,149,520	$ 15,587,711	$ 15,334,725
Licenses and Permits	219,998	542,773	779,554	605,809	799,517	925,340	3,362,718	2,975,991	3,096,461	1,868,894
Intergovernmental	1,935,257	2,388,989	2,040,858	2,582,458	2,310,871	1,429,852	2,576,501	4,535,311	5,627,326	4,190,331
Charges for services	3,580,518	3,555,706	3,317,149	3,396,761	1,842,536	3,519,930	2,422,355	309,482	4,986,735	4,743,090
Use of money and property	540,560	519,940	553,390	640,812	730,369	1,006,328	824,149	267,820	(106,461)	289,456
Fines and fortfeitures	291,125	303,308	267,410	252,114	248,336	233,389	169,833	180,425	114,948	187,665
Contributions	27,671	15,873	13,724	13,502	26,157	15,448	17,137	12,350	10,042	-
Contributions from Successor Agency		123,840	250,000	103,932	250,000	250,000	250,000	250,000	250,000	250,000
Miscellaneous	538,711	786,454	457,486	567,775	547,331	710,285	669,559	6,812,371	2,157,866	1,124,165
Total Revenues	$ 16,540,404	$ 18,374,903	$ 18,472,032	$ 18,902,285	$ 18,351,504	$ 20,940,004	$ 23,034,448	$ 28,493,270	$ 31,724,628	$ 27,988,326
Expenditures										
General government	$ 2,359,703	$ 2,515,876	$ 2,227,796	$ 2,317,140	$ 2,346,949	$ 2,664,332	$ 2,972,421	$ 4,484,323	$ 4,675,193	$ 6,021,451
Public safety	9,322,284	8,973,171	9,529,941	10,063,201	10,944,961	11,153,944	13,075,950	13,563,927	15,284,905	15,989,435
Community Development		1,320,264	1,547,336	1,447,973	1,595,580	1,931,189	3,247,945	4,187,335	4,471,179	5,423,682
Culture and leisure	729,874	727,793	764,076	1,049,253	1,106,051	1,192,937	1,263,614	1,374,080	1,596,510	1,919,057
Public Works/Transportation	2,373,978	1,015,760	1,059,235	918,170	1,379,680	1,285,522	2,008,296	1,879,755	1,756,479	1,857,734
Capital outlay	818,606	1,660,791	963,545	1,203,917	1,936,697	1,628,584	3,867,445	3,353,979	4,677,919	3,911,660
Debt services:										
Principal retirement	333,112	345,721	358,806	579,198	460,329	478,835	416,296	212,276	-	179,036
Interest and fiscal charges	103,141	90,261	76,884	78,338	57,616	38,622	19,170	3,936	-	38,140
Total Expenditures	$ 16,040,698	$ 16,649,637	$ 16,527,619	$ 17,657,190	$ 19,827,863	$ 20,373,965	$ 26,871,137	$ 29,059,611	$ 32,462,185	$ 35,340,195
Excess (Deficiency) of Revenues Over (Under) Expenditures	$ 499,706	$ 1,725,266	$ 1,944,413	$ 1,245,095	$ (1,476,359)	$ 566,039	$ (3,836,689)	$ (566,341)	$ (737,557)	$ (7,351,869)
Other Financing Sources (Uses)										
Transfers In	$ 972,122	$ 2,001,503	$ 913,544	$ 888,325	$ 1,418,278	$ 1,051,128	$ 1,080,404	$ 2,466,100	$ 3,481,115	$ 2,147,102
Transfers Out	(248,122)	(602,830)	(261,387)	(164,325)	(694,278)	(412,369)	(435,398)	(2,288,765)	(3,723,757)	(978,333)
Refunding debt issued										
Refunding debt issuance costs										
Subscriptions										106,550
Leases										1,123,513
Total Other Financing Sources (Uses)	$ 724,000	$ 1,398,673	$ 652,157	$ 724,000	$ 724,000	$ 638,759	$ 645,006	$ 177,335	$ (242,642)	$ 2,398,832
Extraordinary gain/(loss)/Special Items [2]			$ 8,801,033 [5]							
Net Change in Fund Balance	$ 1,223,706	$ 3,123,939	$ 11,397,603	$ 1,969,095	$ (752,359)	$ 1,204,798	$ (3,191,683)	$ (389,006)	$ (980,199)	$ (4,953,037)
Fund Balance, Beginning of Year, as previously reported	$ 11,848,926	$ 13,056,344	$ 16,180,283	$ 27,577,886	$ 29,546,981	$ 28,794,622	$ 29,999,420	$ 26,807,737	$ 26,418,731	$ 22,916,291
Restatements [3]	$ (16,288) [4]									$ (659,847)
Fund Balance, Beginning of Year, as restated	$ 11,832,638	$ 13,056,344	$ 16,180,283	$ 27,577,886	$ 29,546,981	$ 28,794,622	$ 29,999,420	$ 26,807,737	$ 26,418,731	$ 22,256,444
Fund Balance, End of Year	**$ 13,056,344**	**$ 16,180,283**	**$ 27,577,886**	**$ 29,546,981**	**$ 28,794,622**	**$ 29,999,420**	**$ 26,807,737**	**$ 26,418,731**	**$ 25,438,532**	**$ 17,303,407**

*Amounts reported prior to 2023 have not been restated.

Source: City of Banning Finance Department

[4] Fiscal Year 2014 restatement of ($16,288), Beginning fund balance previously reported $11,848,926, restated Fund Balance $11,832,638 due to properly recognize unearned Supplemental Law Enforcement revenue as unearned revenues, which was previously recorded as revenue without a corresponding expenditure/expense (Note 16)

[5] Special item Fiscal Year 2016 - Pursuant to Health and Safety Code (the "HSC") § 34178 (c), the City of Banning came to an agreement with the Successor Agency to the dissolved community redevelopment agency of the City of Banning on January 26, 2016, to transfer excess bond proceeds to the city from the Successor Agency. This transfer of $8,801,033 included assets and liabilities related to the unspent bond proceeds of the 2003 Tax Allocation Bonds and the 2007 Tax Allocation Bonds (Note 18)

CITY OF BANNING

Table 5 - Electric by Type of Customer (Revenues and Demand)

Last Ten Fiscal Years

	Fiscal Year									
Electric Fund	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Number of Customers										
Residential	10,768	10,843	10,974	10,954	10,989	10,847	11,122	11,311	11,670	11,963
Commercial	1,000	1,003	1,012	1,022	1,027	1,044	1,091	1,091	1,107	1,125
Industrial	5	6	6	6	6	6	6	6	6	65
Other	121	123	120	120	118	119	120	120	120	123
Total Number of Customers	11,894	11,975	12,112	12,102	12,140	12,016	12,339	12,528	12,903	13,276
Mega-Watt Hour Sales[1]										
Residential	66,352	67,692	66,768	72,585	70,204	69,128	69,908	76,089	76,899	81,813
Commercial	49,415	50,269	48,334	48,720	48,170	45,944	45,117	42,179	48,070	35,678
Industrial	13,379	11,638	10,527	10,939	10,722	11,375	12,296	11,213	10,967	29,488
Other	9,780	15,396	14,321	11,485	11,810	11,592	10,529	10,321	12,306	4,422
Total Mega-Watt Hour Sales	138,926	144,995	139,950	143,729	140,906	138,039	137,850	139,802	148,242	151,401
Revenues from Sales[1]										
Residential	13,151,115	13,266,022	13,275,934	14,714,907	13,775,727	13,711,007	12,848,125	13,991,966	13,744,461	15,374,209
Commercial	10,624,022	10,613,239	10,372,350	10,655,013	10,262,343	9,726,219	9,571,183	8,919,933	10,036,854	6,612,678
Industrial	2,131,714	1,843,979	1,716,528	1,717,027	1,542,367	1,772,997	1,893,843	1,701,200	1,618,564	5,087,121
Other	1,296,415	2,082,082	1,951,446	1,591,987	1,589,801	1,505,272	1,410,311	1,402,497	1,690,771	647,385
Total Revenue from Sales	$ 27,203,266	$ 27,805,322	$ 27,316,258	$ 28,678,934	$ 27,170,238	$ 26,715,495	$ 25,723,462	$ 26,015,596	$ 27,090,650	$ 27,721,393
Peak Demand (MW)	40.5	42.4	44.5	46.3	49.1	49.0	44.1	51.2	49.6	52.7

[1] Metered Sales

Source: City of Banning Finance Department & Electric Utility

CITY OF BANNING

Table 6 - Electricity Rates

Last Ten Fiscal Years

	Fiscal Year									
Electric Fund	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Average rate in Dollars per Kilowatt Hour										
Residential	0.1982	0.1960	0.1988	0.2027	0.1962	0.1983	0.1983	0.1839	0.1787	0.1879
Commercial	0.2150	0.2111	0.2146	0.2187	0.2130	0.2117	0.2117	0.2115	0.2088	0.1853
Industrial	0.1593	0.1584	0.1631	0.1570	0.1438	0.1559	0.1559	0.1517	0.1476	0.1725
Other	0.1326	0.1301	0.1363	0.1386	0.1346	0.1299	0.1299	0.1359	0.1374	0.1464

Source: City of Banning Electric Utility

CITY OF BANNING

Table 7 - Ten Largest Electric Customers

Current Year and Ten Years Ago

Electric Fund

		Fiscal Year 2023				Fiscal Year 2014			
Customer	**Customer type**	% of Retail Sales	Sales	Consumption (kWh)	Rank	% of Retail Sales	Sales	Consumption (kWh)	Rank
City of Banning	Government	5.52%	1,689,006	9,735,835	1	6.99%	1,684,987	10,598,645	1
Smith Correctional Facilities	Government	2.65%	809,619	5,235,692	2	4.51%	1,086,902	6,463,048	2
San Gorgonio Hospital	Hospital	2.66%	812,547	4,714,745	3	2.13%	513,809	4,599,487	4
Banning Unified School District	Government	2.35%	718,905	3,640,887	4	3.25%	784,780	4,126,842	3
Robertson's Ready Mix	Commercial	1.59%	487,093	2,157,071	5	1.52%	366,065	1,934,370	6
Sun Lakes Country Club HOA	Commercial	1.44%	440,985	2,146,211	6	2.11%	507,774	2,297,311	5
Albertsons	Commercial	0.76%	231,038	1,667,623	7	1.30%	314,022	1,791,360	7
Sunrise Mobile Home Park	Residential	0.63%	191,559	966,080	8	0.64%	155,060	920,000	10
Twin View Mobile Home Park	Residential	0.43%	130,989	613,600	9	0.70%	169,800	974,878	8
Frontier California	Commercial	0.39%	120,040	849,244	10	0.68%	163,217	895,440	9

Source: City of Banning Utility Billing Department

CITY OF BANNING

Table 8 - Water by Type of Customer (Revenues and Consumption)

Last Ten Fiscal Years

	Fiscal Year									
Water Fund	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Number of Customers										
Residential	9,727	9,730	9,793	9,739	9,867	9,732	9,796	9,987	10,395	10,736
Commercial	715	711	716	710	730	725	660	823	705	650
Industrial	10	10	10	10	9	10	90	118	12	30
Public	47	47	46	47	44	41	34	36	37	38
Irrigation	9	9	10	10	8	10	9	8	22	126
Total Number of Customers	10,508	10,507	10,575	10,516	10,658	10,518	10,589	10,972	11,171	11,580
Consumption Sales										
Residential	1,953,004	1,739,303	1,365,536	1,601,778	1,707,704	1,516,281	1,639,019	1,845,893	1,834,436	1,675,154
Commercial	936,423	894,408	689,879	792,531	790,882	841,727	847,685	984,318	978,167	636,134
Industrial	48,233	43,681	39,596	43,328	44,476	42,592	41,222	113,290	153,106	85,965
Public	44,664	30,760	22,152	26,695	27,727	20,158	11,349	9,647	11,860	25,453
Irrigation	443,188	399,781	285,798	407,890	372,531	300,097	390,106	357,127	424,309	459,865
Total Consumption Sales	$ 3,425,512	$ 3,107,933	$ 2,402,961	$ 2,872,222	$ 2,943,320	$ 2,720,855	$ 2,929,381	$ 3,310,275	$ 3,401,878	$ 2,882,571
Revenues from Sales[1]										
Residential	6,440,803	6,105,172	5,248,775	5,799,336	6,066,320	5,731,331	6,254,795	7,032,581	7,386,411	7,524,923
Commercial	2,618,402	2,752,023	2,206,600	2,466,697	2,482,100	2,688,529	2,795,592	3,114,179	3,353,766	2,535,278
Industrial	96,816	90,751	83,109	90,057	92,809	91,131	91,298	193,813	377,691	0
Public	25,905	17,841	12,848	15,483	16,082	11,959	7,019	6,072	7,688	16,565
Irrigation	1,054,230	976,946	718,469	998,708	915,149	735,148	1,011,087	935,774	1,172,316	1,499,478
Total Revenue from Sales	$ 10,236,157	$ 9,942,734	$ 8,269,801	$ 9,370,281	$ 9,572,460	$ 9,258,098	$ 10,159,791	$ 11,282,419	$ 12,297,872	$ 11,576,244

[1] Metered Sales

Source: City of Banning Finance Department & Water Department

CITY OF BANNING

Table 9 - Water Rates

Last Ten Fiscal Years

	Fiscal Year									
Water Fund	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Rates										
Monthly Water Charges										
Meter size										
5/8 inch	$ 20.94	$ 20.94	$ 20.94	$ 20.94	$ 20.94	$ 21.57	$ 22.22	$ 22.88	$ 23.57	$ 25.74
3/4 inch	$ 20.94	$ 20.94	$ 20.94	$ 20.94	$ 20.94	$ 21.57	$ 22.22	$ 22.88	$ 23.57	$ 25.74
1 inch	$ 31.75	$ 31.75	$ 31.75	$ 31.75	$ 31.75	$ 32.70	$ 33.68	$ 34.69	$ 35.73	$ 38.36
1 1/2 inch	$ 58.74	$ 58.74	$ 58.74	$ 58.74	$ 58.74	$ 60.50	$ 62.32	$ 64.19	$ 66.11	$ 69.90
2 inch	$ 91.14	$ 91.14	$ 91.14	$ 91.14	$ 91.14	$ 93.87	$ 96.69	$ 99.59	$ 102.58	$ 107.75
3 inch	$ 166.77	$ 166.77	$ 166.77	$ 166.77	$ 166.77	$ 171.77	$ 176.93	$ 182.23	$ 187.70	$ 208.68
4 inch	$ 274.83	$ 274.83	$ 274.83	$ 274.83	$ 274.83	$ 283.07	$ 291.57	$ 300.31	$ 309.32	$ 322.23
6 inch	$ 544.79	$ 544.79	$ 544.79	$ 544.79	$ 544.79	$ 561.13	$ 577.97	$ 595.31	$ 613.17	$ 637.64
8 inch	$ 868.83	$ 868.83	$ 868.83	$ 868.83	$ 868.83	$ 894.89	$ 921.74	$ 949.39	$ 977.88	$ 1,016.14
Commodity Charge (per HCF)										
Tier 1 0-12	$ 1.84	$ 1.84	$ 1.84	$ 1.84	$ 1.84	$ 1.90	$ 1.95	$ 2.01	$ 2.07	$ 2.42
Tier 2 13-25	$ 2.34	$ 2.34	$ 2.34	$ 2.34	$ 2.34	$ 2.41	$ 2.48	$ 2.56	$ 2.63	$ 2.62
Tier 3 26+	$ 2.64	$ 2.64	$ 2.64	$ 2.64	$ 2.64	$ 2.72	$ 2.80	$ 2.88	$ 2.97	$ 3.15
Municipal (City/Parks)	$ 0.58	$ 0.58	$ 0.58	$ 0.58	$ 0.58	$ 0.60	$ 0.62	$ 0.63	$ 0.65	$ 0.65

Source: City of Banning Water Utility

CITY OF BANNING

Table 10 - Ten Largest Water Customers

Current Year and Ten Years Ago

Water Fund

Customer	Customer type	Fiscal Year 2023 % of Retail Sales	Fiscal Year 2023 Sales	Fiscal Year 2023 Consumption A/F	Fiscal Year 2023 Rank	Fiscal Year 2014 % of Retail Sales	Fiscal Year 2014 Sales	Fiscal Year 2014 Consumption A/F	Fiscal Year 2014 Rank
Sun Lakes Country Club HOA	Commercial	10.91%	1,291,457	966.01	1	10.88%	981,844	918.6	1
Banning Unified School District	Government	3.84%	454,179	281.61	2	2.59%	234,202	246.7	2
Smith Correction Facility	Government	2.35%	278,493	166.66	3	2.50%	225,279	209.9	3
Banning Heights Mutual Water District	Utility	1.82%	214,920	191.67	4	1.00%	90,027	111.5	5
City of Banning	Government	1.31%	155,077	118.95	5	0.58%	52,308	207.0	7
Robertson's Ready Mix	Commercial	0.93%	109,719	192.26	6	1.09%	98,539	78.4	4
High Valley Water	Utility	0.80%	94,608	70.54	7	0.61%	55,218	49.8	6
Mountain Springs Mfg Home Comm	Residential	0.46%	54,850	39.46	8	0.48%	43,721	43.3	9
Peppertree Apartments	Residential	0.43%	50,805	36.37	9	0.50%	44,839	39.7	8
San Gorgonio Hospital	Hospital	0.41%	48,509	22.97	10	0.45%	40,942	37.8	10

Source: City of Banning Utility Billing Department

CITY OF BANNING

Table 11 - Wastewater by Type of Customer (Revenues)

Last Ten Fiscal Years

	Fiscal Year									
Wastewater Fund	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Number of Customers										
Residential/Commercial	10,695	10,678	10,756	10,698	10,702	10,701	10,815	11,151	11,679	11,720
Total Number of Customers	10,695	10,678	10,756	10,698	10,702	10,701	10,815	11,151	11,679	11,720
Revenues from Sales[(1)]										
Residential/Commercial	3,086,099	3,124,358	3,142,411	3,230,542	3,339,942	3,323,385	3,480,853	3,770,460	3,685,173	4,444,619
Total Revenue from Sales	$ 3,086,099	$ 3,124,358	$ 3,142,411	$ 3,230,542	$ 3,339,942	$ 3,323,385	$ 3,480,853	$ 3,770,460	$ 3,685,173	$ 4,444,619

[(1)] User Fees

Source: City of Banning Finance Department & Water Department

CITY OF BANNING

Table 12 - Wastewater Rates

Last Ten Fiscal Years

	Fiscal Year									
Wastewater Fund	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Rates										
Residential/Commercial	18.48	18.48	18.48	18.48	18.48	19.03	19.61	20.19	20.80	30.20
Tertiary Surcharge	2.00	2.00	2.00	2.00	2.00	2.06	2.12	2.19	2.25	2.32
Total Charge	20.48	20.48	20.48	20.48	20.48	21.09	21.73	22.38	23.05	32.52

Source: City of Banning Water Utility

CITY OF BANNING

Table 13 - Ten Largest Wastewater Customers

Current Year and Ten Years Ago

Water Fund

		Fiscal Year 2023			Fiscal Year 2014		
Customer	**Customer type**	% of Retail Sales	Sales	Rank	% of Retail Sales	Sales	Rank
EDA Facilities Management	Institutional	6.31%	232,567	1	5.50%	148,294	1
Sunrise Mobile Home Park	Residential	1.40%	51,528	2	1.53%	41,215	2
Mountain Air Mobile Home Park	Residential	1.09%	40,316	3	1.05%	28,398	4
Twin View Mobile Home Park	Residential	1.07%	39,504	4	1.20%	32,426	3
HK Realty - Windscape Village Apartments	Residential	0.97%	35,708	5	1.01%	27,268	6
Banning Unified School District	School	0.86%	31,649	6	1.04%	28,090	5
Peppertree Apartments	Residential	0.67%	24,556	7	0.69%	18,641	7
San Gorgonio Memorial Hospital	Institutional	0.54%	19,906	8	0.56%	15,182	8
Sun Lakes Country Club & HOA	Commercial	0.15%	5,473	9	0.14%	3,744	9
Albertson's Grocery Store	Commercial	0.10%	3,586	10	0.10%	2,752	10

Source: City of Banning Utility Billing Department

CITY OF BANNING

Table 14 - Assessed Value of Taxable Property by Category

Last Ten Fiscal Years (in thousands of dollars)

Category	Fiscal Year									
	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Residential	1,231,205,686	1,361,770,501	1,456,038,822	1,529,223,488	1,616,626,647	1,703,563,175	1,795,364,039	1,879,909,686	2,005,026,310	2,316,482,807
Commercial	220,468,493	217,554,607	227,226,058	238,283,775	246,325,182	253,666,105	262,762,441	275,530,356	282,765,400	305,026,306
Industrial	51,018,407	50,397,147	42,649,123	45,657,917	51,131,650	53,034,191	54,209,548	56,428,204	56,416,962	112,831,454
Agricultural							1,269,688	27,094,871	11,670,860	13,249,219
Government Owned	41,769	-	-	19,600	19,992	20,391	20,800	21,216	21,435	21,864
Institutional	914,450	911,496	1,304,236	897,253	1,207,192	3,446,035	2,298,468	1,843,481	2,402,733	2,016,386
Miscellaneous	6,542,754	5,617,626	5,910,533	5,491,362	5,216,069	4,147,483	5,286,116	4,824,395	4,626,592	7,167,744
Recreational	462,799	464,897	474,181	481,408	491,035	500,854	510,868	521,084	526,481	537,009
Vacant	123,636,821	12,012,997	122,043,801	122,231,237	137,478,116	145,980,871	145,446,771	114,178,565	126,894,395	157,620,570
SBE Nonunitary	71,000	71,000	71,000	71,000	71,000	56,250	56,250	56,250	56,250	-
Cross Reference	16,794,672	16,767,086	18,032,076	17,535,587	17,426,796	21,443,971	18,882,075	19,986,636	20,706,438	21,105,184
Unsecured	58,614,332	51,249,393	47,306,695	39,554,059	48,043,330	51,853,726	52,547,634	57,534,510	55,051,147	58,811,020
Exempt	(9,621,151)	(9,813,510)	(10,009,717)	(10,349,091)	(9,894,532)	(10,092,353)	-	-	-	-
Unknown							2,940,334	2,999,398	312,052	337,115
Totals	**1,709,771,183**	**1,716,816,750**	**1,921,056,525**	**1,999,446,686**	**2,124,037,009**	**2,237,713,052**	**2,341,595,032**	**2,440,928,652**	**2,566,477,055**	**2,995,206,678**
Total Direct Rate	0.14885	0.14821	0.14800	0.14786	0.14756	0.14747	0.14715	0.14723	0.14723	0.1465

Notes:

Exempt values are not included in Total.

In 1978 the voters of the State of California passed Proposition 13 which limited taxes to a total maximum rate of 1%, based upon the assessed value of the property being taxed. Each year, the assessed value of property may be increased by an "inflation factor" (limited to a maximum of 2%). With few exceptions, property is only reassessed as a result of new construction activity or at the time it is sold to a new owner. At that point, the property is reassessed based upon the added value of the construction or at the purchase prise (market value) or economic value of the property sold. The assessed valuation data shown above respresents the only data currently available with respects to the actual market value of taxable proerty and is subject to the limitations described above.

Data source: Riverside County Assessor 2013/14 - 2022/23 Combined Tax Rolls

Provided by HDL Coren & Cone

CITY OF BANNING

Table 15 - Property Tax Rates

All Overlapping Governments (rate per $100 of assessed value)

Last Ten Fiscal Years

	Fiscal Year									
Agency	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Basic Levy[1]	**1.00000**	**1.00000**	**1.00000**	**1.00000**	**1.00000**	**1.00000**	**1.00000**	**1.00000**	**1.00000**	**1.00000**
Banning Unified School District	0.11284	0.10956	0.10826	0.10573	0.14473	0.14278	0.14526	0.14526	0.14588	0.14609
Beaumont Unified School District	0.09000	0.08169	0.07106	0.07193	0.07677	0.07432	0.07438	0.07431	0.07777	0.07777
Mt. San Jacinto Jr College	0.00000	0.00000	0.01394	0.01320	0.01320	0.01320	0.01320	0.01320	0.01320	0.01320
San Gogonio Pass Memorial Hospital Dist	0.11896	0.11296	0.08143	0.08357	0.09052	0.08692	0.06990	0.06716	0.06281	0.06242
San Gorgonio Pass Wager Agency	0.18500	0.18500	0.18500	0.18500	0.18250	0.18250	0.17750	0.17500	0.17500	0.17500
Total Direct & Overlapping Tax[2] Rates	**1.50680**	**1.48921**	**1.45969**	**1.45943**	**1.50772**	**1.49972**	**1.48024**	**1.47493**	**1.47466**	**1.47448**
City's Share of 1% Levy Per Prop 13[3]	0.12228	0.12228	0.12228	0.12228	0.12228	0.12228	0.12228	0.12228	0.12228	0.12228
Voter Approved City Debt Rate										
Redevelopment Rate[4]										
Total Direct Rate[5]	**0.14885**	**0.14821**	**0.14800**	**0.14786**	**0.14756**	**0.14747**	**0.14715**	**0.14723**	**0.14723**	**0.1465**

Notes:

[1]In 1978, California voters passed Proposition 13 which set the property tax rate at a 1.00% fixed amount. This 1.00% is shared by all taxing agencies for which the subject property resides within. In addition to the 1.00% fixed amount, property owners are charged taxes as a percentage of assessed property values for the payment sof any vote approved bonds.

[2]Overlapping rates are those of local and county governments that apply to property owners within the City. Not all overlapping rates apply to all property owners.

[3]City's Share of 1% Levy is based on the City's share of the general fund tax rate area with the largest net taxable value within the City. The ERAF portion of the City's Levy has been subtracted where known.

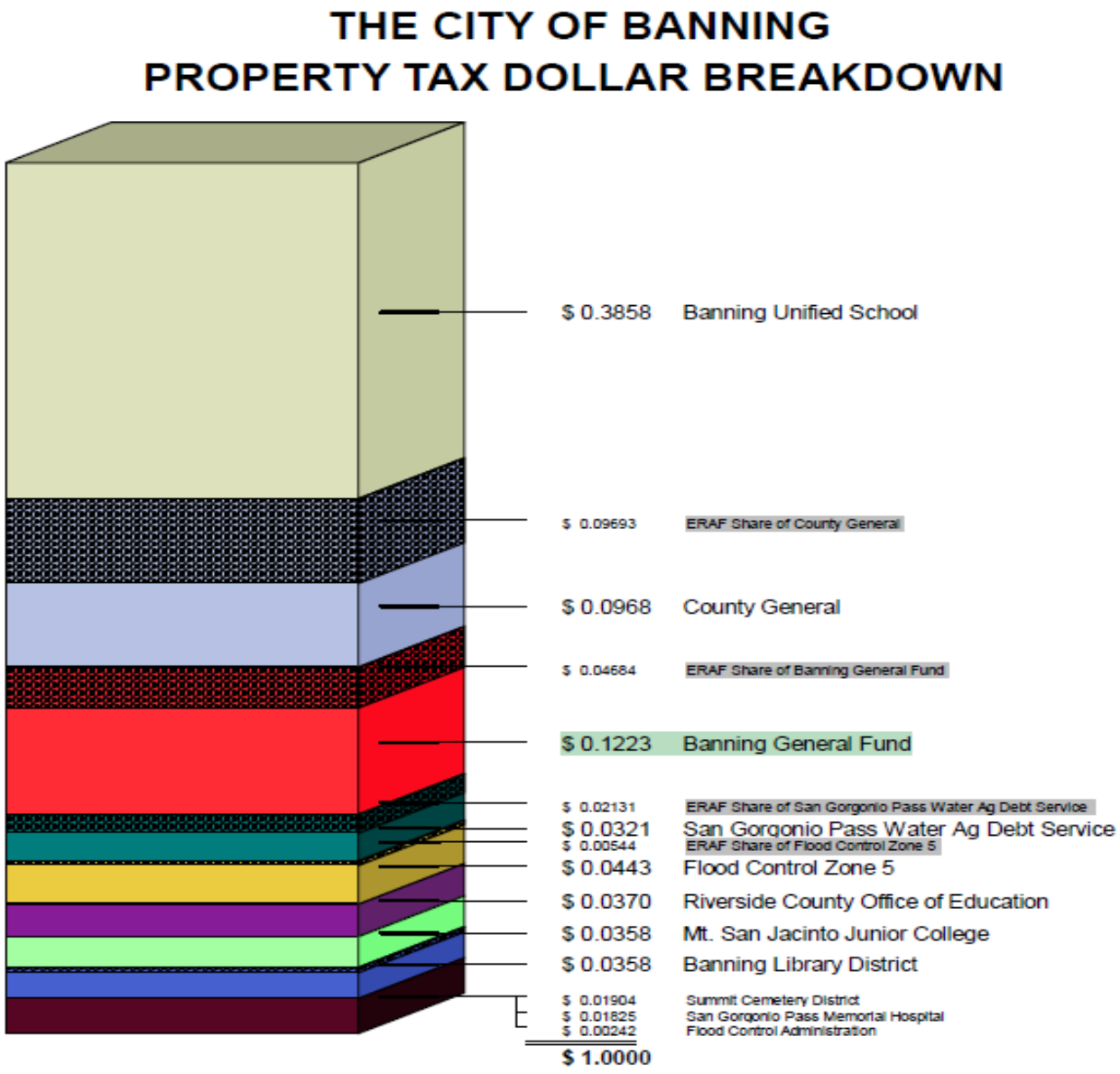
[4]Redevelopment Rate is based on the largest RDA tax rate area and only includes rate(s) from indebtedness adopted prior to 1989 per California State statute. RDA direct and overlapping rates are applied only to the incremental property values. The approval of ABX1 26 eliminated Redevelopment from the State of California for the fiscal eyar 2012/13 and years thereafter.

[5]Total Direct Rate is the weighted average of all individual direct rates applied by the City/Agency preparing the statistical section information and excludes revenues derived from aircraft. Beginning in 2013/14 the Total Direct Rate no longer includes revenue generated from te former redevelopment tax rate areas. Challenges to recognized enforeceable obligations are assumed to have been resolved during 2012/13. For the purposes of this report, residual revenue is assumed to be distributed to the City/Agency in the same proportions as a general fund revenue.

Data Source: Riverside County Assessor 2013/14 - 2022/23 Tax Rate Table

Provided by HDL Coren & Cone

CITY OF BANNING
Table 16 - Property Tax Rates
Property Tax Dollar Breakdown

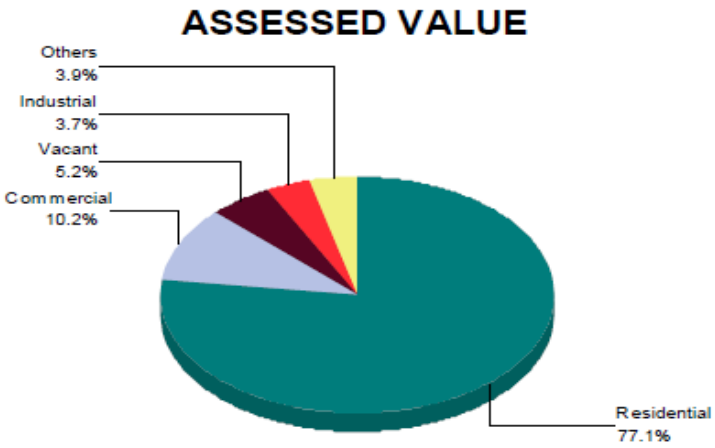


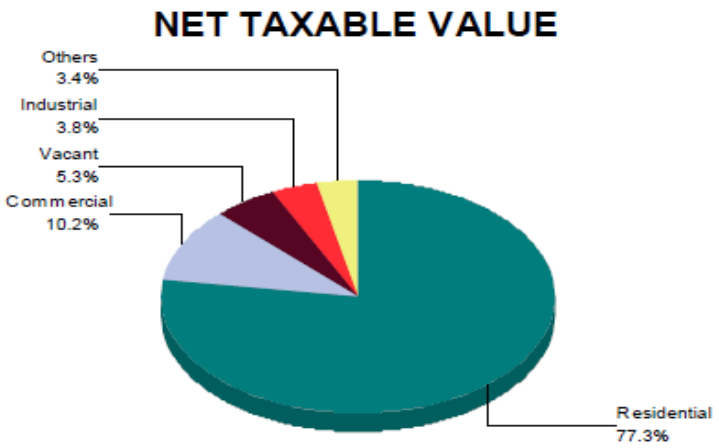
ATI (Annual Tax Increment) Ratios for Tax Rate Area 001-054. Excluding Redevelopment Factors & Additional Debt Service
Data Source: Riverside County Assessor 2022/23 Annual Tax Increment Tables
Provided by HDL Coren & Cone

CITY OF BANNING

Table 17 - Use Category Summary & Roll Summary Fiscal Year 2022-23

Use Category Summary	Basic Property Value Table					
Category	Parcels	Assessed Value	%	Net Taxable Value	%	
Residential	10,745	$ 2,357,018,203	77.1%	$ 2,316,482,807	77.3%	
Commercial	310	$ 312,119,081	10.2%	$ 305,026,306	10.2%	
Industrial	58	$ 112,831,454	3.7%	$ 112,831,454	3.8%	
Agricultural	81	$ 13,249,219	0.4%	$ 13,249,219	0.4%	
Government Owned	1	$ 583,628	0.0%	$ 21,864	0.0%	
Institutional	47	$ 16,846,375	0.6%	$ 2,016,386	0.1%	
Miscellaneous	19	$ 7,167,744	0.2%	$ 7,167,744	0.2%	
Recreational	2	$ 537,009	0.0%	$ 537,009	0.0%	
Vacant	1,417	$ 157,944,226	5.2%	$ 157,620,570	5.3%	
SBE Nonunitary	-	$ -	0.0%	$ -	0.0%	
Cross Reference	(526)	$ 21,263,163	0.7%	$ 21,108,184	0.7%	
Unsecured	(429)	$ 59,015,284	1.9%	$ 58,811,020	2.0%	
Exempt	612	$ -	0.0%	$ -	0.0%	
Unknown	3	$ 337,115	0.0%	$ 337,115	0.0%	
Totals	**13,295**	**$ 3,058,912,501**		**$ 2,995,209,678**		





Data Source: Riverside County Assessor 2022/23 Combined Tax Rolls

Provided by HDL Coren & Cone

CITY OF BANNING

Table 17 - Use Category Summary & Roll Summary Fiscal Year 2022-23

Roll Summary	Taxable Property Values		
	Secured	Nonunitary Utilities	Unsecured
Parcels	12,683	-	429
TRAs	17	-	12
VALUES			
Land	813,604,782	-	19,233
Improvements	2,178,580,782	-	259,278
Personal Property	4,019,315	-	27,844,213
Fixtures	3,692,338	-	28,680,400
Aircraft	-	-	2,212,160
Total Value	$ 2,999,897,217	$ -	$ 56,803,124
EXEMPTIONS			
Real Estate	63,315,090	-	-
Personal Property	146,932	-	26,464
Fixtures	36,537	-	-
Aircraft	-	-	177,800
Homeowners*	34,422,362	-	-
Total Exemptions*	$ 63,498,559	$ -	$ 26,464
Total Net Value	$ 2,936,398,658	$ -	$ 56,776,660

Combined Values		Total
Total Values	$	3,056,700,341
Total Exemptions	$	63,525,023
Net Total Values	$	2,993,175,318
Net Aircraft Values	$	2,034,360

Notes: *Homeowner Exemptions are not included in Total Exemptions

Totals do not include Aircraft Values or Exemptions

Data Source: Riverside County Assessor 2022/23 Combined Tax Rolls

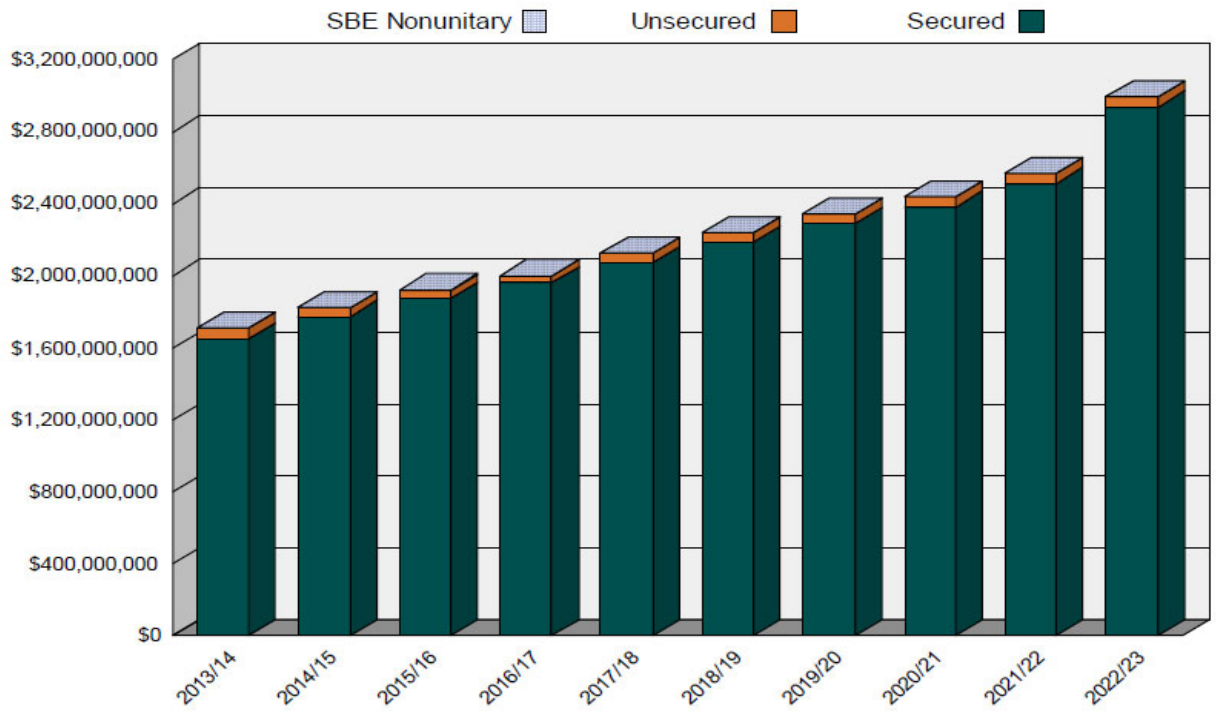
Provided by HDL Coren & Cone

CITY OF BANNING

Table 18 - Net Taxable Assessed Value History

Last Ten Years

Taxable Property Values					
Lien Year	Secured	Unsecured	SBE Nonunitary	**Net Total AV**	**% Change**
2013/14	$ 1,651,085,851	$ 58,614,332	$ 71,000	**$ 1,709,771,183**	**4.59%**
2014/15	$ 1,773,613,357	$ 51,249,393	$ 71,000	**$ 1,824,933,750**	**6.74%**
2015/16	$ 1,873,678,830	$ 47,306,695	$ 71,000	**$ 1,921,056,525**	**5.27%**
2016/17	$ 1,959,821,627	$ 39,554,059	$ 71,000	**$ 1,999,446,686**	**4.08%**
2017/18	$ 2,075,922,679	$ 48,043,330	$ 71,000	**$ 2,124,037,009**	**6.23%**
2018/19	$ 2,185,803,076	$ 51,853,726	$ 56,250	**$ 2,237,713,052**	**5.35%**
2019/20	$ 2,288,991,148	$ 52,547,634	$ 56,250	**$ 2,341,595,032**	**4.64%**
2020/21	$ 2,383,337,892	$ 57,534,510	$ 56,250	**$ 2,440,928,652**	**4.24%**
2021/22	$ 2,511,369,658	$ 55,051,147	$ 56,250	**$ 2,566,477,055**	**5.14%**
2022/23	$ 2,936,398,658	$ 58,811,020	$ -	**$ 2,995,209,678**	**16.71%**
				Average % Change	**8.34%**



*Net AV Changes less than two percent are in purple font. Negative Net AV percent changes are in red.

Data Source: Riverside County Assessor 2022/23 Combined Tax Rolls

Provided by HDL Coren & Cone

CITY OF BANNING

Table 19 - Principal Property Taxpayers

Current Year and Ten Years Ago

Fiscal Year 2022/2023		Secured			Unsecured			Combined		
Rank	Owner	Parcels	Value	% of Net AV	Parcels	Value	% of Net AV	Value	% of Net AV	Primary Use & Primary Agency
1	LPC Banning LP	2	$ 46,061,851	1.57%				$ 46,061,851	1.54%	Industrial Successor Agency
2	FR Hathaway LLC	6	$ 26,565,000	0.90%				$ 26,565,000	0.89%	Vacant Sucessor Agency
3	MLD Banning Investment	2	$ 22,431,093	0.76%				$ 22,431,093	0.75%	Commercial Banning General Fund
4	Pardee Homes	171	$ 20,037,066	0.68%	5	$ 1,390,995	2.37%	$ 21,428,061	0.72%	Vacant Banning General Fund
5	Marinita Sage Rancho (Pending Appeals on Parcels)	1	$ 14,369,303	0.49%				$ 14,369,303	0.48%	Commercial Banning General Fund
6	Sun Sunrise Estates LLC	1	$ 14,351,112	0.49%				$ 14,351,112	0.48%	Residential Banning General Fund
7	Sun Lakes Investment LLC	4	$ 12,030,979	0.41%				$ 12,030,979	0.40%	Commercial Banning General Fund
8	Sun Lakes Highland LLC	1	$ 10,608,000	0.36%				$ 10,608,000	0.35%	Vacant Banning General Fund
9	Thrifty Payless Inc	2	$ 10,292,245	0.35%	1	$ 159,740	0.27%	$ 10,451,985	0.35%	Commercial Successor Agency
10	6109 W Ramsey LLC	1	$ 9,625,282	0.33%				$ 9,625,282	0.32%	Commercial Successor Agency
	Top Ten Total	191	$ 186,371,931	6.34%	6	$ 1,550,735	2.64%	$ 187,922,666	6.28%	
	City Total		$ 2,936,398,658			$ 58,811,020		$ 2,995,209,678		

Top Owners using sales through 6/30/2023

Data Source: Riverside County Assessor 2022/23 Combined Tax Rolles and the SBE Non Unitary Tax Roll

Provided by HDL Coren & Cone

CITY OF BANNING

Table 19 - Principal Property Taxpayers

Current Year and Ten Years Ago

Fiscal Year 2012/2013		Secured			Unsecured			Combined		
Rank	Owner	Parcels	Value	% of Net AV	Parcels	Value	% of Net AV	Value	% of Net AV	Primary Use & Primary Agency
1	MLD Banning Investment	2	$ 18,951,429	1.19%				$ 18,951,429	1.16%	Commercial Banning General Fund
2	Sun Lakes Investment	4	$ 9,967,661	0.63%				$ 9,967,661	0.61%	Commercial Successor Agency
3	MG Banning	3	$ 9,887,219	0.62%				$ 9,887,219	0.60%	Industrial Banning General Fund
4	Beaver Kirkmulon	1	$ 9,166,379	0.58%				$ 9,166,379	0.56%	Commercial Successor Agency
5	RRM Properies Limited	19	$ 8,940,396	0.56%	1	$ 21,451	0.05%	$ 8,961,847	0.55%	Miscellanous Successor Agency
6	Semain Brothers Partnership	8	$ 7,663,256	0.48%				$ 7,663,256	0.47%	Residential Banning General Fund
7	OSI Partnership 1	4	$ 7,431,894	0.47%				$ 7,431,894	0.45%	Vacant Successor Agency
8	Pardee Homes	26	$ 7,413,902	0.47%				$ 7,413,902	0.45%	Vacant Successor Agency
9	Wilson Investment	2	$ 7,245,180	0.46%				$ 7,245,180	0.44%	Commercial Successor Agency
10	Tine Warner Entertainment	1	$ 2,122,000	0.13%	4	$ 4,990,954	10.49%	$ 7,112,954	0.44%	Unsecured Successor Agency
	Top Ten Total	70	$ 88,789,316	5.59%	5	$ 5,012,405	10.54%	$ 93,801,721	5.74%	
	City Total		$ 1,587,207,683			$ 47,576,655		$ 1,634,784,338		

Top Owners using sales through 6/30/2013

Data Source: Riverside County Assessor 2012/13 Combined Tax Rolles and the SBE Non Unitary Tax Roll

Provided by HDL Coren & Cone

CITY OF BANNING

Table 20 - Property Tax Levies and Collections

Last Ten Fiscal Years

Fiscal Year	Total Tax Levy for Fiscal Year	Collected within the Fiscal Year of Levy		Amount Collected in Subsequent Year	Total Tax Collections	Percentage of Levy
		Amount	Percentage of Levy			
2013	1,926,973	1,810,496	93.96%	71,271.05	1,881,767	97.65%
2014	1,998,817	1,908,850	95.50%	60,908.35	1,969,758	98.55%
2015	2,157,676	2,079,042	96.36%	54,380.64	2,133,422	98.88%
2016	2,272,476	2,196,000	96.63%	48,703.86	2,244,704	98.78%
2017	2,364,118	2,364,411	100.01%	52,340.69	2,416,752	102.23%
2018	2,496,693	2,481,424	99.39%	5,462.38	2,486,886	99.61%
2019	2,602,851	2,601,581	99.95%	6,148.21	2,607,730	100.19%
2020	2,754,802	2,698,938	97.97%	4,931.37	2,703,869	98.15%
2021	2,820,588	2,722,228	96.51%	-	2,722,228	96.51%
2022	2,932,779	2,926,208	99.78%	-	2,926,208	99.78%
2023	3,302,863	3,297,166	99.83%	-	3,297,166	99.83%

Source: Riverside County Auditor-Controller's Office -Property Tax Division and Banning Finance Department

Tax Levy Based on Statement of Orignal Charge General Purpose Distribution (Secured Original Charge, Unsecured Original Charge and Homeowners Exemption)

CITY OF BANNING

Table 21 - Sales Tax by Major Business Groups

Last Ten Fiscal Years

	Fiscal Year									
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Major Business Group										
Autos and Transportation	421,344	507,338	607,279	642,783	761,037	785,604	830,122	1,125,093	1,138,481	995,087
Building and Construction	97,873	88,266	106,345	111,590	119,694	88,340	146,626	85,005	101,542	135,077
Business and Industry	64,436	57,275	51,601	76,463	58,231	224,798	105,216	111,339	153,353	182,403
Food and Drugs	202,928	217,538	225,680	227,999	225,762	259,357	249,480	313,934	373,892	376,065
Fuel and Service Stations	477,641	416,109	376,501	391,555	417,517	497,109	398,008	423,646	567,900	549,820
General Consumer Goods	205,372	130,643	114,365	226,089	275,627	274,043	254,450	359,749	360,989	388,181
Restaurants and Hotels	354,938	376,903	394,093	412,271	445,318	478,995	426,049	462,645	533,890	549,308
Transfers & Unidentified	-	218	-	(3,036)	-	(1,166)	(5,087)	86	193	5,078
Total Major Business Groups	1,824,532	1,794,290	1,875,864	2,085,714	2,303,186	2,607,080	2,404,864	2,881,497	3,230,240	3,181,019
Gross Sales Tax Allocations										
Major Business Groups	1,824,532	1,794,290	1,875,864	2,085,714	2,303,186	2,607,080	2,404,864	2,881,497	3,230,240	3,181,018
Allocations from County Pool	197,907	191,099	221,983	247,355	299,013	400,864	369,781	576,162	547,494	526,544
Allocations from State Pool	1,250	1,166	897	1,143	1,292	1,311	1,207	2,027	188	1,601
Total Gross Sales Tax Allocations	2,023,689	1,986,555	2,098,744	2,334,212	2,603,491	3,009,255	2,775,852	3,459,686	3,777,922	3,709,163

Data Source: State Board of Equalization, California Department of Taxes and Fees Administration, State Controller's Office, The HdL Companies

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CITY OF BANNING

Table 22 - Top 25 Sales Tax Producers

Current Year and Ten Years Ago

For Calendar Year 2013	
Business Name*	**Business Category**
22nd Shell	Service Stations
Albertsons	Grocery Store
Arco AM PM	Service Stations
Auto Source	Used Automotive Dealers
AutoZone	Automotive Supply Stores
Banning Arco	Service Stations
Banning RV Discount Centers	Trailers/RV's
Big Lots	Variety Store
Carls Jr	Quick-Serve Restaurants
Chevron	Service Stations
Coyne Powerports	Boats/Motorcycles
Del Taco	Quick-Serve Restaurants
Diamond Hills Auto Group	Service Stations
Highland Springs Mobil	Service Stations
Jack In The Box	Drug Stores
Kmart	Discount Dept Stores
McDonalds	Quick-Serve Restaurants
Mobil	Service Stations
Rite Aid	Drug Stores
Sizzler	Casual Dining
Smart & Final	Grocery Store
Sun Lakes Country Club	Leisure/Entertainment
Walgreens	Drug Stores
Wausau Tile	Contractors
Western Hydro	Contractors

Percent of Fiscal Year Total Paid by Top 25 Accounts = 68.92%

Period: January 2013 Thru December 2013

For Calendar Year 2022	
Business Name*	**Business Category**
Albertsons	Grocery Stores
Arco AM PM	Service Stations
Auto Zone	Automotive Supply Stores
Banning Arco	Service Stations
Banning RV Discount Centers	Trailers/RVs
Big 5 Sporting Goods	Sporting Goods/Bike Stores
Carl's Jr.	Quick-Serve Restaurants
Chevron	Service Stations
Coyne Powersports	Boats/Motorcycles
Culture Cannabis Club	Cannabis Related
Diamond Hills Chevrolet Buick GMC	New Motor Vehicle Dealers
Harbor Freight Tools	Building Materials
Harvest Corner	Cannabis Related
Highland Springs Mobil	Service Stations
Hobby Lobby	Specialty Stores
Jack in the Box	Quick-Serve Restaurants
Marshalls	Family Apparel
McDonalds	Quick-Serve Restaurants
Mobil	Service Stations
Rite Aid	Drug Stores
Shell	Service Stations
Sizzler	Casual Dining
Smart & Final	Grocery Stores
Walgreens	Drug Stores
Western Hydro	Contractors

Percent of Fiscal Year Total Paid by Top 25 Accounts = 68.66%

Period: January 2022 Thru December 2022

*Firms listed Alphabetically

Data Source: State Board of Equalization, California Department of Taxes and Fees Administration, State Controller's Office, The HdL Companies

CITY OF BANNING

Table 23 - Pledged Revenue Coverage

Last Ten Fiscal Years

REVENUE BONDS - ELECTRIC FUND

Fiscal Year	Operating Revenues	Operating Expenses	Net Revenue Available for Debt Service	Debt Service Requirements			Coverage
				Principal	Interest	Total	
2014	30,421,655	25,121,732	5,299,923	880,000	1,787,638	2,667,638	1.99
2015	29,671,254	24,687,062	4,984,192	935,000	1,737,038	2,672,038	1.87
2016	30,087,832	26,197,793	3,890,039	1,360,000	1,062,224	2,422,224	1.61
2017	33,879,947	30,002,023	3,877,924	1,005,000	1,418,744	2,423,744	1.60
2018	30,807,738	29,280,864	1,526,874	1,045,000	1,378,544	2,423,544	0.63
2019	31,541,706	27,171,125	4,370,581	1,095,000	1,326,294	2,421,294	1.81
2020	30,202,798	27,264,082	2,938,716	1,150,000	1,271,544	2,421,544	1.21
2021	32,429,837	28,767,977	3,661,860	1,210,000	1,214,044	2,424,044	1.51
2022	31,007,497	27,004,589	4,002,908	1,275,000	1,153,544	2,428,544	1.65
2023	34,139,023	30,885,444	3,253,579	1,335,000	1,089,794	2,424,794	1.34

Data Source: City of Banning Finance Department, Bond Covenants and Annual Continuing Disclosure documents

Notes: Pursuant to the Installment Sale Agreement, Operation and Maintenance Costs do not include debt service or similar payments on Parity Obligations, depreciation or amortization of intangibles or other bookkeeping entries of similar nature, or public benefit program expenditures.

Operating Expenses includes the City's proportionate share of SCPPA's obigations.

The 2007 Bonds were refunded by the 2015 Bonds on September 9, 2015

Debt service on the 2015 Bonds began in fiscal year 2015/16

Operating Revenue: although the City's Electric Utility maintains a Rate Stabilization Fund that had balances of $6,357,338, at June 30,2018; $6,305,770 at June 30, 2017; $6,280,510 at June 30, 2016; $6,258,242 at June 30, 2015; and $6,032,185 at June 30, 2014, the Electric Rate Stabilization Fund balances have been excluded from total gross revenues as these funds were not appropriated as revenue and had the necessary budgetary action to release fund balance be taken in Fiscal Year ending June 30, 2018, the available fund balance would have been sufficient to provide for the minimum required debt servcie coverage, same for Fiscal year 2011.

CITY OF BANNING

Table 23 - Pledged Revenue Coverage

Last Ten Fiscal Years

REVENUE BONDS - WATER FUND

Fiscal Year	Operating Revenues	Operating Expenses	Net Revenue Available for Debt Service	Debt Service Requirements			Coverage
				Principal	Interest	Total	
2014	10,680,473	4,757,956	5,922,517	770,000	1,521,138	2,291,138	2.58
2015	9,764,953	5,102,614	4,662,339	805,000	1,487,625	2,292,625	2.03
2016	8,940,295	4,950,953	3,989,342	840,000	1,451,675	2,291,675	1.74
2017	9,869,852	5,383,489	4,486,363	875,000	1,416,338	2,291,338	1.96
2018	9,829,025	5,820,654	4,008,371	910,000	1,380,638	2,290,638	1.75
2019	10,225,755	5,734,560	4,491,195	945,000	1,342,947	2,287,947	1.96
2020	10,870,647	6,244,222	4,626,425	985,000	1,302,203	2,287,203	2.02
2021	12,406,180	5,929,023	6,477,157	1,020,000	939,063	1,959,063	3.31
2022	12,643,832	4,765,919	7,877,913	1,075,000	877,718	1,952,718	4.03
2023	14,426,670	7,548,317	6,878,353	1,130,000	822,146	1,952,146	3.52

Data Source: City of Banning Finance Department and Bond Covenants and Annual Continuing Disclosure documents

Notes: Pursuant to the Indenture, Water Operation and Maintenance Expenses do not include debt service or similar payments on Parity Obligations, depreciation or amortization of intangibles or other bookkeeping entries of similar nature.

The 2005 Bonds were refunded by the 2015 Bonds on September 9, 2015

Debt Service on the 2015 Bonds began in Fiscal Year 2015/16

CITY OF BANNING

Table 23 - Pledged Revenue Coverage

Last Ten Fiscal Years

REVENUE BONDS - WASTEWATER FUND

				Debt Service Requirements					
				Revenue Bond		CA Water Resource Control Board Loan			
Fiscal Year	Operating Revenues	Operating Expenses	Net Revenue Available for Debt Service	Principal	Interest	Principal	Interest	Total	Coverage
2014	3,525,838	1,995,443	1,530,395	145,000	245,248	247,802	56,485	694,535	2.20
2015	3,531,808	1,999,208	1,532,600	155,000	239,395	254,246	50,043	698,684	2.19
2016	3,548,541	1,910,147	1,638,394	160,000	233,094	260,857	43,432	697,383	2.35
2017	3,688,410	2,045,413	1,642,997	165,000	226,430	267,639	36,650	695,719	2.36
2018	3,838,717	2,087,099	1,751,618	170,000	219,606	274,597	29,692	693,895	2.52
2019	4,126,301	2,580,758	1,545,543	180,000	212,494	281,737	22,552	696,783	2.22
2020	4,113,072	2,928,887	1,184,185	185,000	204,966	289,062	15,227	694,255	1.71
2021	3,825,768	2,768,148	1,057,620	195,000	197,128	296,578	7,711	696,417	1.52
2022	4,273,846	2,719,904	1,553,942	200,000	188,606			388,606	4.00
2023	5,222,687	3,094,340	2,128,347	210,000	179,381			389,381	5.47

Data Source: City of Banning Finance Department and Bond Covenants and Annual Continuing Disclosure documents

Notes: Pursuant to the Wastewater Indenure, Wastewater Operation and Maintenance Expenses do not include debt service or similar payments or parity debt, depreciation or amortization of intangible or other bookkeeping entries of similar nature.

The 2005 Bonds were refunded by the 2019 Bonds and redeemed on November 23, 2019

Debt Service on the 2019 Bonds commences in the 2020 Bond year.

Water Resource Control Board loan paid off in Oct 2020

CITY OF BANNING

Table 23 - Pledged Revenue Coverage

Last Ten Fiscal Years

TAX ALLOCATION BONDS - SUCCESSOR AGENCY

		Debt Service Requirements							
		2003 Tax Allocation Bonds		2007 Tax Allocation Bonds		2016 Refunding Tax Allocation Bond			
Fiscal Year	Tax Increment	Principal	Interest	Principal	Interest	Principal	Interest	Total	Coverage
2014	3,184,770	460,000	497,995	695,000	1,163,716			2,816,711	1.13
2015	1,648,964	480,000	478,895	710,000	1,137,391			2,806,286	0.59
2016	3,541,209	500,000	458,370	750,000	1,111,466			2,819,836	1.26
2017	3,759,131	520,000	436,370	780,000	1,083,829			2,820,199	1.33
2018	2,722,510					1,075,000	1,005,364	2,080,364	1.31
2019	2,506,684					1,205,000	990,023	2,195,023	1.14
2020	2,719,347					1,220,000	971,404	2,191,404	1.24
2021	2,411,372					1,240,000	949,712	2,189,712	1.10
2022	2,261,732					1,265,000	924,838	2,189,838	1.03
2023	2,465,551					1,290,000	896,718	2,186,718	1.13

Data Source: City of Banning Finance Department and Bond Covenants and Financial Statements

Notes: Fiscal Year 2014 -Note 15 Sucessor Agency Trust for Assets of Former Redevelopment Agency (e) 2003 Tax Allocation Bonds (f) 2007 Tax Allocation Bonds (i) Pledged Revenue

Fiscal Year 2015 -Note 16 Sucessor Agency Trust for Assets of Former Redevelopment Agency (e) 2003 Tax Allocation Bonds (f) 2007 Tax Allocation Bonds (i) Pledged Revenue

Fiscal Year 2016 -Note 16 Sucessor Agency Trust for Assets of Former Redevelopment Agency (e) 2003 Tax Allocation Bonds (f) 2007 Tax Allocation Bonds (i) Pledged Revenue

Fiscal Year 2017 -Note 16 Sucessor Agency Trust for Assets of Former Redevelopment Agency (e) 2003 Tax Allocation Bonds (f) 2007 Tax Allocation Bonds (i) Pledged Revenue

September 22,2016 Successor Agency of the Dissolved Redevelopment Agency of the City of Banning issued Tax Allocation Refunding Bonds, Series 2016 (Taxable)

As result the refunding bonds defeased the liability of the 2003 and 2007 Taxable Allocation Bonds

Fiscal Year 2018 -Note 16 Sucessor Agency Trust for Assets of Former Redevelopment Agency (d) 2016 Tax Allocation Refunding Bonds, Pledged Revenue

Fiscal Year 2019 -Note 17 Sucessor Agency Trust for Assets of Former Redevelopment Agency (e) 2016 Tax Allocation Refunding Bonds, (g) Pledged Revenue

Fiscal Year 2020 -Note 17 Sucessor Agency Trust for Assets of Former Redevelopment Agency (g) 2016 Tax Allocation Refunding Bonds, (g) Pledged Revenue

Fiscal Year 2021 -Note 17 Sucessor Agency Trust for Assets of Former Redevelopment Agency (g) 2016 Tax Allocation Refunding Bonds, (g) Pledged Revenue

Fiscal Year 2022 -Note 17 Sucessor Agency Trust for Assets of Former Redevelopment Agency (g) 2016 Tax Allocation Refunding Bonds, (g) Pledged Revenue

Fiscal Year 2023 -Note 17 Sucessor Agency Trust for Assets of Former Redevelopment Agency (g) 2016 Tax Allocation Refunding Bonds, (g) Pledged Revenue

CITY OF BANNING

Table 24 - Ratios of Outstanding Debt by Type

Last Ten Fiscal Years

	Governmental Activities						
Fiscal Year	2003 Tax Allocation Bonds	2007 Tax Allocation Bonds	Loans Payable	2011 Refunding Lease	Glick Note Payable	Ford Motor Credit Vehicle Lease	Total Governmental Activities
2011	11,425,000	29,355,000	1,133,602	3,455,000			45,368,602
2012	- [1]	- [1]	- [1]	3,147,156			3,147,156
2013	-	-	-	2,826,192			2,826,192
2014	-	-	-	2,493,082			2,493,082
2015	-	-	-	2,147,361			2,147,361
2016	-	-	-	1,788,555	125,007		1,913,562
2017	-	-	-	1,416,167	- [4]	151,569	1,567,736
2018	-	-	-	1,029,684	-	77,723	1,107,407
2019	-	-	-	628,572	-	-	628,572
2020	-	-	-	212,726	-	-	212,726
2021	-	-	-	-	-	-	-
2022	-	-	-	-	-	-	-
2023	-	-	-	-	-	-	-

	Business Type Activiites							
Fiscal Year	Loans Payable	2005 Water Revenue Bond	2005 Wastewater Revenue Bond	2007 Electric Revenue Bond	2015 Electric Refunding Bond	2015 Water Revenue Bond	2019 Wastewater Refunding Bond	Total Business-Type Activities
2012	2,414,042	31,480,000	5,700,000	36,935,000				76,529,042
2013	2,172,519	30,740,000	5,560,000	36,085,000				74,557,519
2014	1,924,715	29,970,000	5,415,000	35,205,000				72,514,715
2015	1,670,469	29,165,000	5,260,000	34,270,000				70,365,469
2016	1,409,613	- [2]	5,100,000	- [3]	30,395,000	24,420,000		61,324,613
2017	1,141,974	-	4,935,000	-	29,390,000	23,965,000		59,431,974
2018	867,377	-	4,765,000	-	28,345,000	23,235,000		57,212,377
2019	585,640	-	4,585,000	-	27,250,000	22,490,011		54,910,651
2020	296,578	-	- [5]	-	26,100,000	21,520,011	4,020,000	51,936,589
2021	- [6]	-	-	-	24,890,000	20,500,010	3,800,000	49,190,010
2022	-	-	-	-	23,615,000	19,425,011	3,580,000	46,620,011
2023	-	-	-	-	22,280,000	18,295,011	3,355,000	43,930,011

CITY OF BANNING

Table 24 - Ratios of Outstanding Debt by Type

Last Ten Fiscal Years

Fiscal Year	Governmental Activities	Business-Type Activities	Total Primary Governemnt	Total Personal Income	Percentage of Personal Income	Population	Per Capita
2012	3,147,156	76,529,042	79,676,198	610,207,000	13.06%	29,965	2,659
2013	2,826,192	74,557,519	77,383,711	622,075,000	12.44%	30,170	2,565
2014	2,493,082	72,514,715	75,007,797	609,714,000	12.30%	30,325	2,473
2015	2,147,361	70,365,469	72,512,830	618,818,000	11.72%	30,306	2,393
2016	1,913,562	61,324,613	63,238,175	613,060,000	10.32%	30,834	2,051
2017	1,567,736	59,431,974	60,999,710	609,946,000	10.00%	31,068	1,963
2018	1,107,407	57,212,377	58,319,784	598,427,000	9.75%	31,282	1,864
2019	628,572	54,910,651	55,539,223	598,336,000	9.28%	31,044	1,789
2020	212,726	51,936,589	52,149,315	631,804,000	8.25%	31,125	1,675
2021	- [7]	49,190,010	49,190,010	711,049,000	6.92%	32,233	1,526
2022	-	46,620,011	46,620,011	762,033,000	6.12%	30,877	1,510
2023	-	43,930,011	43,930,011	739,762,000	5.94%	31,250	1,406

Notes: Details regarding the City's outstanding debt can be found in Note 8 of the financial statements (Note 9 in fiscal year 2011).

Personal income and population data provided by HdL Coren & Cone and can be found on Table 27 Demographic and Economic Statistics

[1] Transferred to Successor Agency, 2003 Tax Allocation Bonds $11,000,000, 207 Tax Allocation Bonds $28,850,000 and Loans Payable $1,116,339 in Fiscal Year 2012

[2] 2005 Water Revenue Bonds were refunded by the issuance of the 2015 Water Enterprise Revenue Bonds, Refunding and Improvement Projects on August 19, 2015

[3] 2007 Electric Revenue Bond Refunding Bonds was refunded with the issuance of the 2015 Electric Revenue Refunding Bonds on August 19, 2015.

[4] Loan Payable Glick is a liability that was transferred from the Sucessor Agency and became an obligation to the City during fiscal year 2017. The City paid off the balance of the note during the fiscal year. At June 30, 2017 the outstanding balance was zero.

[5] 2005 Wastewater Revenue Bonds were refunded with the issuance of the 2019 Wastewater Enterprise Revenue Bonds on October 24, 2019

[6] 2011 Refunding lease agreement was paid off in fiscal year 2021

[7] Loan Payable - California Water Resource Control Board was paid off in fiscal year 2021

CITY OF BANNING
Table 25 - Direct and Overlapping Governmental Activities Debt
As of June 30, 2023

2022-2023 Assessed Value $2,995,077,432	Total Debt 6/30/2023	Percentage Applicable to Banning (1)	City's Share of Debt 6/30/2023
Overlapping Tax and Assessment Debt:			
Mount San Jacinto Community College District	$ 247,850,000	2.514%	$ 6,230,949
Banning Unified School District	$ 55,637,555	72.276%	$ 40,212,599
Beaumont Unified School District	$ 113,432,731	4.392%	$ 4,981,966
San Goronio Memorial Healthcare District	$ 108,699,780	23.553%	$ 25,602,059
City of Banning 1915 Act Bonds	$ 1,675,000	100.000%	$ 1,675,000
California Statewide Community Development Authority 1915 Act Bonds	$ 32,660,000	100.000%	$ 32,660,000
Total Overlapping Tax and Assessment Debt			**$ 111,362,574**
Direct and Overlapping General Fund Debt			
Riverside County General Fund Obligations	$ 686,776,829	0.827%	$ 5,679,644
Riverside County Pension Obligations	$ 748,540,000	0.827%	$ 6,190,426
Banning Unified School District Certificates of Participation	$ 8,376,000	72.276%	$ 6,053,838
Beaumont Unified School District Certificates of Participation	$ 5,351,389	4.392%	$ 235,033
City of Banning Certificates of Participation	**$ -**	**100.000%**	**$ 18,158,941**
Overlapping Tax Increment Debt (Successor Agency)	$ 24,960,000	100.000%	$ 24,960,000
Total Direct Debt			**$ -**
Total Overlapping Debt			$ 154,481,514
Combined Debt			$ 154,481,514 (2)

Notes:
Overlapping governments are those that coincide, at least in art, with the geographical boundaries of the city.

(1) The percentage of overlapping debt applicable to the City is estimated by using taxable assessed property values. Applicable percentages were estimated by determining the portion of the overlapping district's assessed value that is within the boundaries of the City divided by the district's total taxable assessed value.

(2) Excludes tax and revenue anticipation notes, eterprise revenue, mortgage revenue and tax allocation bonds and nonbonded capital lease obligations Qualified Zone Academy Bonds are included based on principal due at maturity.

Ratios to 2022-23 Assessed Valuation:

Total Overlapping Tax and Assessment Debt	3.72%
Total Direct Debt ($0)	**0.00%**
Combined Total Debt	5.16%

Ratios to Redevelopmnet Successor Agency Incremental Valuation ($676,168,041):

Total Overlapping Tax Incremental Debt	3.69%

KD:($500)

Data Source
California Municipal Statistics
City Finance Department

CITY OF BANNING

Table 26 - Legal Debt Margin Information

Last Ten Fiscal Years (dollars in thousands)

	Fiscal Year									
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Assessed valuation	1,709,771,183	1,824,933,750	1,921,056,525	1,999,446,686	2,124,037,009	2,237,713,052	2,341,595,032	2,440,653,328	2,566,106,499	2,995,077,432
Debt Limit percentage	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%
Debt Limit	256,465,677	273,740,063	288,158,479	299,917,003	318,605,551	335,656,958	351,239,255	366,097,999	384,915,975	449,261,615
Total Net Debt Applicable to the Limit General Obigation Bonds										
Legal Debt Margin	256,465,677	273,740,063	288,158,479	299,917,003	318,605,551	335,656,958	351,239,255	366,097,999	384,915,975	449,261,615
Total Debt Applicable to the limit as a Percentage of Debit Limit	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

Note:

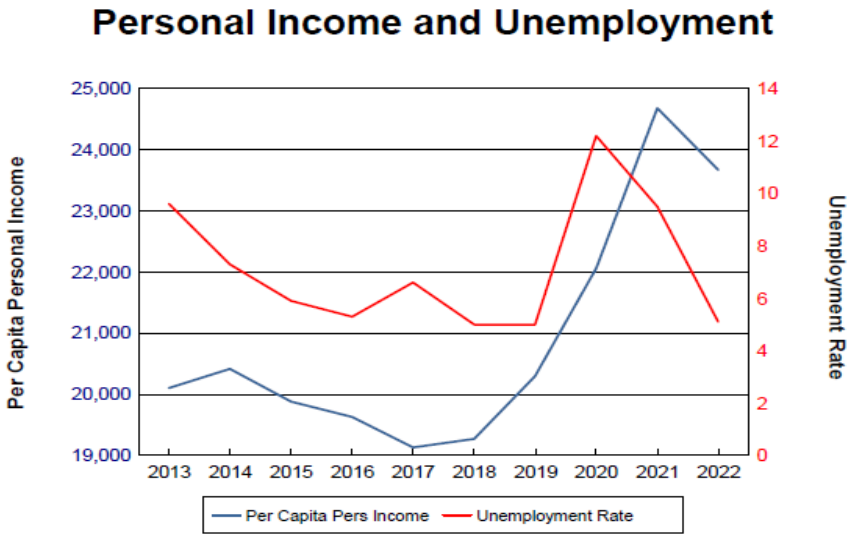
Section 43605 of the Government Code of the State of California limits the amount of indebtedness for public improvements to 15% of the assessed valuation of all real and personal property of the City.

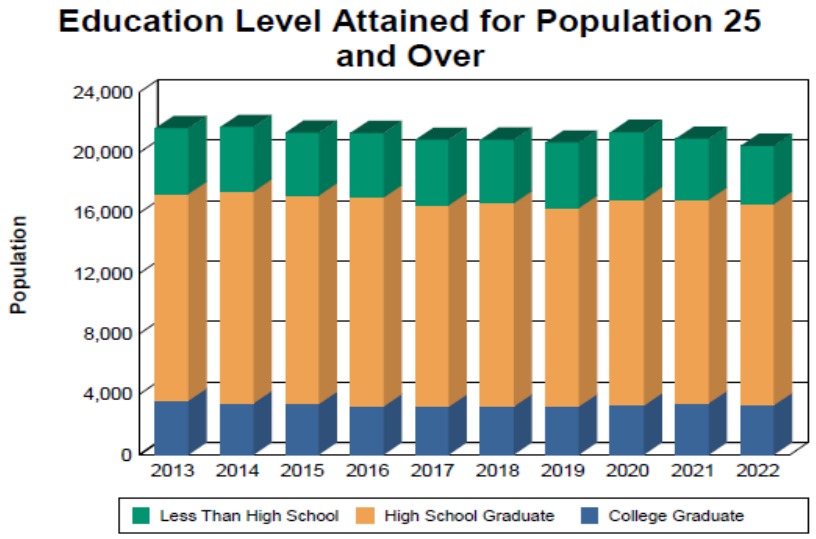
CITY OF BANNING

Table 27 - Demographics and Economic Statistics

Last Ten Fiscal Years

Calendar Year	Population	Personal Income (In Thousands)	Per Capita Personal Income	Unemployment Rate	Median Age	% of Pop 25+ with High School Degree	% of Pop 25+ with Bachelor's Degree
2013	30,325	$ 609,714	$ 20,106	9.6%	47.0	79.9%	16.6%
2014	30,306	$ 618,818	$ 20,419	7.3%	46.4	80.3%	15.8%
2015	30,834	$ 613,060	$ 19,882	5.9%	45.1	80.5%	15.8%
2016	31,068	$ 609,946	$ 19,632	5.3%	42.6	80.0%	15.1%
2017	31,282	$ 598,427	$ 19,130	6.6%	39.9	79.2%	15.3%
2018	31,044	$ 598,336	$ 19,273	5.0%	40.0	79.8%	15.4%
2019	31,125	$ 631,804	$ 20,298	5.0%	39.6	79.0%	15.5%
2020	32,233	$ 711,049	$ 22,059	12.2%	41.5	79.1%	15.3%
2021	30,877	$ 762,033	$ 24,679	9.5%	43.6	80.7%	16.4%
2022	31,250	$ 739,762	$ 23,672	5.1%	43.1	81.2%	16.1%





Notes and Data Sources:

Provided by HdL, Coren & Cone

Population: California State Department of Finance. Unemployment Data: California Employment Development Department

2000-2009 Income, Age, and Education Data: ESRI - Demographic Esitmates are based on the last available Census. Projections are developed by incorporating all of the prior census data released to date. Demographic Data is totaled from Census Block Groups that overlap the City's boundaries

2010 and later - Income, Age and Education Data - US Census Bureau, most recent American Community Survey

CITY OF BANNING

Table 28 - Top 20 Principal Employers

Current Fiscal Year

Employer	Business Description	Number of Employee Range
Stagecoach Motor Inn	Hotels (Except Casino Hotels) & Motels	500 to 999
Cherry Valley Health Care	Nursing Care Facilities (Skilled Nursing Fclts)	100 to 249
Green Thumb Produce	Other Post-Harvest Crop Activities	100 to 249
Sun Lakes Country Club	Other Similar Organizations	100 to 249
Banning, City	Legislative Bodies	100 to 249
Banning High School	Elementary & Secondary Schools	100 to 249
Help Center	Other Social Advocacy Organizations	100 to 249
Morongo Indian Health	Freestanding Ambulatory Surgical & Emergency Ctrs	100 to 249
Riverside County Public Social	Legislative Bodies	100 to 249
Silent Valley Club Inc	Rv (Recreational Vehicle) Parks & Campgrounds	100 to 249
Banning Healthcare	Nursing Care Facilities (Skilled Nursing Fclts)	50 to 99
Banning Police Dept	Police Protection	50 to 99
Poison Spyder	Other Motor Vehicle Parts Manufacturing	50 to 99
Albertsons	Supermarkets/Other Grocery (Exc Convenience) Strs	50 to 99
Coombs Middle School	Elementary & Secondary Schools	50 to 99
Central Elementary School	Elementary & Secondary Schools	50 to 99
Nicolet Middle School	Elementary & Secondary Schools	50 to 99
Beaver Medical Group	All Other Misc Ambulatory Health Care Services	50 to 99
Banning Alternative Education	Elementary & Secondary Schools	50 to 99
Hoffer Elementary School	Elementary & Secondary Schools	50 to 99

Data Source:

State of California, Employment Development Department, Labor Market Informaion Division, Local Information Services Group.

Data Axel - Unable to disclose specific identifiable information - confidential

CITY OF BANNING

Table 29 - Authorized Full-time Equivalent City Employees by Function

Last Ten Fiscal Years

Department/Function	Fiscal Year									
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
City Manager										
Administration	1.37	1.57	1.57	1.09	1.09	0.85	0.85	2.00	2.00	8.00
Economic Development[1]	1.00	1.00	1.00	1.24	1.24	1.00	1.00	1.00	1.00	1.00
City Clerk[2]	1.83	1.83	1.83	1.70	1.70	1.50	1.50	2.00	2.00	1.00
Administrative Services										
Fiscal Services	5.45	5.45	6.45	5.45	5.45	6.35	6.85	9.50	9.50	9.00
Purchasing	1.00	1.00	2.00	2.00	3.00	3.00	3.00	3.00	3.00	3.00
Human Resources	1.15	0.95	1.06	1.07	1.07	1.20	1.20	1.60	1.60	2.00
Risk Management	1.56	1.56	1.90	1.82	1.82	1.65	1.65	1.40	1.40	-
Information Technology	2.40	2.40	2.40	3.45	3.45	2.00	2.00	2.00	2.00	4.00
Media	-	-	-	-	1.00	1.00	1.00	1.00	1.00	1.00
Utility Billing	9.63	9.63	9.63	11.31	11.31	10.20	10.70	9.00	9.00	8.00
Meter Reading	4.20	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	4.00
Public Works										
Engineering	0.92	0.92	0.92	0.92	0.92	1.11	1.11	1.31	1.31	3.75
Building Maintenance	1.28	1.28	1.78	1.31	1.31	1.48	1.58	1.63	1.63	2.00
Streets	4.85	4.85	4.85	5.05	5.05	6.05	6.40	6.25	6.25	4.50
Landscape Maintenance District								0.28	0.28	0.50
Airport	1.55	1.20	0.30	0.80	0.80	0.83	0.88	0.98	0.98	0.50
Transit										
Fixed Route	10.77	12.67	13.30	13.13	13.13	13.65	15.65	13.43	13.43	10.50
Dial-A-Ride	2.04	2.04	1.54	1.39	1.39	1.00	1.00	0.63	0.63	1.00
Water	15.17	15.20	15.25	15.59	16.59	16.70	16.95	16.49	16.49	20.00
Wastewater	5.32	5.26	5.31	5.52	5.52	6.09	6.34	5.86	5.86	2.00
Refuse	0.69	0.69	0.69	1.14	1.14	0.82	1.82	1.80	1.80	2.00
Fleet Maintenance	3.50	3.50	3.50	4.05	4.05	4.42	4.42	4.73	4.73	5.00
Electric										
Operations	19.65	23.73	24.73	25.20	25.20	28.18	31.18	29.63	29.63	32.00
Generation	0.85	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Public Benefits[3]	2.00	2.00	2.00	2.00	2.00	-	-	-	-	

CITY OF BANNING

Table 29 - Authorized Full-time Equivalent City Employees by Function

Last Ten Fiscal Years

	Fiscal Year									
Department/Function	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Public Safety										
Sworn Police officers & Non Sworn Personnel	31.75	31.90	34.90	35.90	36.90	37.90	37.90	34.90	34.90	39.00
Dispatch	8.10	8.10	8.10	8.10	9.10	9.10	9.10	8.10	8.10	7.00
Fire[4]	1.00	1.00	-	-	-	-	-	-	-	-
Code Enforcement	2.00	1.45	2.00	2.00	2.00	2.00	4.00	3.00	3.00	2.00
Planning	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.00
Building Safety	0.60	1.60	1.60	1.60	1.60	1.60	2.60	1.60	1.60	3.00
Parks & Recreation										
Parks	4.28	4.28	4.28	4.30	4.30	2.25	2.70	2.70	2.70	3.00
Recreation	3.07	3.28	5.33	6.05	6.05	3.32	4.17	6.18	6.18	13.00
Aquatics	2.09	2.11	2.11	2.06	2.06	3.32	3.32	2.76	2.76	11.50
Day Care[5]	-	-	-	-	-	0.61	0.61	-	-	-
Senior Center	0.58	0.58	0.58	0.75	0.75	1.57	1.57	1.17	1.17	0.50
Total Full-time Equivalient Employees	154.05	161.43	169.31	174.39	179.39	179.15	191.45	184.33	184.33	206.75

Notes:

[1] Economic Development contains FTE of Community Redevelopment Admin/Successor Housing Agency for Fiscal years 2011-2016

[2] City Clerk (Elected) and other Elected officials are not included in any figures

[3] Starting in Fiscal year 2019 these employees were moved to Electric Operations

[4] Fire Services are contracted through Riverside County/Cal Fire

[5] Day Care services allocation of personnel were added to Parks & Recreation in Fiscal Year 2019

CITY OF BANNING
Table 30 - Operations Indicators by Function/Program
Last Ten Fiscal Years

Function/Program		Fiscal Year									
		2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Police											
Physical Arrests		1,876	1,622	1,759	1,876	1,720	1,139	1,189	1,091	1,210	1,008
Parking violations		-	66	311	399	456	1,007	343	191	178	225
Traffic violations		257	161	230	249	455	189	262	172	162	162
Calls for service		37,910	39,307	40,390	42,322	37,817	34,603	36,457	37,316	37,980	35,362
Fire											
Emergency Response	[1]	4,179	4,559	4848	4800	4549	4680	4,686	4,976	4,950	5,025
Fire Extinguished	[1]	148	127	126	158	136	129	188	214	130	125
Fire Inspections		131	92	136	121	107	115	611	691	691	592
Public Works											
Street resurfacing (miles)		2.10	-	0.75	3.55	0.50	1.47	6.07	3.21	3.21	1.25
Potholes repaired (square feet per year)		96	99	66	122	24	100	107	120	120	83
Traffic signs repaired/replaced		92	160	123	75	51	130	81	294	275	68
Parks & Recreation											
Number of facility rentals	[2]					314	415	397	758	1,178	1,349
Number of recreation classes	[2]					135	217	254	94	343	459
Building & Safety											
Building Permits issues		713	742	864	922	989	934	3,262	2,009	2,009	2,324
Building Inspections	[3]	-	233	200	181	264	420	6,020	8,500	8,500	6,973
Code Enforcement											
Citations issued	[4]	-	7	64	48	27	26	38	11	12	15
Calls for Service	[4]	-	136	984	1,070	1,305	1,493	1,832	1,974	1,264	1,084

CITY OF BANNING
Table 30 - Operations Indicators by Function/Program
Last Ten Fiscal Years

Function/Program		Fiscal Year									
		2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Transit											
Total route miles		499,407	776,698	785,685	808,420	401,790	455,214	147,813	444,954	467,639	493,879
Passengers		144,978	137,594	133,185	126,793	116,748	112,960	30,148	87,624	70,721	90,349
Water											
New Connections	[5]	-	-	1.00	1.00	-	-	1.00	366.00	250.00	89.00
Number of service connections	[6]	10,615	10,650	10,647	10,661	10,675	10,680	10,682	10,972	10,972	11,442
Service Breaks		93	86	45	71	75	75	80	86	86	78
Water Main Breaks		48	50	64	28	50	50	80	32	32	43
Consumption Sales (thousands of gallons)		3,425,512	3,107,933	2,402,961	2,872,222	2,943,320	2,720,855	2,929,381	3,310,275	3,401,878	2,882,571
Peak daily consumption (thousands of gallons)		12,766,000	9,779,000	11,085,000	11,201,000	11,970,000	12,202,000	14,107,000	11,282,419	12,297,872	11,576,244
Water purchased (AF)	[7]	608	694	1,477	1,350	500	250	250	250	250	275
Water Sold (AF)		7,867	7,134	5,517	6,593	6,756	6,246	6,724	7,599	7,599	6,617
Wastewater											
Number of service connections		10,745	10,786	10,750	10,657	10,698	10,687	10,771	10,972	11,679	11,720
Average Daily swage treatment (thousands of gallons)		2,005	1,970	1,940	1,978	2,016	1,995	1,955	1,945	1,945	1,923
Electric											
Number of service connections		12,426	11,974	12,111	12,101	12,139	12,015	12,345	12,534	12,903	13,276
Average daily consumption (MWH)		74,529.50	76,178.96	74,836.32	78,572.42	74,439.01	73,193.05	70,475.24	71,275.61	74,220.96	73,250.98
Electricity purchased (MWH)		146,193	148,697	147,176	148,500	146,510	148,973	144,803	153,421	153,457	151,401
Electricity sold -Retail (Sales)		27,203,266	########	27,315,258	28,678,934	27,170,238	26,715,462	25,723,462	26,015,596	27,090,650	27,721,393
Peak Demand (MW)		40.5	42.4	44.5	46.3	49.1	49.0	44.1	51.2	50.1	52.7
Airport											
Number of flights		4,668	4,631	3,287	3,071	3,049	3,126	3,423	5,959	3,654	3,249
Number of Gallons of Fuel Sold		14,150	7,395	9,353	12,691	23,545	13,902	9,954	26,956	13,318	7,618
Community Development											
Planning applications completed	[9]	110.00	100.00	110.00	270.00	250.00	390.00	710.00	920.00	556.00	458.00
Business Licenses											
Number of licenses issued		1,964	1,929	1,949	1,968	2,031	1,949	1,945	1,966	1,964	1,823

CITY OF BANNING

Table 30 - Operations Indicators by Function/Program

Last Ten Fiscal Years

	Fiscal Year									
Function/Program	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Refuse										
Number of Customers [8]										
Commercial/Multi-Family	518	506	510	510	516	512	494	520	-	-
Residential	11,022	11,070	11,266	11,317	11,280	11,280	11,340	11,356	-	-
Roll-off Service	35	34	35	38	38	44	41	59	-	-
Tonnage Collected by Service										
Commercial/Multi-Family	6,675	6,455	6,097	12,424	7,534	8,175	7,702	6,830	-	-
Residential	14,538	15,127	16,412	15,187	15,769	16,533	17,059	19,833	-	-
Roll-off Service	4,817	3,599	2,919	3,458	3,906	4,066	3,978	5,067	-	-
Total Tonnage Collected by Service	26,030	25,181	25,428	31,069	27,209	28,774	28,740	31,730	-	-
Tonnage Type Collected (All Services)										
Trash	18,389	18,491	18,777	24,780	20,489	20,517	21,084	24,226	-	-
Recycle	3,326	2,715	2,868	4,141	3,557	3,295	2,479	3,070	-	-
Green Waste	4,316	3,975	3,782	2,052	2,967	4,742	5,010	4,529	-	-
Organics	-	-	-	96	197	219	166	70	-	-
Total Tons Collected	26,030	25,181	25,428	31,069	27,209	28,774	28,740	31,895	-	-
Total Tons Diverted	7,641	6,689	6,650	6,290	6,720	8,257	7,656	7,669	-	-
Diversion % All Services	29.36%	26.57%	26.15%	20.24%	24.70%	28.69%	26.64%	24.04%	0.00%	0.00%

Data Source: City Departments and Fire Statistics from Riverside County/CalFire

Notes:

[1] Fire Statistics provided by Riverside County Fire Department / CAL Fire

[2] Parks and recreation programs were not tracked until Fiscal Year 2015, no data availabe for prior years. Class count low in FY21 due to COVID-19, but outside rentals higher for facilities

[3] For Building & Safety, there is no data available for tracking building inspection prior to Fiscal year 2015, FY21 increase in development and inspections with clean up of exprired permits

[4] Code Enforcement items were not tracked until Fiscal Year 2015, no data available for prior years, FY21 numbers low due to COVID-19 and not issuing citations

[5] For New Water Connections only. This number is expected to be larger with new home developments.

[6] The number of Water service connections represents active accounts and will change with non-occupied locations

[7] Water Purchased is the amount of imported water purchased

[8] Refuse was taken over by Waste Management Effective July 2021.

[9] Planning applications completed also includes the number of Engineering applications as they are combined in our system.

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CITY OF BANNING
Table 31 - Capital Asset Statistics by Function/Program
Last Ten Fiscal Years

Function/Program		Fiscal Year 2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Police											
Police Station		1	1	1	1	1	1	1	1	1	1
Patrol Units	[1]	13	11	11	11	15	18	24	24	24	24
Fire											
Stations	[2]	1	1	1	1	1	1	1	1	1	1
Fire Engines	[2]	2	2	2	2	2	2	2	2	2	2
Public Works											
Streets (miles)		118	118	118	118	118	118	122	125	125	125
Traffic signals		7	7	7	7	7	7	7	7	7	7
Storm catch basin	[3]	98	98	98	98	126	126	150	174	174	174
Parks & Recreation											
Parks		7	7	7	7	7	7	7	7	7	7
Park acreage		59.23	59.23	59.23	59.23	59.23	59.23	59.23	59.23	59.23	59.23
Community Center		2	2	2	2	2	2	2	2	2	2
Aquatics center		1	1	1	1	1	1	1	1	1	1
Skate Park		1	1	1	1	1	1	1	1	1	1
Baseball/Softball Diamonds		5	5	5	5	5	5	5	5	5	5
Transit											
Buses		11	13	12	12	15	10	10	10	10	10
Water											
Water Mains (miles)		166.19	166.19	166.19	166.19	167.56	169.05	174.18	170.25	170.25	170.25
Fire hydrants		1,424	1,425	1,425	1,428	1,437	1,455	1,539	1,555	1,555	1,555
Storage capacity (MGD)	[4]	19.98	19.98	19.98	19.98	19.98	19.98	19.98	19.98	19.98	19.98

CITY OF BANNING

Table 31 - Capital Asset Statistics by Function/Program

Last Ten Fiscal Years

Function/Program	Fiscal Year 2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Wastewater										
Sanitary Sewers (miles)	111.67	111.67	112.20	112.20	112.20	113.96	118.00	115.89	115.89	115.89
Treatment Plant capacity (MGD) [5]	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6
Electric										
Number of electric meters	12,426	11,974	12,111	12,101	12,139	12,015	12,339	12,528	12,528	12,528
Number of street lights	2,900	2,900	2,900	2,900	2,900	2,900	2,900	2,900	2,900	2,900
Substations	6	6	6	6	6	6	6	6	6	6
Substation capacity	103.25	103.25	103.25	103.25	103.25	103.25	103.25	103.25	103.25	103.25
Airprot										
Runway Miles	0.985	0.985	0.985	0.985	0.985	0.985	0.985	0.985	0.985	0.985

Data Source: City Departments and Fire Statistics from Riverside County/CalFire

Notes:

[1] Patrol Units with lights, sirens, lightbar on top and does not include detective cars

[2] The City of Banning owns two fire stations but only one is operational, Station 89 at Murray Street, the other one is at Wilson Street and has been closed since 1998 when the City contracted fire services with the County. There are two fire engines/medic in which one is at Fire Station 89 and the other is shared with Fire Station 20 at the Beaumont Forest Fire Station

[3] Represents the number of basins/inlets

[4] MGD = Millions Gallons per Day

[5] MGD = Millions Gallons per Day

EideBailly

CPAs & BUSINESS ADVISORS

Independent Accountant's Report

To the Honorable Mayor and Members of the City Council
City of Banning, California

We have performed the procedures enumerated below, on the Appropriations Limit Calculation of the City of Banning, California (City) prepared in accordance with Article XIII-B of the California Constitution for the fiscal year ended June 30, 2023. The City's management is responsible for the Appropriations Limit Calculation.

The City has agreed to and acknowledged that the procedures performed are appropriate to meet the intended purpose of evaluating the Appropriations Limit Calculation and we will report on findings based on the procedures performed. This report may not be suitable for any other purpose. The procedures performed may not address all the items of interest to a user of this report and may not meet the needs of all users of this report and, as such, users are responsible for determining whether the procedures performed are appropriate for their purposes.

The procedures and associated findings are as follows:

1. We obtained the completed worksheets setting forth the calculations necessary to establish the City's appropriations limit and compared the limit and annual adjustment factors included in those worksheets to the limit and annual adjustment factors that were adopted by resolution of the City Council. We also compared the population and inflation options included in the aforementioned worksheets to those that were selected by a recorded vote of the City Council.

   Finding: No exceptions were found as a result of this procedure.

2. We added last year's limit to the annual adjustment amount and compared the resulting amount to the 2022-2023 appropriations limit.

   Finding: No exceptions were found as a result of this procedure.

3. We compared the current year information to the worksheets described in Procedure 1 above and to information provided by the California State Department of Finance.

   Finding: No exceptions were found as a result of this procedure.

4. We agreed the prior year appropriations limit to the prior year appropriations limit adopted by the City Council.

   Finding: The 2021-2022 limit adopted by the City Council was $52,022,081. This limit was incorrectly calculated initially, and the revised limit for 2021-2022 is $53,634,367.

We were engaged by the City to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the City's Appropriations Limit Calculation for the fiscal year ended June 30, 2023. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the City and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

No procedures have been performed with respect to the determination of the appropriation limit for the base year, as defined by Article XIII-B of the California Constitution.

This report is intended solely for the information and use of City Council and management of the City and is not intended to be and should not be used by anyone other than those specified parties.

Eide Bailly LLP

Rancho Cucamonga, California
July 31, 2024

EideBailly

CPAs & BUSINESS ADVISORS

July 31, 2024

To the Honorable Mayor and Members of the City Council
City of Banning, California

We have audited the financial statements of the governmental activities, business-type activities, each major fund, and the aggregate remaining fund information of the City of Banning (City), as of and for the year ended June 30, 2023, and have issued our report thereon dated July 31, 2024. Professional standards require that we advise you of the following matters relating to our audit.

Our Responsibility in Relation to the Financial Statement Audit under Generally Accepted Auditing Standards and *Government Auditing Standards* and our Compliance Audit under the Uniform Guidance

As communicated in our letter dated November 13, 2023, our responsibility, as described by professional standards, is to form and express an opinion about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America and to express an opinion on whether the City complied with the types of compliance requirements described in the *OMB Compliance Supplement* that could have a direct and material effect on each of the City major federal programs. Our audit of the financial statements and major program compliance does not relieve you or management of its respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control over financial reporting. Accordingly, as part of our audit, we considered the internal control of the City solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

Our responsibility, as prescribed by professional standards as it relates to the audit of the City's major federal program compliance, is to express an opinion on the compliance for each of the City's major federal programs based on our audit of the types of compliance requirements referred to above. An audit of major program compliance includes consideration of internal control over compliance with the types of compliance requirements referred to above as a basis for designing audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, as a part of our major program compliance audit, we considered internal control over compliance for these purposes and not to provide any assurance on the effectiveness of the the City's internal control over compliance.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

We have provided our comments regarding internal controls during our audit in our Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards* dated July 31, 2024. We have also provided our comments regarding compliance with the types of compliance requirements referred to above and internal controls over compliance during our audit in our Independent Auditor's Report on Compliance with Each Major Federal Program and Report on Internal Control Over Compliance Required by the Uniform Guidance dated July 31, 2024.

Planned Scope and Timing of the Audit

The timing of the audit was modified to allow the City sufficient time to close its books and records.

Compliance with All Ethics Requirements Regarding Independence

The engagement team, others in our firm, as appropriate, our firm, and other firms utilized in the engagement, if applicable, have complied with all relevant ethical requirements regarding independence.

Qualitative Aspects of the Entity's Significant Accounting Practices

Significant Accounting Policies

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by the City is included in Note 1 to the financial statements. As decribed in Note 1 to the financial statements, the City changed accounting policies related to accounting for subscription based information technology arrangements (SBITAs) to adopt the provisions of GASB Statement 96, Subscription-Based Information Technology Arrangements (SBITAs). Accordingly, the accounting change has been retrospectively applied to the financial statements beginning July 1, 2022. There was no effect on beginning net position as a result of implementation. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments.

The most sensitive accounting estimates affecting the financial statements are net pension and total other postemployment benefits (OPEB) liabilities, disclosures, related deferred inflows/outflows of resources, and pension/OPEB expense. These are based on actuarial valuations which include assumptions adopted by CalPERS and the City.

We evaluated the key factors and assumptions used to develop these estimates and determined that they are reasonable in relation to the basic financial statements taken as a whole.

Financial Statement Disclosures

Certain financial statement disclosures involve significant judgment and are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting the City's financial statements relate to:

- Pension liabilities in Note 11 are sensitive to the underlying actuarial assumptions used, including, but not limited to, the investment rate of return and discount rate. As disclosed in Note 11, a 1% increase or decrease in the discount rate has a significant effect on the City's total pension liabilities.
- OPEB liabilities in Note 12 are sensitive to the underlying actuarial assumptions used, including, but not limited to, the investment rate of return, discount rate, and healthcare cost trend rate. As disclosed in Note 12, a 1% increase or decrease in the discount rate or healthcare trend rate has a significant effect on the City's total OPEB liabilities.

Significant Difficulties Encountered during the Audit

We encountered no significant difficulties in dealing with management relating to the performance of the audit.

Uncorrected and Corrected Misstatements

For purposes of this communication, professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classes of transactions, account balances or disclosures, and the financial statements as a whole. Uncorrected misstatements or matters underlying those uncorrected misstatements could potentially cause future-period financial statements to be materially misstated, even though the uncorrected misstatements are immaterial to the financial statements currently under audit.

The attached schedule of corrected misstatements (Attachment I) summarizes misstatements identified as a result of our audit procedures. These misstatements were brought to the attention of, and corrected by, management.

The attached schedule of uncorrected misstatements (Attachment II) summarizes misstatements whose effects in the current and prior periods, as determined by management, are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to the financial statements or the auditor's report. No such disagreements arose during the course of the audit.

Circumstances that Affect the Form and Content of the Auditor's Report

For purposes of this letter, professional standards require that we communicate any circumstances that affect the form and content of our auditor's report.

As described in our report, we were not engaged as auditors of the City until after June 30, 2023, nor did the City perform a year-end inventory observation as of June 30, 2023. We were unable to satisfy ourselves by performing other auditing procedures concerning the inventory held at June 30, 2023. As the inventory balances are material to the Banning Utility Authority water fund, electric utility fund, and business-type activities, our opinion on each of these opinion units is qualified with respect to this matter.

Further, as described in Note 1 to the financial statements, due to the adoption of GASB Statement No. 96, *Subscription-Based Information Technology Agreements*, the City restated opening balance as of July 1, 2022. Additionally, our report included an emphasis of matter relating to the correction of errors as disclosed in Note 18. We have included an emphasis of matter in our report regarding this restatement.

Representations Requested from Management

We have requested certain written representations from management which are included in the management representation letter dated July 31, 2024.

Management's Consultations with Other Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

Matters Resulting in Consultation outside the Engagement Team

The following significant and relevant matter resulted in consultations outside of our engagement team:

We obtained information on a matter for which the City Council retained an external forensic accounting firm for services to the Electric Utility.

Other Significant Matters, Findings, or Issues

In the normal course of our professional association with the City, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, significant events or transactions that occurred during the year, operating conditions affecting the entity, and operating plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as the City's auditors.

Other Information Included in Annual Reports

Pursuant to professional standards, our responsibility as auditors for other information, whether financial or nonfinancial, included in the City's annual reports, does not extend beyond the financial information identified in the audit report, and we are not required to perform any procedures to corroborate such other information.

However, in accordance with such standards, we have read the information and considered whether such information, or the manner of its presentation, was materially inconsistent with its presentation in the financial statements.

Our responsibility also includes communicating to you any information which we believe is a material misstatement of fact. Nothing came to our attention that caused us to believe that such information, or its manner of presentation, is materially inconsistent with the information, or manner of its presentation, appearing in the financial statements.

Existence of a Material Misstatement that Affects the Financial Statements of a Prior Period in Which There Was a Predecessor Auditor

We have identified the existence of material misstatements that affect the prior period financial statements on which the predecessor auditor had previously reported without modification. The misstatements are as follows:

A restatement was recorded to the governmental activities, business-type activities, and electric utility fund beginning net position, as well as general fund balance to remove an advance between the funds that should have been reflected as a transfer. The restatement increased governmental activities net position, decreased business-type activities and Electric Utility Fund beginning net position, and increased general fund balance by $394,118. The restatement increased prior year change in net position for governmental activities, decreased change in net position for business-type activities and the electric utility fund, and increased net change in fund balance for the general fund by $394,118.

A restatement was recorded to the governmental activities beginning net position and general fund balance to remove an invalid receivable that had been recognized as revenue in prior years totaling $708,520. An additional restatement was recorded to recognize a refundable developer deposit that had been recognized as revenue in prior years totaling $41,141. The restatement reduced governmental activities beginning net position and general fund balance by $749,661. The restatement reduced prior year change in net position for governmental activities and reduced prior year net change in fund balance for the general fund by $749,661.

A restatement was recorded to governmental activities beginning net position and general fund balance to increase unearned revenue that had been recognized as revenue in prior years. The restatement reduced governmental activities beginning net position and general fund balance by $304,304. The restatement reduced prior year change in net position for governmental activities and reduced prior year net change in fund balance for the general fund by $304,304.

A restatement was recorded to business-type activities and refuse utility beginning net position to increase unearned revenue that had been recognized as revenue in prior years. The restatement reduced prior year change in net position by $4,275,000.

A restatement was recorded to the governmental activities and private-purpose trust fund successor agency beginning net position to reduce land held for resale under the successor agency and present it as land under governmental activities. The restatement increased governmental activities net position and decreased private-purpose trust fund successor agency beginning net position by $4,675,556. The restatement increased prior year change in net position for governmental activities and decreased prior year change in net position for the private-purpose trust fund successor agency by $4,675,556. The assets were transferred by approved Council action in Resolutions 2011-09 and 2021-99.

A restatement was recorded to the governmental activities and private-purpose trust fund successor agency beginning net position to transfer capital assets erroneously recognized as successor agency fund capital assets in prior years. The restatement increased governmental activities net position and decreased private-purpose trust fund successor agency beginning net position by $6,775,155. The restatement increased prior year change in net position for governmental activities and decreased prior year change in net position for the private-purpose trust fund successor agency by $6,775,155.

A restatement was recorded to the beginning net position of the business-type activities in the amount of $853,513, the Banning Utility Authority water fund in the amount of ($19,183), electric utility fund in the amount of $681,456, Banning Utility Authority wastewater fund in the amount of $132,275, and refuse utility fund in the amount of $58,965 to record receivable balances incurred but not recorded in the prior year. The restatement reduced the prior year change in fund balance by $19,183 for the Banning Utility Authority water fund and increased the prior year change in net position by $681,456 for the electric utility fund, by $132,275 for the Banning Utility Authority wastewater fund and by $58,965 for the refuse utility fund.

Group Audit

The financial statements include the financial statements of the Banning Utility Authority and the Banning Wastewater Facilities Corporation, component units of the City, which we considered to be significant components of the financial statements. The financial statements also include the financial statements of the City of Banning Financing Authority and the City of Banning Housing Authority, component units of the City, which we considered to not be significant components of the financial statements.

Consistent with the audit of the group financial statements as a whole, our audit included obtaining an understanding of the component units and their environments, including internal controls, sufficient to assess the risks of material misstatement of the group financial statements of the City and completion of further audit procedures.

This report is intended solely for the information and use of the Mayor and members of the City Council, and management of the City and is not intended to be, and should not be, used by anyone other than these specified parties.

Eide Bailly LLP

Rancho Cucamonga, California

CITY OF BANNING **ATTACHMENT I**

SUMMARY OF CORRECTED MISSTATEMENTS

JUNE 30, 2023

Account	Description	Debit	Credit
Adjusting Journal Entries			
Adjusting Journal Entries JE # 1			
Prior period adjustment to remove an advance between the General and Electric Funds.			
001-0000-248.56-00	ADVANCES FROM OTHER FUNDS / ADV FROM ELECTRIC FUND	394,118.00	
670-0000-279.00-00	RETAINED EARNINGS / UNRESERVED/UNDESIGNATED	394,118.00	
001-0000-289.00-00	FUND BALANCE / UNRESERVED, UNDESIGNATED		394,118.00
670-0000-181.01-00	ADVANCES TO OTHER FUNDS / ADVANCE TO GENERAL FUND		394,118.00
Total		**788,236.00**	**788,236.00**
Adjusting Journal Entries JE # 2			
To remove the cash in transit at 6/30 recorded in the Electric Fund			
670-0000-201.00-00	CURRENT LIABILITIES / VOUCHERS PAYABLE	1,127,951.00	
670-0000-107.60-00	CASH ON DEPOSIT / DEPOSIT WITH RPU TRUSTEE		1,127,951.00
Total		**1,127,951.00**	**1,127,951.00**
Adjusting Journal Entries JE # 3			
To reclassify the Unit 902 Vactor Truck from leased assets/liabilities to capital assets/long-term debt.			
680-0000-122.00-00	LEASE ASSETS / ACCUM AMRTZN-LEASE ASSET	94,598.00	
680-0000-170.30-00	FIXED ASSETS / MACHINERY & EQUIPMENT	577,049.00	
680-0000-225.10-00	LEASE ASSETS / ROUA-LEASE LIAB-CURRENT	95,275.00	
680-0000-231.20-00	LEASE LIABILITY / ROUA-LEASE LIAB-NC	285,824.00	
680-8000-454.49-50	BAD DEBT & DEPREC EXPENSE / DEPRECIATION	94,958.00	
680-0000-121.45-00	LEASE ASSETS / ROUA-VEHICLES		577,049.00
680-0000-179.10-00	ACCUMULATED DEPRECIATION / ACCUMULATED DEPRECIATION		94,598.00
680-0000-241.01-00	LONG TERM DEBT / FINANCED PURCHASE SHORT-TERM		95,275.00
680-0000-241.20-00	LONG TERM DEBT / FINANCED PURCHASE NC		285,824.00
680-8000-454.66-09	AMORTIZATION / ROUA AMORTIZATION-LEASE		94,958.00
Total		**1,147,704.00**	**1,147,704.00**
Adjusting Journal Entries JE # 4			
Prior period adjustment to transfer land from successor agency to govt wide.			
850-0000-281.00-00	FUND BALANCE / RESERVED	4,675,556.00	
950-0000-170.10-00	FIXED ASSETS / LAND	4,675,556.00	
850-0000-131.20-00	INVENTORY / LAND HELD FOR RESALE		4,675,556.00
950-0000-278.00-00	RETAINED EARNINGS / NET INVEST IN FIXED ASSET		4,675,556.00
Total		**9,351,112.00**	**9,351,112.00**
Adjusting Journal Entries JE # 5			
Prior period adjustment to adjust utility A/R to agree to CIS (Utility Billing) reports.			
660-0000-279.00-00	RETAINED EARNINGS / UNRESERVED/UNDESIGNATED	19,183.00	
670-0000-112.00-00	RECEIVABLES / ACCOUNTS RECEIVABLE	681,453.00	
680-0000-112.00-00	RECEIVABLES / ACCOUNTS RECEIVABLE	132,275.00	
690-0000-112.00-00	RECEIVABLES / ACCOUNTS RECEIVABLE	58,965.00	
660-0000-112.00-00	RECEIVABLES / ACCOUNTS RECEIVABLE		19,183.00
670-0000-279.00-00	RETAINED EARNINGS / UNRESERVED/UNDESIGNATED		681,453.00
680-0000-279.00-00	RETAINED EARNINGS / UNRESERVED/UNDESIGNATED		132,275.00
690-0000-279.00-00	RETAINED EARNINGS / UNRESERVED/UNDESIGNATED		58,965.00
Total		**891,876.00**	**891,876.00**
Adjusting Journal Entries JE # 6			
To record SBITA proceeds and capital outlay expenditures.			
110-2200-421.90-54	CAPITAL EXPENDITURES - SBITA	106,550.00	
110-2200-421.63-11	DEBT SERVICE PROCEEDS - SBITA		106,550.00
Total		**106,550.00**	**106,550.00**
Adjusting Journal Entries JE # 7			
To record lease proceeds and capital outlay expenditures.			
001-2200-421.90-55	CAPITAL EXPENDITURES - LEASES	361,506.00	
451-2200-421.90-55	CAPITAL EXPENDITURES - LEASES	762,007.00	
001-2200-421.63-12	DEBT SERVICE PROCEEDS - LEASES		361,506.00
451-2200-421.63-12	DEBT SERVICE PROCEEDS - LEASES		762,007.00
Total		**1,123,513.00**	**1,123,513.00**

Adjusting Journal Entries JE # 8
Prior period adjustment to record refuse franchise fee unearned revenue.

690-0000-279.00-00	RETAINED EARNINGS / UNRESERVED/UNDESIGNATED	4,275,000.00	
690-0000-237.00-00	NON-CURRENT LIABILITIES / UNEARNED REVENUE-OPER		4,275,000.00
Total		**4,275,000.00**	**4,275,000.00**

Adjusting Journal Entries JE # 9
To record CY franchise fee revenue per Waste Management agreement.

690-0000-237.00-00	NON-CURRENT LIABILITIES / UNEARNED REVENUE-OPER	225,000.00	
690-9600-356.38-95	UTILITY FUNDS / FRANCHISE FEE		225,000.00
Total		**225,000.00**	**225,000.00**

Adjusting Journal Entries JE # 10
To reclassify Pardee unavailable revenue out of revenue.

002-2800-361.41-02	SUNDRY CHARGES/SPC PRGRMS / MISC REIMBURSEMENTS	28,696.00	
002-0000-238.00-00	NON-CURRENT LIABILITIES / UNAVAIL REVENUE-OPERATG		28,696.00
Total		**28,696.00**	**28,696.00**

Adjusting Journal Entries JE # 11
Prior period adjustment to correct Pardee A/R to actual.

002-0000-289.00-00	FUND BALANCE / UNRESERVED, UNDESIGNATED	708,520.00	
002-0000-289.00-00	FUND BALANCE / UNRESERVED, UNDESIGNATED	41,141.00	
002-2800-361.41-02	SUNDRY CHARGES/SPC PRGRMS / MISC REIMBURSEMENTS	219,498.00	
002-0000-112.29-00	ACCOUNTS RECEIVABLE / PARDEE		489,467.00
002-0000-112.29-00	ACCOUNTS RECEIVABLE / PARDEE		219,498.00
002-0000-222.30-03	REFUNDABLE DEVELOEPR DPS / PARDEE HOMES-DEUTSCH SP		41,141.00
002-0000-238.00-00	NON-CURRENT LIABILITIES / UNAVAIL REVENUE-OPERATG		219,053.00
Total		**969,159.00**	**969,159.00**

Adjusting Journal Entries JE # 12
To reclassify PACT AB109 revenue as unavailable.

001-2200-341.31-42	REVENUE FROM STATE / PACT AB 109	177,223.00	
001-0000-238.00-00	NON-CURRENT LIABILITIES / UNAVAIL REVENUE-OPERATG		177,223.00
Total		**177,223.00**	**177,223.00**

Adjusting Journal Entries JE # 13
To increase general fund allowance for aged activity.

001-1800-412.49-01	BAD DEBT & DEPREC EXP / BAD DEBT EXPENSE	93,436.00	
001-0000-113.00-00	RECEIVABLES / ALLOW FOR DOUBTFUL ACCTS		93,436.00
Total		**93,436.00**	**93,436.00**

Adjusting Journal Entries JE # 14
To correct prior period adjustment to transfer assets from successor agency to govt'l activities.

830-0000-281.00-00	FUND BALANCE / RESERVED	89.00	
850-0000-281.00-00	FUND BALANCE / RESERVED	5,425.00	
830-9200-490.42-50	SUNDRY CHARGES/SPC PRGRMS / MISCELLANEOUS EXPENSE		89.00
850-9200-490.42-50	SUNDRY CHARGES/SPC PRGRMS / MISCELLANEOUS EXPENSE		5,425.00
Total		**5,514.00**	**5,514.00**

Adjusting Journal Entries JE # 15
To accrue Fisher settlement to PERMA.

700-5300-480.41-38	PERMA TRUST	790,000.00	
700-0000-201.05-00	ACCRUAL FOR GROUP		790,000.00
Total		**790,000.00**	**790,000.00**

Adjusting Journal Entries JE # 16
To accrue the Goebels settlement.

700-5300-480.41-38	PERMA TRUST	66,000.00	
700-0000-201.05-00	ACCRUAL FOR GROUP		66,000.00
Total		**66,000.00**	**66,000.00**

Adjusting Journal Entries JE # 17
Prior period adjustment for plan check fees received in FY22 that pertained to work performed in FY23.

001-0000-289.00-00	FUND BALANCE / UNRESERVED, UNDESIGNATED	304,304.00	
001-3000-351.35-61	CHARGES FOR CURRENT SVC / CONSULTANT PLAN CK REV		141,753.00
001-3000-351.35-61	CHARGES FOR CURRENT SVC / CONSULTANT PLAN CK REV		162,551.00
Total		**304,304.00**	**304,304.00**

Adjusting Journal Entries JE # 18

To adjust the cannabis sales & use taxes revenue for the portion received after the period of availability.

001-0001-302.11-09	SALES & USE TAXES / CANNABIS	476,805.00	
001-0000-238.00-00	NON-CURRENT LIABILITIES / UNAVAIL REVENUE-OPERATG		476,805.00
Total		**476,805.00**	**476,805.00**

CITY OF BANNING
SUMMARY OF UNCORRECTED MISSTATEMENTS
JUNE 30, 2023

ATTACHMENT II

	BALANCE SHEET				CHANGE IN FB/NP					
	ASSETS	DEFERRED OUTFLOWS	LIABIL-ITIES	DEFERRED INFLOWS	REVENUE	EXPENSES/ EXPEND-ITURES	(3) OFS/OFU & TRANSFERS	CHANGE IN FB/NP	BEGINNING FB/NP	ENDING FB/NP
GENERAL FUND:										
PY REVERSING ENTRIES										
To record unavailable revenue					(42,023)			(42,023)	42,023	-
CY ENTRIES										
Payroll Liabilities - Medical Insurance Payable Reclass to P	84,592		(84,592)					-		-
Total General Fund	84,592	-	(84,592)	-	(42,023)	-	-	(42,023)	42,023	-
MAJOR FUND: Banning Utility Authority Water										
PY REVERSING ENTRIES										
To adjust inventory to physical count					84,790			84,790	(84,790)	-
Total	-	-	-	-	84,790	-	-	84,790	(84,790)	-
AGGREGATE REMAINING FUNDS (Includes nonmajor governmental and enterprise funds, internal service fund type, and fiduciary funds)										
PY REVERSING ENTRIES										
To record unavailable revenue					(88,348)			(88,348)	88,348	-
CY ENTRIES										
Prior period adjustment for Transit Unearned Revenue					(273,396)			(273,396)	273,396	-
Recyclist SBITA	64,955		(46,305)			18,650		18,650		18,650
Billed/unbilled legal fees - RWG			(83,407)			83,407		83,407		83,407
Total	64,955	-	(129,712)	-	(361,744)	102,057	-	(259,687)	361,744	102,057
Government-Wide: Governmental Activities										
PY REVERSING ENTRIES										
To record unavailable revenue					(130,371)			(130,371)	130,371	-
CY ENTRIES										
Deferred Outflows - OPEB		(137,624)				137,624		137,624		137,624
Payroll Liabilities - Medical Insurance Payable Reclass to P	84,592		(84,592)					-		-
Right to Use Lease Liability			361,506			361,506		361,506		361,506
Billed/unbilled legal fees - RWG			(83,407)			83,407		83,407		83,407
Total Governmental Activities	84,592	(137,624)	193,507	-	(130,371)	582,537	-	452,166	130,371	582,537
Government-Wide: Business-type Activities										
PY REVERSING ENTRIES										
To adjust inventory to physical count					84,790			84,790	(84,790)	-
CY ENTRIES										
Prior period adjustment for Transit Unearned Revenue					(273,396)			(273,396)	273,396	-
Recyclist SBITA	64,955		(46,305)			18,650		18,650		18,650
Total Business-type Activities	64,955	-	(46,305)	-	(188,606)	18,650	-	(169,956)	188,606	18,650

Management Letter
For Fiscal Year Ended June 30, 2023

City of Banning, California

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CPAs & BUSINESS ADVISORS

To the Honorable Mayor and Members of the City Council
City of Banning, California

In planning and performing our audit of the financial statements of the City of Banning, California (the City) as of and for the year ended June 30, 2023, in accordance with auditing standards generally accepted in the United States of America, we considered the City's internal control over financial reporting (internal control) as a basis for designing auditing procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

During our audit we became aware of deficiencies in internal control other than significant deficiencies and material weaknesses that are opportunities for strengthening internal controls and operating efficiency. The observations and recommendations are summarized below. This letter does not affect our report dated July 31, 2024, on the financial statements of the City.

We will review the status of these comments during our next audit engagement. We have already discussed these comments and suggestions with various City personnel, and we will be pleased to discuss them in further detail at your convenience, to perform any additional study of these matters, or to assist you in implementing the recommendations.

CURRENT YEAR OBSERVATIONS AND RECOMMENDATIONS

Whistleblower Hotline

Observation:

From our inquiries regarding the City's internal control, not all employees that were interviewed were aware of the whistleblower hotline.

Recommendation:

We recommend that the City revisit its procedures and awareness communications regarding the City's whistleblower hotline.

Management's Response:

The City's Whistleblower Hotline number is posted in all breakrooms in all city facilities. Additionally, it is provided to new employees in the Employee Assistance Program (EAP) information upon hire and annually as a part of the benefits enrollment process. Human Resources will also send out an email to all staff to ensure everyone is aware of the hotline.

****

Our audit procedures are designed primarily to enable us to form an opinion on the financial statements, and therefore, may not bring to light all weaknesses in policies or procedures that may exist. We aim, however, to use our knowledge of the City gained during our work to make comments and suggestions that we hope will be useful to you.

We would be pleased to discuss these comments and recommendations with you at any time.

This report is intended solely for the information and use of management of the City, and others within the City and is not intended to be and should not be used by anyone other than these specified parties.

Eide Bailly LLP

Rancho Cucamonga, California
July 31, 2024

Federal Awards Reports in Accordance
with the Uniform Guidance
June 30, 2023

City of Banning, California

Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards* 1

Independent Auditor's Report on Compliance for the Major Federal Program; Report on Internal Control Over Compliance; and Report on the Schedule of Expenditures of Federal Awards Required by the Uniform Guidance 3

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CPAs & BUSINESS ADVISORS

Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

City Council
City of Banning
Banning, California

We have audited, in accordance with the auditing standards generally accepted the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Banning (City) as of and for the year ended June 30, 2023, and the related notes to the financial statements which collectively comprise the City's basic financial statements, and have issued our report thereon dated July 31, 2024. Our report qualified the opinion on the Banning Utility Authority Water Fund, Electric Utility Fund, and Business-Type Activities because management had not engaged Eide Bailly LLP as of June 30, 2023. As such, we could not perform inventory observations. Additionally, the City did not perform a year-end inventory observation. Our report also included emphasis of matter paragraphs regarding the City's adoption of Governmental Accounting Standards Board (GASB) Statement No. 96, *Subscription-Based Information Technology Arrangements,* effective July 1, 2022 and restatement of beginning net position/fund balance for the correction of errors.

Report on Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that have not been identified. However, as described in the accompanying Schedule of Findings and Questioned Costs, we identified certain deficiencies in internal control that we consider to be material weaknesses and significant deficiencies.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. We consider the deficiencies described in the accompanying Schedule of Findings and Questioned Costs as items 2023-001 through 2023-003 to be material weaknesses.

A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider the deficiencies described in the accompanying Schedule of Findings and Questioned Costs as items 2023-004 and 2023-005 to be significant deficiencies.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards.*

City's Response to Findings

Government Auditing Standards requires the auditor to perform limited procedures on the City's response to the findings identified in our audit and described in the accompanying Schedule of Findings and Questioned Costs. The City's response was not subjected to the other auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on the response.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Eide Bailly LLP

Rancho Cucamonga, California
July 31, 2024

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CPAs & BUSINESS ADVISORS

Independent Auditor's Report on Compliance for the Major Federal Program; Report on Internal Control Over Compliance; and Report on the Schedule of Expenditures of Federal Awards Required by the Uniform Guidance

City Council
City of Banning
Banning, California

Report on Compliance for the Major Federal Program

Opinion on the Major Federal Program

We have audited the City of Banning's (City) compliance with the types of compliance requirements identified as subject to audit in the OMB *Compliance Supplement* that could have a direct and material effect on the City's major federal program for the year ended June 30, 2023. The City's major federal program is identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

In our opinion, the City compiled, in all material respects, with the compliance requirements referred to above that could have a direct and material effect on its major federal program for the year ended June 30, 2023.

Basis for Opinion on the Major Federal Program

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America (GAAS); the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States (*Government Auditing Standards*); and the audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Our responsibilities under those standards and the Uniform Guidance are further described in the Auditor's Responsibilities for the Audit of Compliance section of our report.

We are required to be independent of the City and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion on compliance for the major federal program. Our audit does not provide a legal determination of the City's compliance with the compliance requirements referred to above.

Responsibilities of Management for Compliance

Management is responsible for compliance with the requirements referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of laws, statutes, regulations, rules and provisions of contracts or grant agreements applicable to the City's federal program.

Auditor's Responsibilities for the Audit of Compliance

Our objectives are to obtain reasonable assurance about whether material noncompliance with the compliance requirements referred to above occurred, whether due to fraud or error, and express an opinion on the City's compliance based on our audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, *Government Auditing Standards,* and the Uniform Guidance will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements referred to above is considered material, if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the City's compliance with the requirements of the major federal program as a whole.

In performing an audit in accordance with GAAS, *Government Auditing Standards,* and the Uniform Guidance, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the City's compliance with the compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances.
- Obtain an understanding of the City's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control over compliance. Accordingly, no such opinion is expressed.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we identified during the audit.

Other Matters

The results of our auditing procedures disclosed an instance of noncompliance, which is required to be reported in accordance with the Uniform Guidance and which is described in the accompanying schedule of findings and questioned costs as item 2023-007. Our opinion on the major federal program is not modified with respect to these matters.

Government Auditing Standards requires the auditor to perform limited procedures on the City's response to the noncompliance finding identified in our compliance audit described in the accompanying schedule of findings and questioned costs. The City's response was not subjected to the auditing procedures applied in the audit of compliance, and accordingly, we express no opinion on the response.

Report on Internal Control over Compliance

Our consideration of internal control over compliance was for the limited purpose described in the Auditor's Responsibilities for the Audit of Compliance section above and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance. However, as discussed below, we did identify certain deficiencies in internal control over compliance that we consider to be material weaknesses and significant deficiencies.

A *deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. We consider the deficiency in internal control over compliance described in the accompanying schedule of findings and questioned costs as item 2023-006 to be a material weakness.

A *significant deficiency in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance. We consider the deficiencies in internal controls over compliance described in the accompanying schedule of findings and questioned costs as item 2023-007 to be a significant deficiency.

Our audit was not designed for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, no such opinion is expressed.

Government Auditing Standards requires the auditor to perform limited procedures on the City's response to the internal control over compliance findings identified in our audit described in the accompanying schedule of findings and questioned costs. The City's response was not subjected to the other auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the response.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance

We have audited the financial statements of the governmental activities, the business-type activities, each major fund and the aggregate remaining fund information of the City as of and for the year ended June 30, 2023, and the related notes to the financial statements, which collectively comprise the City's basic financial statements. We issued our report thereon dated July 31, 2024, which contained qualified and unmodified opinion on those financial statements. Our report included an emphasis of matter paragraph regarding the City's adoption of Governmental Accounting Standards Board (GASB) Statement No. 96, *Subscription-Based Information Technology Arrangements,* effective July 1, 2022, and

a restatement of beginning net position/fund balance for the correction of errors. Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the basis financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by the Uniform Guidance and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. This information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basis financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated in all material respects in relation to the basic financial statements as a whole.

Eide Bailly LLP

Rancho Cucamonga, California
July 31, 2024

Federal Grantor/Pass-Through Grantor/Program or Cluster Title	Federal Financial Assistance Listing	Pass-through Entity Identifying Number	Expenditures
Department of Housing and Urban Development			
Passed-through the County of Riverside Economic Development Agency			
Community Development Blocks Grant - Entitlement Grants Cluster			
Community Development Blocks Grant - Entitlement Grants	14.218	5.BN.43-19/5.BN.49-20	$ 4,815
Community Development Blocks Grant - Entitlement Grants	14.218	5.BN.48-20	8,211
Community Development Blocks Grant - Entitlement Grants	14.218	5.BN.57-22	10,000
Community Development Blocks Grant - Entitlement Grants Cluster Subtotal			**23,026**
COVID-19 Emergency Solutions Grant Program	14.231	E-20-UW-06-0506	333,596
Total Department of Housing and Urban Development			**356,622**
Department of Interior			
Direct Assistance			
WaterSMART (Sustain and Manage America Resources for Tomorrow)	15.507	R21AP10083-00	37,494
Total Department of Interior			**37,494**
Department of Justice			
Direct Assistance			
Coronavirus Emergency Supplemental Funding	16.034	2020-VD-BX-1690	1,188
Passed-through the County of Riverside Sheriff Department			
Edward Bryne Memorial Justice Assistance Grant Program - 2021 Bryne Grant	16.738	15PBJA-21-GG-01181-JAGX	9,227
Total Department of Justice			**10,415**
Federal Aviation Administration			
Direct Assistance			
Airport Improvement Program			
COVID-19 Airport Improvement Program	20.106	3-06-0018-019-2021	23,484
Total Federal Aviation Administration			**23,484**
Department of Transportation			
Passed-through CalTrans			
Highway Planning and Construction			
San Gorgonio Union Pacific Rail Road Pedestrian (UPRR) Improvement Project	20.205	STPLR-7500(288)	29,385
Total Department of Transportation			**29,385**
Department of Treasury			
Direct Assistance			
COVID-19 Coronavirus State and Local Fiscal Recovery Funds	21.027		752,115
Total Department of Treasury			**752,115**
Total Federal Financial Assistance			**$ 1,209,515**

Note 1 - Basis of Presentation

The accompanying schedule of expenditures of federal awards (the schedule) includes the federal award activity of the City of Banning (City) under programs of the federal government for the year ended June 30, 2023. The information is presented in accordance with the requirements of Title 2 U.S. Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Because the schedule presents only a selected portion of the operations of the City, it is not intended to and does not present the financial position, changes in net position, or cash flows of the City.

Note 2 - Summary of Significant Accounting Policies

Expenditures reported in the schedule are reported on the modified accrual basis of accounting for governmental funds and the accrual basis for proprietary funds, as described in Note 1 of the City's financial statements. Such expenditures are recognized following the cost principles contained in the Uniform Guidance, wherein certain types of expenditures are not allowable or are limited as to reimbursement. No federal financial assistance has been provided to a subrecipient.

Note 3 - Indirect Cost Rate

The City has elected not to use the 10% de minimis indirect cost rate allowed under the Uniform Guidance.

Section I – Summary of Auditor's Results

FINANCIAL STATEMENTS

Type of auditor's report issued	Qualified for: Banning Utility Authority Water Fund Electric Utility Fund Business-Type Activities Unmodified for all other opinion units
Internal control over financial reporting:	
Material weaknesses identified	Yes
Significant deficiencies identified not considered to be material weaknesses	Yes
Noncompliance material to financial statements noted?	No

FEDERAL AWARDS

Internal control over major program:	
Material weaknesses identified	Yes
Significant deficiencies identified not considered to be material weaknesses	Yes
Type of auditor's report issued on compliance for major programs:	Unmodified
Any audit findings disclosed that are required to be reported in accordance with Uniform Guidance 2 CFR 200.516:	Yes

Identification of major programs:

Name of Federal Program	Federal Financial Assistance Listing
COVID-19 Coronavirus State and Local Fiscal Recovery Funds	21.027

Dollar threshold used to distinguish between type A and type B programs:	$750,000
Auditee qualified as low-risk auditee?	No

Section II – Financial Statement Findings

2023-001 **Internal Controls over the Financial Reporting Process and Year-End Closing Process**
Type of Finding: *Material Weakness*

Criteria:

Management is responsible for the preparation and fair presentation of the financial statements. Management is responsible for ensuring that all financial records and related information is reliable and properly recorded. This requires management to perform a year-end closing process to accumulate, reconcile and summarize information for inclusion in the annual financial statements. Management is responsible for timely billing and collection of receivables. Management is responsible for reporting revenue as it is earned and available, where appropriate.

Condition:

During the audit, we identified adjustments, which were proposed and posted, as follows:

- The Riverside Public Utility cash account and accounts payable were overstated in the amount of $1,127,951 within the electric fund
- Depreciable assets and related liability for a vactor truck within the wastewater fund were reclassified into traditional capital assets and long-term debt out of right-of-use assets and lease liabilities as it was deemed to not qualify as a lease under GASB 87
- Borrowings and capital outlay relating to SBITAs were understated in the amount of $106,550 within the community development block grant fund
- Borrowings and capital outlay relating to leases were understated in the amount of $1,123,513 within the general fund and park development fund
- Revenue and the unearned liability relating to the refuse franchise fee were overstated in the amount of $225,000
- Revenue was overstated and the unavailable deferred inflow was understated for developer monies received outside of the 60-day availability period totaling $248,194 within the developer deposit fund
- Revenue was overstated and the unavailable deferred inflow was understated for PACT AB109 monies received outside of the 60-day availability period totaling $177,223 within the general fund
- Revenue was overstated and the unavailable deferred inflow was understated for Cannabis sales and use tax monies received outside of the 60-day availability period totaling $476,805 within the general fund
- General fund allowance for doubtful accounts was understated in the amount of $93,436
- Internal service expenses and accrued liabilities were understated within the internal service funds relating to litigation settlements and totaled $85,600

Corrections of errors to prior year financial statements were posted, as follows:

- A restatement was recorded to the governmental activities, business-type activities, and electric utility fund beginning net position, as well as general fund balance to remove an advance between the funds that was not properly removed in a prior fiscal year. The restatement increased governmental activities net position, decreased business-type activities and electric utility fund beginning net position, and increased general fund balance by $394,118.
- A restatement was recorded to the governmental activities beginning net position and general fund balance to remove a receivable that had been recognized as revenue in prior years totaling $708,520 and to recognize a developer deposit collected in prior years totaling $41,141. The restatement reduced governmental activities beginning net position and general fund balance by $749,661. The City was aggregating amounts asserted to be billed by third parties but not billed/invoiced. Timely and regular billings did not occur.
- A restatement was recorded to the governmental activities beginning net position and general fund balance to increase unearned revenue that had been recognized as revenue in prior years. The restatement reduced governmental activities beginning net position and general fund balance by $304,304.
- A restatement was recorded to business-type activities and refuse utility beginning net position to increase unearned revenue that had been recognized as revenue in prior years. The restatement reduced business-type and refuse utility fund beginning net position by $4,275,000.
- A restatement was recorded to the governmental activities and private-purpose trust fund successor agency beginning net position to reduce land held for resale under the successor agency and reclassify them as land under governmental activities. The restatement increased governmental activities net position and decreased private-purpose trust fund successor agency beginning net position by $4,675,556. The assets were transferred by approved Council action in Resolutions 2011-09 and 2021-99.
- A restatement was recorded to the governmental activities and private-purpose trust fund successor agency beginning net position to transfer capital assets erroneously recognized as successor agency fund capital assets in prior years. The restatement increased governmental activities net position and decreased private-purpose trust fund successor agency beginning net position by $6,775,155.
- A restatement was recorded to the beginning net position of the business-type activities in the amount of $853,513, the Banning Utility Authority water fund in the amount of ($19,183), electric utility fund in the amount of $681,456, Banning Utility Authority wastewater fund in the amount of $132,275, and refuse utility fund in the amount of $58,965 to record receivable balances incurred but not recorded in the prior year. The restatement reduced the beginning net position by $19,183 for the Banning Utility Authority water fund and increased the beginning net position by $681,456 for the electric utility fund, by $132,275 for the Banning Utility Authority wastewater fund and by $58,965 for the refuse utility fund.

Additionally, instances occurred throughout audit fieldwork where subsidiary listings either could not be generated to support account balances or did not agree to the general ledger. A subsidiary listing could not be generated for accounts payable. Within capital assets, the City reclassified business-type accumulated depreciation balances from prior year audits to agree to subsidiary listings.

During testing of subscription-based information technology arrangements (SBITAs), as part of the implementation of GASB Statement No. 96, two agreements were improperly excluded, resulting in an uncorrected misstatement.

Lease asset and liability figures recorded in the general ledger differed from the related amortization schedules, resulting in an uncorrected misstatement.

The City's net investment in capital asset calculation erroneously excluded deferred charges, deferred gain on refunding, lease/SBITA activity, and unspent bond proceeds. The calculation erroneously included accrued interest.

Cause:

The City did not consistently maintain year-end closing procedures to ensure that all financial information was accumulated and reconciled timely.

The City did not have an internal control process to bill for services rendered timely.

The City lacked an internal control policy to analyze the completeness and cut-off of revenue to record it when earned and available, as applicable.

The City did not have an internal control process in place to ensure SBITA agreements were reviewed for completeness.

The City did not have an internal control process in place to ensure activity with lease amortization schedules agreed to the general ledger.

Effect:

Journal entries were posted, and adjustments made to the financial statements, in order to fairly present the financial statements.

Timely and regular billings did not occur for services rendered, thus creating aged receivables of more than one fiscal year due from developers.

Revenue accounts, as well as related unearned revenues and deferred inflows of resources were misstated.

Context:

The conditions were noted during our testwork throughout the audit.

Recommendation:

We recommend the City implement and/or strengthen its closing policies and procedures to ensure amounts are properly captured, reconciled, classified, reviewed, reported in a timely manner, and agree to subsidiary listings.

The City should pursue billings, and ensure collection, and issue invoices on a timely basis.

We recommend the City implement an internal control process to ensure that all revenue is properly recorded in accordance with generally accepted accounting principles.

Views of Responsible Officials:

Management agrees with the finding. See separate corrective action plan.

2023-002 Inventory Counts
Type of Finding: *Material Weakness*

Criteria:

Management is responsible for performing test counts of inventories throughout the year, as necessary, and specifically at year-end.

Condition:

The City did not perform a year-end inventory count.

Cause:

The City did not have an internal control process in place to perform a year-end inventory count.

Effect:

Not performing an annual inventory count could lead to a material misstatement of inventory balances. Further, the opinions were qualified for the Banning Utility Authority Water fund, the Electric Utility fund, and Business-Type Activities. The City had not engaged Eide Bailly as the City's auditor as of June 30, 2023, and as a result, a year end inventory observation was not performed.

Context:

The conditions were noted during our testwork throughout the audit.

Recommendation:

The City should perform inventory counts at year-end, as well as ensuring an auditor is engaged to perform a year-end observation.

Views of Responsible Officials:

Management agrees with the finding. See separate corrective action plan.

2023-003 Timely Preparation and Review of Bank Reconciliations
Type of Finding: *Material Weakness*

Criteria:

Management is responsible for reconciling and reviewing bank accounts in a timely manner on a monthly basis.

Condition:

The December 2022 General Account bank reconciliation was prepared in May 2023. Additionally, the June 2023 bank reconciliations, with the exception of the General Account, were reviewed in November 2023.

Cause:

The City did not have monitoring processes in place throughout the year to prepare and review bank reconciliations in a timely manner.

Effect:

Errors could go undetected without a timely preparation and review process.

Context:

The conditions were noted during our testwork throughout the audit.

Recommendation:

Bank reconciliations should be prepared and reviewed timely.

Views of Responsible Officials:

Management agrees with the finding. See separate corrective action plan.

2023-004 **Contributions Subsequent to Measurement Date – Pension Safety Plan**
Type of Finding: *Significant Deficiency*

Criteria:

Management is responsible for reporting employer contributions that agree to amounts paid to CalPERS.

Condition:

The City reported employer contributions to the pension safety plan that were higher than the amount per CalPERS, thus resulting in a passed audit adjustment.

Cause:

The City did not have an internal control process in place to reconcile employer contributions.

Effect:

Deferred outflows of resources and pension expense could be misstated.

Context:

The conditions were noted during our testwork of the City's pension plans.

Recommendation:

We recommend the City implement an internal control process to reconcile contributions subsequent to year-end to the payments made to CalPERS.

Views of Responsible Officials:

Management agrees with the finding. See separate corrective action plan.

2023-005 **Utility Customer Account Adjustments**
Type of Finding: *Significant Deficiency*

Criteria:

Management is responsible for monitoring adjustments to utility customer accounts.

Condition:

During the process to gain an understanding of the utility customer accounts, it was noted adjustments to customer accounts can be prepared and posted by the same individual. Additionally, customer account adjustments are not reviewed.

Cause:

A lack of segregation of duties and review process over utility adjustments allows for potentially unapproved adjustments to customer accounts.

Effect:

The control environment over customer accounts is weakened.

Context:

The conditions were noted during our testwork throughout the audit.

Recommendation:

We recommend the City implement policies and procedures that restrict the same individual from having the ability to adjust customer accounts. Additionally, a process should be implemented to review adjustments to customer accounts on a one-by-one basis, based on certain thresholds, or an aggregate basis.

Views of Responsible Officials:

Management agrees with the finding. See separate corrective action plan.

Section III – Federal Award Findings and Questioned Costs

2023-006

Program: COVID-19 Coronavirus State and Local Fiscal Recovery Funds
Federal Financial Assistance Listing Number: 21.027
Federal Grantor: U.S. Department of Treasury
Award No. and Year: 2021

Compliance Requirements: Procurement and Suspension and Debarment
Type of Finding: Material Weakness in Internal Control over Compliance

Criteria:

2 CFR Section 200.303(a), Internal Controls, states that the non-Federal entity must establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statues, regulations, and the terms and conditions of the Federal award.

Title 2 CFR Section 200.214 of the Uniform Guidance states that the City must comply with 2 CFR part 180, which implements Executive Orders 12549 and 12689. The regulations in 2 CFR part 180 restricts awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.

Per 2 CFR Section 180.300, when a non-Federal entity enters into a covered transaction with an entity at a lower tier, the non-Federal entity must verify that the entity, as defined in 2 CFR section 180.995 and agency adopting regulations, is not suspended or debarred or otherwise excluded from participating in the transaction. This verification may be accomplished by (1) checking the System for Award Management (SAM) Exclusions maintained by the General Service Administration (GSA) and available at https://www.sam.gov/SAM/, (2) collecting a certification from the entity, or (3) adding a clause or condition to the covered transaction with that entity.

Condition:

During our testing of the City's provisions for procurement requirements under the COVID-19 Coronavirus State and Local Fiscal Recovery Funds, we noted for three (3) of four (4) contracts selecting for testing there was no evidence that the City verified the entity was not suspended or debarred or otherwise excluded from participating in the transaction, prior to entering the contract.

Cause:

The City did not follow their policy to verify the information described in the condition prior to entering the transactions.

Effect:

The City's control was not consistently followed, which required verification of suspension or debarment prior to entering the contract. Subsequent to entering into the contract, management verified the vendors were not suspended or debarred.

Questioned Costs:

No questioned costs were identified as a result of our procedures.

Context/Sampling:

A nonstatistical sample of four (4) out of twelve (12) procurement contracts were sampled for the COVID-19 Coronavirus State and Local Fiscal Recovery Funds.

Repeat Finding from Prior Year:

No

Recommendation:

We recommend the City adhere to their procurement procedures requiring the suspension or debarment verification is performed prior to entering into a covered transaction.

Views of Responsible Officials:

Management agrees with the finding. See separate corrective action plan.

2023-007

Program: COVID-19 Coronavirus State and Local Fiscal Recovery Funds
Federal Financial Assistance Listing Number: 21.027
Federal Grantor: U.S. Department of Treasury
Award No. and Year: 2021

Compliance Requirement: Allowable Costs/Cost Principles
Type of Finding: Significant Deficiency in Internal Control and Instance of Non-Compliance

Criteria:

Title 2 CFR Section 200.302(b)(7) of the Uniform Guidance requires all non-Federal entities establish written procedures to implement the requirements for determining the allowability of costs in accordance with *Subpart E – Cost Principles* or the conditions of the Federal award.

Condition:

The City has not established written procedures for determining allowability of costs in accordance with *Subpart E – Cost Principles* or the conditions of the Federal award.

Cause:

The City's procedures did not ensure the required written procedures were developed and implemented in accordance with the Uniform Guidance.

Effect:

The City has not compiled with Title 2 CFR Section 200.302(b)(7) regarding establishing written procedures for determining the allowability of costs.

Questioned Costs:

No questioned costs were identified as a result of our procedures.

Context/Sampling:

The condition above was identified during our procedures related to allowable costs.

Repeat Finding from Prior Year:

No

Recommendation:

We recommend the City establish policies and formalize written procedures related to allowable costs in accordance with *Subpart E – Cost Principles.*

Views of Responsible Officials:

Management agrees with the finding. See separate corrective action plan.

Financial Statement Findings

Finding No.	Area	Status of Corrective Action
2022-001	Inventory Observation	Report qualification; see current year finding 2023-002

Federal Awards Findings

None noted.

Financial Statements
June 30, 2023

Banning Utility Authority

(A Component Unit of the City of Banning)

EideBailly

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CPAs & BUSINESS ADVISORS

Independent Auditor's Report

The Honorable Mayor and Members of the City Council
Banning Utility Authority
City of Banning, California

Report on the Audit of the Financial Statements

Qualified and Unmodified Opinions

We have audited the financial statements of the business-type activities and each major fund of the City of Banning Utility Authority (the Authority), a component unit of the City of Banning, California, as of and for the year ended June 30, 2023, and the related notes to the financial statements, which collectively comprise the Authority's basic financial statements as listed in the table of contents.

Qualified Opinion on the Water Fund

In our opinion, except for the effects of the matter described in the Basis for Qualified and Unmodified Opinions section of our report, the accompanying financial statements referred to above present fairly, in all material respects, the respective financial position of the water fund of the Authority as of June 30, 2023, and the changes in financial position and where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Unmodified Opinions on the Wastewater Fund and Business-Type Activities

In our opinion, the accompanying financial statements referred to above present fairly, in all material respects, the financial position of the wastewater fund and the business-type activities of the Authority, as of June 30, 2023, and the changes in financial position and cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Qualified and Unmodified Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States (*Government Auditing Standards*). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the City, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our qualified and unmodified audit opinions.

Matter Giving Rise to Qualified Opinion on the Water Fund

We were not engaged as auditors of the City until after June 30, 2023, nor did the City perform a year-end inventory observation as of June 30, 2023. We were unable to satisfy ourselves by performing other auditing procedures concerning the inventory held at June 30, 2023. As the inventory balance is material to the water fund, our opinion on this opinion unit is qualified with respect to this matter.

Correction of Errors

As discussed in Note 11 to the financial statements, certain errors resulting in a misstatement of amounts previously reported as of June 30, 2022, were discovered during the current year. Accordingly, a restatement has been made to the water fund, wastewater fund, and business-type activities net position as of July 1, 2022, to correct the errors. Our opinions are not modified with respect to that matter.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Authority's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an

opinion on the effectiveness of the Authority's internal control. Accordingly, no such opinion is expressed.

- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Authority's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control–related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that schedules of changes in the net pension liability, schedules of pension contributions, and schedule of changes in the total OPEB liability and related ratios as listed in the table of contents, be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with GAAS, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Management has omitted the management's discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated July 31, 2024, on our consideration of the Authority's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of Authority's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Authority's internal control over financial reporting and compliance.

Eide Bailly LLP

Rancho Cucamonga, California
July 31, 2024

	Water Fund	Wastewater Fund	Business-Type Activities Total
Current Assets			
Pooled cash and investments	$ 28,353,840	$ 20,662,343	$ 49,016,183
Receivables			
Accounts, net	2,257,589	956,879	3,214,468
Interest	92,265	71,156	163,421
Grants	1,498,240	-	1,498,240
Prepaid costs	2,625	1,313	3,938
Inventories	802,540	-	802,540
Cash with fiscal agent	126,430	2,732,753	2,859,183
			-
Total current assets	33,133,529	24,424,444	57,557,973
Noncurrent Assets			
Capital Assets			
Capital assets, not being depreciated	5,502,898	1,100,768	6,603,666
Capital assets, net of accumulated depreciation	50,860,126	12,748,916	63,609,042
Right to use lease assets, net of accumulated amortization	228,774	-	228,774
Total noncurrent assets	56,591,798	13,849,684	70,441,482
Total assets	89,725,327	38,274,128	127,999,455
Deferred Outflows of Resources			
Deferred charge on refunding	611,975	-	611,975
Deferred pension related items	912,029	351,532	1,263,561
Deferred OPEB related items	21,139	18,713	39,852
Total deferred outflows of resources	1,545,143	370,245	1,915,388

	Water Fund	Wastewater Fund	Business-Type Activities Total
Current Liabilities			
Accounts payable	$ 1,482,164	$ 78,818	$ 1,560,982
Accrued liabilities	46,542	14,600	61,142
Accrued interest	133,885	10,065	143,950
Deposits payable	236,770	58,489	295,259
Compensated absences - due within one year	14,174	1,758	15,932
Long-term liabilities - due within one year	1,278,053	324,312	1,602,365
Total current liabilities	3,191,588	488,042	3,679,630
Noncurrent Liabilities			
Net pension liability	3,224,756	1,340,651	4,565,407
Total OPEB liability	107,525	33,797	141,322
Compensated absences - due within on year	222,995	90,378	313,373
Long-term liabilities - due within one year	18,778,514	3,411,787	22,190,301
Total noncurrent liabilities	22,333,790	4,876,613	27,210,403
Total liabilities	25,525,378	5,364,655	30,890,033
Deferred Inflows of Resources			
Deferred gain on refunding	-	84,621	84,621
Deferred pension related items	49,575	20,610	70,185
Deferred OPEB related items	10,633	26,533	37,166
Total deferred inflows of resources	60,208	131,764	191,972
Net Position			
Net investment in capital assets	37,147,206	12,531,687	49,678,893
Restricted for capital projects	126,430	230,030	356,460
Unrestricted	28,411,248	20,386,237	48,797,485
Total net position	$ 65,684,884	$ 33,147,954	$ 98,832,838

See Notes to Financial Statements.

	Water Fund	Wastewater Fund	Business-Type Activities Total
Operating Revenues			
Sales and service charges	$ 12,107,023	$ 5,029,168	$ 17,136,191
Miscellaneous	41,664	1	41,665
Total operating revenues	12,148,687	5,029,169	17,177,856
Operating Expenses			
Salaries and benefits	2,146,615	872,363	3,018,978
Supplies and services	5,022,056	2,040,325	7,062,381
Repairs and maintenance	79,192	57,784	136,976
Depreciation expense	1,672,805	727,353	2,400,158
Total operating expenses	8,920,668	3,697,825	12,618,493
Operating Income	3,228,019	1,331,344	4,559,363
Nonoperating Revenues (Expenses)			
Intergovernmental	1,984,405	-	1,984,405
Interest revenue and change in fair value of investments	270,365	193,518	463,883
Interest expense	(751,722)	(57,720)	(809,442)
Surplus revenue payment to City of Banning	(470,000)	(181,000)	(651,000)
Gain on disposal of capital assets	23,213	-	23,213
Total nonoperating revenues (expenses)	1,056,261	(45,202)	1,011,059
Income Before Contributions and Transfers	4,284,280	1,286,142	5,570,422
Contributions and Transfers			
Capital contributions	2,373,208	722,435	3,095,643
Transfers in from the City of Banning	16,174	3,693	19,867
Total contributions and transfers	2,389,382	726,128	3,115,510
Changes in Net Position	6,673,662	2,012,270	8,685,932
Net Position - Beginning of Year	59,030,405	31,003,409	90,033,814
Prior Period Adjustment	(19,183)	132,275	113,092
Net Position - Beginning of Year as Restated	59,011,222	31,135,684	90,146,906
Net Position - End of Year	$ 65,684,884	$ 33,147,954	$ 98,832,838

See Notes to Financial Statements.

	Water Fund	Wastewater Fund	Business-Type Activities Total
Operating Activities			
Cash received from customers and users	$ 12,087,456	$ 4,799,196	$ 16,886,652
Cash paid to suppliers for goods and services	(4,156,978)	(2,077,831)	(6,234,809)
Cash paid to employees for services	(2,246,774)	(884,129)	(3,130,903)
Net Cash Provided (Used) by Operating Activities	5,683,704	1,837,236	7,520,940
Noncapital Financing Activities			
Contribution from City of Banning	16,174	3,693	19,867
Surplus revenue payment to City of Banning	(470,000)	(181,000)	(651,000)
Intergovernmental	505,720	-	505,720
Net Cash Provided (Used) by Noncapital Financing Activities	51,894	(177,307)	(125,413)
Capital and Related Financing Activities			
Acquisition and construction of capital assets	(5,300,923)	(1,024,950)	(6,325,873)
Capital contributions	2,373,208	722,435	3,095,643
Principal paid on capital debt	(1,226,836)	(420,950)	(1,647,786)
Interest paid on capital debt	(837,520)	(65,165)	(902,685)
Proceeds from sales of capital assets	23,213	-	23,213
Net Cash Used by Capital and Related Financing Activities	(4,968,858)	(788,630)	(5,757,488)
Investing Activities			
Interest received	219,662	154,069	373,731
Net Cash Used by Investing Activities	219,662	154,069	373,731
Net Change in Cash and Cash Equivalents	986,402	1,025,368	2,011,770
Cash and Cash Equivalents - Beginning of Year	27,493,868	22,369,728	49,863,596
Cash and Cash Equivalents - End of Year	$ 28,480,270	$ 23,395,096	$ 51,875,366
Reconciliation to the Statement of Net Position			
Pooled Cash and Investments	$ 28,353,840	$ 20,662,343	$ 49,016,183
Restricted Cash with fiscal agent	126,430	2,732,753	2,859,183
Total Cash and Cash Equivalents	$ 28,480,270	$ 23,395,096	$ 51,875,366

See Notes to Financial Statements.

	Water Fund	Wastewater Fund	Business-Type Activities Total
Reconciliation of Operating Income to Net Cash Provided by Operating Activities			
Operating Income	$ 3,228,019	$ 1,331,344	$ 4,559,363
Adjustments to Reconcile Operating Income to Net Cash Provided by Operating Activities			
Changes in Operating Assets and Liabilities			
Depreciation expense	1,672,805	727,353	2,400,158
(Increase) Decrease in Assets and Deferred Outflow of Resources			
Accounts receivable	(178,271)	(228,660)	(406,931)
Prepaid expense	(2,625)	(1,313)	(3,938)
Inventories	119,665	-	119,665
Deferred pension related items	(539,047)	(196,469)	(735,516)
Deferred OPEB related items	(17,338)	(17,133)	(34,471)
Increase (Decrease) in Liabilities			
Accounts payable	908,740	17,523	926,263
Accrued liabilities	14,297	2,617	16,914
Deposits payable	21,233	138	21,371
Net pension liability	1,096,987	456,058	1,553,045
Total OPEB liability	(12,425)	(16,071)	(28,496)
Compensated absences	16,911	7,990	24,901
Deferred pension related items	(655,880)	(272,674)	(928,554)
Deferred OPEB related items	10,633	26,533	37,166
Net Cash Provided by Operating Activities	$ 5,683,704	$ 1,837,236	$ 7,520,940
Supplemental Disclosures of Noncash Investing And Financing Activity			
Financed purchase of capital asset with long-term debt	$ -	$ 577,049	$ 577,049
Amortization of Unamortized Premiums/Discounts	125,339	-	-
Amortization of Gain/Loss on Defeasance	$ (48,958)	$ 6,770	$ -

Note 1 - Summary of Significant Accounting Policies

A. Description of the Reporting Entity

The Banning Utility Authority (Authority) is a joint powers authority which was established on June 1, 2005 pursuant to a Joint Exercise of Powers Agreement between the City of Banning and the Redevelopment Agency of the City of Banning in accordance with the Joint Powers Law (Article 1 through 4 of Chapter 5, division 7, title 1 of the California Government code) for the purpose of assisting the City in the leasing of the utility system. The Banning Redevelopment Agency was dissolved as of January 31, 2012, through the Supreme Court decision on Assemble Bill 1X26. The City services as the Successor Agency to the Redevelopment Agency of the City of Banning. The Authority's Officers are the Banning City Council. The Authority is a separate legal entity, which is financially accountable to the City of Banning. It is considered a component unit of the City and, accordingly, is included in the Annual Comprehensive Financial Report of the City of Banning.

The Authority consists of the Water Fund and the Wastewater Fund. These funds account for the operations of the Water and Wastewater utilities, respectively. Both funds render services on a user charge basis to residents and businesses located within the City of Banning. The City issued its Basic Financial Statement under a separate cover and are available at City Hall.

B. Basis of Accounting/Measurement Focus

The accounts of the Authority are organized on the basis of funds, each of which is considered a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise its assets, liabilities, fund equity, revenues and expenses, as appropriate.

Propriety Fund financial statements include a statement of net position, a statement of revenues, expenses and changes in fund net position, and a statement of cash flows for the water and wastewater funds and business-type activities as a whole.

Propriety Funds are accounted for using the economic resources measurement focus and the accrual basis of accounting. Accordingly, all assets and liabilities (whether current or noncurrent) are included on the statement of net position. The statement of revenues, expenses and changes in fund net position presents increases (revenues) and decreases (expenses) in total net position. Under the accrual basis of accounting, revenues are recognized in the period in which they are earned while expenses are recognized in the period in which the liability is incurred.

Operating Revenues in the proprietary funds are those revenues that are generally from the primary operations of the fund. All other revenues are reported as nonoperating revenues. Operating expenses are those expenses that are essential to the primary operations of the fund. All other expenses are reported as nonoperating expenses.

C. Net Position Flow Assumption

Sometimes the Authority will fund outlays for a particular purpose from both restricted (e.g., restricted bond or grand proceeds) and unrested resources. In order to calculate the amounts to report as restricted – net position and unrestricted – net position in the financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the Authority's policy to consider restricted – net position to have been depleted before unrestricted – net position is applied.

D. Cash and Investments

The Authority's cash and investments are governed by and in compliance with the California Government Code. Cash and investments are held in the City's investment pool. Therefore, for purposes of the statement of cash flows, the Authority considers the entire pooled amount to be cash and cash equivalents.

The fair value hierarchy, which has three levels, is based on the valuation inputs used to measure fair value: Level 1 inputs are quoted prices in active markets for identical assets, Level 2 inputs are significant other observable inputs; Level 3 inputs are significant unobservable inputs.

E. Unbilled Services Receivables

Utility revenue is recorded when earned. Customers are billed monthly. The estimated value of services provided, but unbilled, at year-end has been included in the accompanying financial statements.

F. Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America (U.S. GAAP) requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

G. Inventories and Prepaid Items

Inventory is valued at cost using the first in, first out method. Inventory in the Proprietary Funds consists of expandable supplies held for future consumption or capitalization. The cost is recorded as an expense when inventory items are consumed. Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items.

H. Capital Assets

The Authority's assets are capitalized at historical cost or estimated historical cost. The Authority follows the City policy, which has set the capitalization threshold for reporting capital assets at $5,000 (amount not rounded) and an estimated useful life in excess of two years. Gifts or contributions of capital assets are recorded at acquisition value. Depreciation is recorded on a straight-line basis over the useful lives of the assets as follows:

Utility Plant	20 to 60 Years
Land Improvements	15 to 25 Years
Machinery and Equipment	3 to 25 Years

Right to use lease assets with an initial, individual cost of more than $25,000 ($5,000 in prior years) are recognized at the lease commencement date and represent the City's right to use an underlying asset for the lease term. Right to use lease assets are measured at the initial value of the lease liability plus any payments made to the lessor before commencement of the lease term, less any lease incentives received from the lessor at or before the commencement of the lease term, plus any initial direct costs necessary to place the lease asset into service. Right to use lease assets are amortized over the shorter of the lease term or useful life of the underlying asset using the straight-line method. The amortization period varies from 3 to 5 years.

I. Deferred Outflows/Inflows of Resources

In addition to assets, the statement of net position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net assets that applies to a future period(s) and so will not be recognized as an outflow of resources (expense) until then. The Authority currently has two items that qualify for reporting in this category. The first item is the deferred charge on refunding. A deferred charge on refunding results from the difference in the carrying value of refunded debt and its reacquisition price. The amount is deferred and amortized over the shorter of the life of the refunded or refunding debt. The second item relates to the deferred outflows from changes in net position liability and total OPEB liability. Specifically, changes to deferred outflows related to the net difference in projected and actual earnings on plan investments, change in assumptions, and contributions subsequent to the measurement date.

In additions to liabilities, the statement of net position will sometimes report a separate section for deferred inflows of resources. The separate financial statement element, deferred inflows of resources, represent an acquisition of net assets that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. The Authority has one item that qualifies for reporting in this category. It is the deferred inflows from changes in net pension liability and total OPEB liability. Specifically, changes to deferred inflows related to the difference between expected and actual experience.

J. Net Pension Liability

For purposes of measuring the net pension liability, deferred outflows and inflows of resources related to pensions, and pension expense, information about the pension plans fiduciary net positions and additions to/deductions from the pension plans fiduciary net positions have been determined on the same basis as they are reported by the CalPERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when currently due and payable in accordance with the benefit terms. Investments are reported at fair value.

Note 2 - Cash and Investments

The Authority's cash is pooled with City funds for investment purposes, with interest being allocated on the basis of the Authority's overall percentage of participation. Investment policies and associated risk factors applicable to the Authority's funds are those of the City and are included in the City's financial statements. As of June 30, 2023, cash and investments of the Authority was as follows:

Cash and investments, pooled with the City of Banning	$ 49,016,183
Restricted Cash and Investments	
Cash with Fiscal Agents - Money Market Mutual Funds	2,859,183
Total cash and investments	$ 51,875,366

Cash and Investments with Fiscal Agents

The Authority has funds held by a trustee/fiscal agent pledged for the payment or security of certain bonds. The California Government Code provides these funds, in the absence of specific statutory provisions governing the issuance of bonds, may be invested in accordance with the ordinance, resolutions, or indentures specifying the types of investments its trustees or fiscal agents may make. These ordinances, resolutions, and indentures are generally more restrictive than the Authority's general investment policy. In no instance have additional types of investments, not permitted by the Authority's general investment policy, been authorized.

See the City of Banning's Annual Comprehensive Financial Report (ACFR) for the fiscal year ended June 30, 2023 for further disclosure regarding the pooled cash and investments and related risks.

Equity in the Cash and Investment Pool of the City of Banning

The Authority has no separate bank accounts or investments other than the Authority's equity in the cash and investment pool managed by the City. The Authority is a voluntary participant in that pool. This pool is governed by and under the regulatory oversight of the Investment Policy adopted by the City Council of the City. The Authority has not adopted an investment policy separate from that of the City. The fair value of the Authority's investment in this pool is reported in the accompanying financial statements at amounts based upon the Authority's pro-rata share of the fair value calculated by the City for the entire City portfolio. The balance available for withdrawal is based on the accounting records maintained by the City, which are recorded on an amortized cost basis. The City's investment pool is not registered with the Securities and Exchange Commission and is not rated.

Investments

Under provision of the City's investment policy, the City is authorized to invest in investments allowed by Government Code of the State of California. From these permitted investments, the City's investment officials shall determine those investment types that best meet the needs and abilities of the City. Maximum maturity period for any portion of invested operating moneys shall not exceed five years per California Government Code.

Investments Authorized by Debt Agreements

The above investments do not address investment of debt proceeds held by a bond trustee. Investments of debt proceeds held by a bond trustee are governed by provisions of the debt agreements rather than the general provisions of the California Government Code or the City's investment policy.

Credit Risk

Generally, credit risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. Presented below is the minimum rating required by (where applicable) the California Government Code, the City's investment policy, or debt agreements, and the actual Standard & Poor's rating as of year-end for each investment type.

As of June 30, 2023, the Authority does not have any investments that are subject to this disclosure since both the City's pool and the Authority's cash with fiscal agent are unrated.

Custodial Credit Risk

Custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, a government will not be able to recover its deposits or will not be able to recover collateral securities that are in possession of an outside party. The custodial credit risk for investments is the risk that, in the event of the failure of the counterparty (e.g., broker-dealer) to a transaction, a government will not be able to recover the value of its investment or collateral securities that are in the possession of another party. The California Government Code and the Authority's investment policy do not contain legal or policy requirements that would limit the exposure to custodial credit risk for deposits or investments, other than the following provision for deposits. The California Government Code requires that a financial institution secure deposit made by state or local governmental units by pledging securities in an undivided collateral pool held by a depository regulated under state law (unless so waived by the governmental unit). The market value of the pledged securities in the collateral pool must equal at least 110 percent of the total amount deposited by the public agencies. California law also allows financial institutions to secure Authority deposits by pledging first trust deed mortgage notes having a value of 150 percent of the secured public deposits.

For the investments held by bond trustee, the bond trustee selects the investment under the terms of the applicable trust agreement, acquires the investment, and holds the investment on behalf of the reporting government.

Concentration of Credit Risk

The City is in compliance with restrictions imposed by its investment policy, which limits certain types of investments. In addition, GASB Statement No. 40 requires a separate disclosure if any single issuer comprised more than 5% of the total investment value. The investments issued or explicitly guaranteed by the US government and investments in mutual money market funds and external investment pools are excluded from this requirement. Within the City's investment pool there are federal agency securities with Federal Home Loan Bank that represent more than 5% of total investment value. See the City's ACFR for further, detailed disclosures regarding concentration of credit risk.

Interest Rate Risk

The City's investment policy limits investment maturities as a means of managing its exposure to fair value losses arising from increasing interest rates. The City has elected to use the segmented time distribution method of disclosure for its interest rate risk. As of June 30, 2023, the City's investment pool had a weighted average maturity of 1.98 years and the Authority's money market mutual funds held by fiscal agent had a maturity of one year or less.

Fair Value Measurement and Application

The City categorizes its fair value measurements within the fair value hierarchy established by U.S. GAAP. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant unobservable inputs.

The Authority's pro-rata share of investments in the City's investment pool at June 30, 2023, are uncategorized and measured at $1.

Note 3 - Receivables

As of June 30, 2023, the Authority had $3,214,468 in accounts receivable. Receivables are reported net of allowance for doubtful accounts, which were established based on current collection experience. Allowances for doubtful accounts were $530,204 for the Water Fund and $194,643 for the Wastewater Fund.

Note 4 - Changes in Capital Assets

Capital Assets of the Authority for the year ended June 30, 2023, consisted of the following:

	Beginning Balance	Increases	Decreases	Transfers/ Adjustments	Ending Balance
Capital Assets Not Being Depreciated					
Land	$ 3,343,377	$ 252,193	$ -	$ -	$ 3,595,570
Construction in progress	4,173,539	1,114,971	-	(2,280,414)	3,008,096
Total capital assets not being depreciated	7,516,916	1,367,164	-	(2,280,414)	6,603,666
Capital Assets Being Depreciated					
Buildings and Structures	-	-	-	124,070	124,070
Land improvements	18,430	-	-	2,621,660	2,640,090
Machinery and equipment	625,563	1,675,412	(111,801)	3,134,585	5,323,759
Utility plant	112,066,407	3,860,346	-	(3,571,097)	112,355,656
Total capital assets being depreciated	112,710,400	5,535,758	(111,801)	2,309,218	120,443,575
Less Accumulated Depreciation					
Land improvements	1,075	130,452	-	-	131,527
Machinery and equipment	138,271	345,625	(111,801)	123,401	495,496
Utility plant	54,457,247	1,750,263	-	-	56,207,510
Total accumulated depreciation	54,596,593	2,226,340	(111,801)	123,401	56,834,533
Total capital assets being depreciated, net	58,113,807	3,309,418	-	2,185,817	63,609,042
Right to Use Lease Assets Being Amortized					
Machinery and Equipment	8,573	-	-	-	8,573
Vehicles	378,642	-	-	-	378,642
Total Right to Use Lease Assets being Amortized	387,215	-	-	-	387,215
Less Accumulated Amortization for Right to Use Lease Assets	79,220	173,818	-	(94,597)	158,441
Right to Use Lease Assets, being amortized, net	307,995	(173,818)	-	94,597	228,774
Business-Type Activities Capital Assets, Net	$ 65,938,718	$ 4,502,764	$ -	$ -	$ 70,441,482

Depreciation/amortization expense was charged to business-type activities as follows:

Banning Utility Authority Water	$ 1,672,805
Banning Utility Authority Wastewater	727,353
Total depreciation/amortization expense - business-type activities	$ 2,400,158

Note 5 - Long Term-Debt

The following is a summary of the changes in long-term debt for the fiscal year ended June 30, 2023:

	Beginning Balance	Incurred	Retired	Ending Balance	Due Within One Year
Direct Borrowing					
Lease Liability	$ 291,670	$ -	$ 96,836	$ 194,834	$ 93,053
Financed Purchase	-	577,049	195,950	381,099	94,312
Bonds Payable					
2015 Water Revenue Bond	19,425,000	-	1,130,000	18,295,000	1,185,000
2019 Wastewater Refunding Bond	3,580,000	-	225,000	3,355,000	230,000
Premium	1,692,072	-	125,339	1,566,733	-
Total	$ 24,988,742	$ 577,049	$ 1,773,125	$ 23,792,666	$ 1,602,365

a. Lease Liability

The authority leases vehicle and equipment for various terms under long-term, noncancelable lease agreements. The leases expire at various dates through 2026. This liability, totaling $194,834 at June 30, 2023, will be paid in future years. The annual requirements to amortize the lease liability as of June 30, 2023, including interest, are as follows:

Year Ending June 30,	Principal	Interest	Totals
2024	$ 93,053	$ 1,855	$ 94,908
2025	64,259	793	65,052
2026	37,522	121	37,643
Total	$ 194,834	$ 2,769	$ 197,603

b. Financed Purchase

On September 28, 2022, the Banning Utility Authority entered into a financed purchase agreement to purchase a vactor truck for wastewater operations. The financed purchase bears an interest rate of 4.50%. Interest is payable annually on September 28. The annual requirements to amortize the outstanding financed purchase as of June 30, 2023, including interest, are as follows:

Year Ending June 30,	Principal	Interest	Totals
2024	$ 94,312	$ 962	$ 95,274
2025	94,619	656	95,275
2026	94,940	335	95,275
2027	97,228	-	97,228
Total	$ 381,099	$ 1,953	$ 383,052

2015 Water Revenue Bonds

On August 19, 2015, the Banning Utility Authority issued $25,365,000 in Water Revenue Bonds, Refunding and Improvement Projects. The proceeds of the bonds, together with other money being made available by the Authority, will be used to (i) finance certain capital improvements to the water fund; (ii) refund a portion of the Authority's $35,635,000 Water Revenue Bonds, Refunding and Improvement Projects, 2005 Series, currently outstanding in the aggregate principal amount of $29,165,000; and (iii) pay costs of issuance of the Bonds. As a result, the refunding bonds defeased the liability of the 2005 Water Revenue Bonds, which have been removed from long-term debt. The 2015 Water Revenue Bonds bear interest at rates ranging from 2.00% to 5.00%. Interest is payable semi-annually on May 1 and November 1.

The annual requirements to amortize the outstanding bond indebtedness as of June 30, 2023, including interest, are as follows:

Year Ending June 30,	Principal	Interest	Totals
2024	$ 1,185,000	$ 773,688	$ 1,958,688
2025	1,240,000	713,063	1,953,063
2026	1,305,000	649,438	1,954,438
2027	1,370,000	582,563	1,952,563
2028	1,440,000	526,713	1,966,713
2029 to 2033	8,065,000	1,706,106	9,771,106
2034 to 2035	3,690,000	139,500	3,829,500
Total	$ 18,295,000	$ 5,091,071	$ 23,386,071

2019 Wastewater Refunding Revenue Bonds

On October 8, 2019, the Banning Utility Authority issued the 2019 Wastewater Refunding Revenue Bonds. The proceeds of the bond, together with other money being made available by the Authority, will be used to (i) refund the Authority's 2005 $7,100,000 Wastewater Revenue Bonds, currently outstanding in the amount of $4,585,000; (ii) finance certain improvements (the Facilities) to the Wastewater System of the City of Banning; (iii) and to refinance certain obligations of the Authority. As a result, the refunding bonds defeased the liability of the 2005 Wastewater Revenue Bonds, which have been removed from long-term debt. The refunding resulted in an economic gain of $109,348. The 2019 Wastewater Refunding Revenue Bonds bear interest of 1.80%. Interest is payable semi-annually on May 1 and November 1, commencing May 1, 2020. The annual requirements to amortize the outstanding bond indebtedness as of June 30, 2023, including interest, are as follows:

Year Ending June 30,	Principal	Interest	Totals
2024	$ 230,000	$ 58,320	$ 288,320
2025	235,000	54,135	289,135
2026	240,000	49,860	289,860
2027	245,000	45,495	290,495
2028	250,000	41,040	291,040
2029 to 2033	1,315,000	135,585	1,450,585
2034 to 2036	840,000	22,860	862,860
Total	$ 3,355,000	$ 407,295	$ 3,762,295

Pledged Revenue
The Authority pledged, as security for bonds issued, all surplus revenues from the fund.

The bonds include a provision, that in any event of default, the trustee has the right to accelerate the total unpaid principal amount of the bonds. However, in the event of default and such acceleration, there can be no assurance that the Trustee will have sufficient moneys available for payment of the bonds.

Note 6 - Compensated Absences

Accumulated vacation, sick leave, holiday and compensatory time amount to $329,305.

	Beginning Balance	Additions	Deletions	Ending Balance	Due Within One Year
Water	$ 220,258	$ 159,603	$ 142,692	$ 237,169	$ 14,174
Wastewater	84,146	58,402	50,412	92,136	1,758
Total	$ 304,404	$ 218,005	$ 193,104	$ 329,305	$ 15,932

Note 7 - Insurance

The Authority is covered under the City of Banning's insurance policies. Therefore, the limitation and self-insured retentions applicable to the City also apply to the Authority.

The City maintains self-insurance programs for workers' compensation, general liability and wrongful employment practices. For general liability claims, the City is at risk for up to $50,000 per occurrence; amounts in excess of $50,000 up to $50,000,000 are covered through the Public Entity Risk Management Authority (PERMA) and excess insurance. For workers' compensation claims, the City is at risk for up to $250,000 per occurrence. Losses exceeding $250,000 up to statutory limits are covered by the PERMA under their risk-sharing pool program and excess insurance. For wrongful employment practices claims, the City is at risk for up to $25,000 per occurrence; amounts in excess of $25,000 up to $1,000,000 are covered through the Employment Risk Management Authority. Estimates for all liabilities, including an estimate for incurred but not reported claims (IBNR's), have been included in the City's Self-Insurance Internal Service Fund.

PERMA also provides a nonrisk sharing "deductible" or claims-servicing pool for general liability claims within the self-insured retention (SIR) level ($50,000). Annual contributions are deposited with the Authority from which claims are paid on behalf of the City. Any claims paid by PERMA for the City in excess of deposits at year-end are recorded as "Due to Other Agencies" within the City's Self-Insurance Internal Service Fund.

In addition, the City makes deposits with PERMA for workers' compensation claims below the $250,000 SIR from which claims are paid on behalf of the City.

There are no significant reductions the City's insurance coverages from prior years and there have been no settlements exceeding the insurance coverages for each of the past three fiscal years.

Note 8 - Commitments and Contingencies

Banning Utility Authority Lease Commitment

The City created the Authority on July 1, 2005. The Authority leases from the City all of its utility enterprise assets. The Authority has also entered into a management agreement with the City for the operation and maintenance of the utility enterprises. The lease expires on June 30, 2060, after which time, all of the utility enterprise assets and activities revert to the City. The lease does not qualify as a lease under GASB Statement No. 87, *Leases*. The Authority's right to the utility enterprise funds does not meet the description of an exchange or exchange-like transaction because each party does not receive or give up essentially equal value or not quite equal value. In addition, the governing boards of the City and Authority are the same and can modify the terms of the lease at will. No fixed payment amounts from the Authority to the City were identified and payments are only to be made after maintenance and operations costs of the Authority, as well an any outstanding debt service. The amount will then be determined between the City and the Authority. During the fiscal year, the Authority made lease payments of $651,000 to the City, which are reported within the nonoperating expenses of the Statement of Revenues, Expenses, and Changes in Fund Net Position.

Grant Compliance Audits

The Authority participates in certain federal and state assisted grant programs. These programs are subject to program compliance audits by the grantors or their representatives. Any liability for reimbursement that may arise as the result of these audits is not believed to be material.

Pending Litigation

The City is involved in several pending lawsuits of a nature common to many similar jurisdictions. City management estimates that potential claims against the City, not covered by insurance, will not have a material adverse effect on the financial statements of the Authority.

Note 9 - City Employees Retirement Plan (Defined Benefit Pension Plan)

a. General Information about the Pension Plan

Plan Description

All qualified permanent and probationary employees of the Authority are eligible to participate in the City's Miscellaneous Plan, agent multiple-employer defined benefit pension plan administered by the California Public Employees' Retirement System (CalPERS), which acts as a common investment and administrative agent for its participating member employers. Benefit provisions under the Plan are established by State statute and City resolution. CalPERS issues publicly available reports that include a full description of the pension plan regarding benefit provisions, assumptions and membership information that can be found on the CalPERS website.

Benefits Provided

CalPERS provides service retirement and disability benefits, annual cost of living adjustments and death benefits to plan members, who must be public employees and beneficiaries. Benefits are based on years of credited service, equal to one year of full time employment. Members with five years of total service are eligible to retire at age 50 with statutorily reduced benefits. The death benefit is one of the following: the Basic Death Benefit, the 1957 Survivor Benefit, or the Optional Settlement W Death Benefit. The cost of living adjustments for each plan are applied as specified by the Public Employees' Retirement Law.

The Plan provisions and benefits in effect at June 30, 2023, are summarized as follows:

Hire Date	Prior to January 1, 2013*	On/after January 1, 2013
Benefit Formula	2.5% at Age 55	2.2% at Age 62
Benefit Vesting Schedule	5 Years of Service	5 Years of Service
Benefit Payments	Monthly for Life	Monthly for Life
Retirement Age	Age 50	Age 52
Monthly Benefits, as a Percentage of Eligible Compensation	2.00% to 2.50%	1.00% to 2.50%
Required Employee Contribution Rates	7.46%	7.00%
Required Employer Contribution Rates		
Normal Cost Rate	9.42%	7.19%
Payment of Unfunded Liability	$ 324,685	$ -

*Closed to new entrants not previously in CalPERS

Contributions

Section 20814(c) of the California Public Employees' Retirement Law requires that the employer contribution rates for all public employers be determined on an annual basis by the actuary and shall be effective on the July 1 following notice of a change in the rate. Funding contributions for both Plans are determined annually on an actuarial basis as of June 30 by CalPERS. The actuarially determined rate is the estimated amount necessary to finance the costs of benefits earned by employees during the year, with an additional amount to finance any unfunded accrued liability. The City is required to contribute the differences between the actuarially determined rate and the contribution rate of employees. For the period ended June 30, 2023, the Authority's portion of contributions totaled $501,973.

b. Pension Liabilities, Pension Expenses and Deferred Outflows/Inflows of Resources Related to Pensions

As of June 30, 2022, the measurement date, the Authority reported net pension liabilities for its proportionate share of the net pension liability of all Plans as follows:

	Proportionate Share of Net Pension Liability
Miscellaneous	$ 4,565,407

The Authority's net pension liability for each Plan is measured as the proportionate share of the net pension liability. The net pension liability of each of the Plans is measured as of June 30, 2022, and the total pension liability for each Plan used to calculate the net pension liability was determined by an actuarial valuation as of June 30, 2021 rolled forward to June 30, 2022 using standard update procedures. The Authority's proportionate share of the net pension liability was based on a projection of the Authority's long-term share of contributions to the pension plans relative to the projected contributions of all participating employers, actuarially determined.

The Authority's proportionate share of the net pension liability for the Miscellaneous Plans as of June 30, 2021 and 2022, the measurement dates, was as follows:

Proportion - June 30, 2021	15.90%
Proportion - June 30, 2022	14.29%
Change - Increase(Decrease)	-1.61%

For the year ended June 30, 2023, the Banning Utility Authority incurred a pension expense of $569,119 for the Plan. At June 30, 2023, the City of Banning has deferred outflows and deferred inflows of resources related to pensions as follows:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Pension Contributions Subsequent to Measurement Date	$ 501,973	$ -
Difference between Expected and Actual Experience	17,262	70,185
Net Difference Between Projected and Actual Earnings on Pension Plan Investments	467,934	
Changes in Assumption	276,392	-
Total	$ 1,263,561	$ 70,185

The $501,973 reported as deferred outflows of resources related to contributions subsequent to the measurement date, will be recognized as a reduction of the net pension liability in the year ended June 30, 2024. Other amounts reported as deferred outflows or deferred inflows of resources related to pensions will be recognized as pension expense as follows:

Year Ending June 30,	
2024	$ 194,385
2025	169,727
2026	32,626
2027	294,665
Total	$ 691,403

Actuarial Assumptions

For the measurement period ended June 30, 2022, the total pension liability was determined by rolling forward the June 30, 2021 total pension liability. The June 30, 2021 and the June 30, 2022 total pension liabilities were based on the following actuarial methods and assumptions:

Actuarial Cost Method	Entry Age Normal in accordance with the requirements of GASB Statement No. 68
Actuarial Assumptions	
Discount Rate	6.90%
Inflation	2.50%
Projected Salary Increase	Varies by Entry Age and Service
Investment Rate of Return	7.00 % Net of Pension Plan Investment and Administrative Expenses; including Inflation.
Mortality Rate Table (1)	Derived using CalPERS' Membership Data for all Funds
Post Retirement Benefit Increase	Contract COLA up to 2.50% until Purchasing Power Protection Allowance Floor on Purchasing Power applies, 2.50% thereafter

(1) The mortality table used was developed based on CalPERS-specific data. The table includes 15 years of mortality improvements using the Society of Actuaries Scale 90% of scale MP 2016. For more details on this table, please refer to the December 2017 experience study report (based on CalPERS demographic data from 1997 to 2015) that can be found on the CalPERS website.

Changes of Assumption

For the measurement period ended June 30, 2022, the discount rate was reduced from 7.15 percent to 6.90 percent, the inflation rate was reduced from 2.50 percent to 2.30 percent, and the investment rate of return was reduced from 7.15 percent to 6.90 percent.

Discount Rate

The discount rate used to measure the total pension liability was 6.90% for the Miscellaneous Plan and reflects the long-erm expected rate of return of the Plan net of investment expenses and without reduction for administrative expenses. The projection of cash flows used to determine the discount rate of Miscellaneous Plan assumed that contributions from plan member will be made at the current member contribution rates and that contributions from employers will be made at statutorily required rates, actuarially determined. Based on those assumptions, the Miscellaneous Plan’s fiduciary net position was projected to be available to make all projected future benefit payments of the current plan members. Therefore, the long-term expected rate of return on the plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class.

In determining the long-term expected rate of return, CalPERS took into account both short- term and long-term market return expectations as well as the expected pension fund cash flows. Using historical returns of all of the funds' asset classes, expected compound (geometric) returns were calculated over the short-term (first 10 years) and the long-term (11+ years) using a building-block approach. Using the expected nominal returns for both short-term and long-term, the present value of benefits was calculated for each fund. The expected rate of return was set by calculating the rounded single equivalent expected return that arrived at the same present value of benefits for cash flows as the one calculated using both short-term and long-term returns. The expected rate of return was then set equal to the single equivalent rate calculated above and adjusted to account for assumed administrative expenses.

The table below reflects the long-term expected real rate of return by asset class. The rate of return was calculated using the capital market assumptions applied to determine the discount rate and asset allocation. The target allocation shown was adopted by the CalPERS Board effective on July 1, 2015.

Asset Class (1)	New Strategic Allocation	Real Return (2) (3)
Global Equity - Cap-Weighted	30.00 %	4.54
Global Equity - Non-Cap-Weighted	12.00	3.84
Private Equity	13.00	7.28
Treasury	5.00	0.27
Mortgage-Backed Securities	5.00	0.50
Investment Grade Corporates	10.00	1.56
High Yield	5.00	2.27
Emerging Market Debt	5.00	2.48
Private Debt	5.00	3.57
Real Assets	15.00	3.21
Leverage	(5.00)	(0.59)
Total	100.00 %	

(1) In the System's ACFR, Fixed Income is included in Global Debt Securities; Liquidity is included in Short-term Investments; Inflation Assets are included in both Global Equity Securities and
(2) An expected inflation of 2.30% used for this period.
(3) Figures are based on the 2021-22 Asset Liability Management study.

Sensitivity of the Net Pension Liability to Changes in the Discount Rates

The following presents the net pension liability of the Plan as of the measurement date, calculated using the discount rate of 6.90%, as well as what the net pension liability would be if it were calculated using a discount rate that is 1 percentage-point lower (5.90%) or 1 percentage-point higher (7.90%) than the current rate:

	1% Decrease (5.9%)	Current Discount Rate (6.9%)	1% Increase (7.9%)
Miscellaneous Plan's Net Pension Liability (Assets)	$6,377,577	$4,565,407	$3,064,269

*This information represents the sensitivity of the Authority's overall Net Pension Liability to changes in the discounted rates.

Pension Plan Fiduciary Net Position

Detailed information about the Plan's fiduciary net position is available in the separately issued CalPERS financial report.

Note 10 - Other Postemployment Benefit Plan

Plan Description

All qualified permanent and probationary employees of the Authority are eligible to participate in City's other postemployment benefits (OPEB) which is provided through a single-employer defined benefit healthcare plan. The plan, which is administered by the City, allows employees at retirement to continue participating in City medical plans with payment of the full premium until age 65. Premiums are the same for actives and retirees, resulting in an implicit subsidy to retirees. Employees who waive coverage at retirement are not eligible to reenroll. The Authority to do so is included annually in the memorandum of understanding between the City and each of its employee groups and ultimately passed by City council action. No assets are accumulated in a trust that meets the criteria in paragraph 4 of GASB statement 75. The plan does not issue a separate report.

As of June 30, 2022, the measurement date, the Authority reported total OPEB liability of $141,322 for its proportionate share of the total OPEB liability.

Actuarial Assumptions and Other Inputs

The total OPEB liability as of June 30, 2023, was determined using the following actuarial assumptions and other inputs, applied to all periods included in the measurement, unless otherwise specified:

Valuation Date	June 30, 2023
Measurement Date	June 30, 2022
Actuarial Cost Method	Entry-Age Normal Cost Method
Actuarial Assumptions	
Discount Rate	3.54%
Inflation	2.50%
Projected Salary Increase	2.75% per annum, in aggregate
Healthcare Cost Trend Rates	8.5% decreasing to 3.45% by 2076
Pre-retirement Turnover	Derived from CalPERS pensions plan
Mortality	Derived from CalPERS pension plan updated to reflect most recent experience study

Discount Rate

There are no assets accumulated in a trust; therefore, the discount rate is the average of three rate indices: S&P General Obligation Municipal Bond 20-Year High Grad Index, the Fidelity Municipal Bond AA 20-Year Maturity Yield and the Bond Buyer General Obligation 20-Bond Municipal Bond index. The use of this index results to discount rate of 3.54% at measurement date June 30, 2022.

Change in Assumption

Discount rate was changed from 2.16% to 3.54%.

Sensitivity of the Total OPEB Liability to Changes in the Discount Rate and Healthcare Cost Trend Rates

The following presents the total OPEB liability of the Authority, calculated using the discount rate for the Plan, as well as what the Authority's total OPEB liability would be if it were calculated using a discount rate that is one percentage point lower or one percentage point higher than the current rate:

	1% Decrease (2.54%)	Current Discount Rate (3.54%)	1% Increase (4.54%)
Total OPEB Liability	$152,503	141,322	$130,826

*This information represents the sensitivity of the Authority's overall Total OPEB Liability to changes in the discount rates.

The following presents the total OPEB liability of the Authority, calculated using the discount rate for the Plan, as well as what the Authority's total OPEB liability would be if it were calculated using a discount rate that is one percentage point lower or one percentage point higher than the current healthcare cost trend rates:

	1% Decrease	Healthcare Cost Trend Rates Current	1% Increase
Miscellaneous Plan's Net Total OPEB Liability	$124,960	141,322	$160,687

*This information represents the sensitivity of the Authority's overall Total OPEB Liability to changes in the healthcare cost trend rates.

OPEB Expense and Deferred Outflows/Inflows of Resources Related to OPEB

For the year ended June 30, 2023, the Authority recognized OPEB expense of $269,995. At June 30, 2023, the City reported deferred outflows of resources and deferred inflows of resources related to OPEB from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Pension Contributions Subsequent to Measurement Date	$ 4,270	$ -
Change in Proportion	35,202	23,191
Change in Assumptions	380	13,975
Total	$ 39,852	$ 37,166

An amount of $4,270 reported as deferred outflows of resources related to contributions subsequent to the measurement date will be recognized as a reduction of the OPEB liability in the year ending June 30, 2024.

Other amounts reported as deferred outflows of resources and deferred inflows of resources related to OPEB will be recognized as OPEB expense as follows:

Year Ending June 30,	Deferred Outflows/Inflows of Resources
2024	$ (323)
2025	(323)
2026	(323)
2027	(323)
2028	(323)
Thereafter	31
Total	$ (1,584)

Note 11 - Correction of Errors

A restatement was recorded to the beginning net position of the water fund in the amount of ($19,183) and the wastewater fund in the amount of $132,275 to record receivable balances incurred but not recorded in the prior year due to the trial balance not being reconciled to the general ledger. The restatement reduced the prior year change in net position by $19,183 for the water fund and increased the prior year change in net position by $132,275 for the wastewater fund.

	Water	Wastewater	Business-Type Activities
Net Position at July 1, 2022, as previously reported	$ 59,030,405	$ 31,003,409	$ 90,033,814
Accounts receivable	(19,183)	132,275	113,092
Net Position, as restated	$ 59,011,222	$ 31,135,684	$ 90,146,906

Required Supplementary Information
June 30, 2023

Banning Utility Authority

Banning Utility Authority

Schedule of Proportionate Share in Net Pension Liability and Related Ratios

Last Ten Fiscal Years*

June 30, 2023

Fiscal Year End	June 30, 2023	June 30, 2022	June 30, 2021	June 30, 2020	June 30, 2019	June 30, 2018	June 30, 2017	June 30, 2016	June 30, 2015
Measurement Period	June 30, 2022	June 30, 2021	June 30, 2020	June 30, 2019	June 30, 2018	June 30, 2017	June 30, 2016	June 30, 2015	June 30, 2014
Plan's Proportion of the Net Pension Liability	14.29%	15.90%	16.07%	16.07%	16.07%	16.07%	17.66%	18.14%	18.14%
Plan's Proportionate Share of the net Pension Liability	$4,565,407	$3,012,362	$4,383,010	$4,194,667	$3,877,339	$3,861,222	$3,966,634	$3,616,218	$3,308,132
Plan's Covered Payroll	$1,623,839	$1,505,440	$1,380,098	$1,474,271	$1,323,997	$750,489	$903,564	$1,084,435	$1,073,672
Plan's Proportionate Share of the Net Pension Liability as a Percentage of Covered Payroll	281.15%	204.33%	317.59%	284.52%	292.85%	514.49%	439.00%	333.47%	308.11%
Plan's Proportionate Share of Aggregate Employers Contributions	$501,973	$472,661	$487,369	$400,411	$345,993	$299,328	$282,328	$282,241	$244,728

Notes to Schedule

Benefit Changes

There were no changes in benefits

Changes in Assumptions

From fiscal year June 30, 2015 to June 30, 2016

GASB 68, paragraph 68 states that the long-term expected rate of return should be determined net of pension plan investment expense but without reduction for pension plan administrative expense. The discount rate of 7.5% used for the June 30, 2014, measurement date was net of administrative expenses. The discount rate of 7.65% used for the June 30, 2015, measurement date is without reduction of pension plan administrative expenses.

From fiscal year June 30, 2016 to June 30, 2017

There were no changes in assumptions.

From fiscal year June 30, 2017 to June 30, 2018

The accounting discount rate reduced from 7.65% to 7.15%

From fiscal year June 30, 2018 to June 30, 2019

Demographic assumptions and inflation rate were changed in accordance with CalPERS Experience Study and Review of Actuarial Assumptions December 2017.

From fiscal year June 30, 2019 to June 30, 2020

There were no changes in assumptions.

From fiscal year June 30, 2020 to June 30, 2021

There were no changes in assumptions.

From fiscal year June 30, 2021 to June 30, 2022

The accounting discount rate reduced from 7.15% to 6.90%

* - Fiscal year 2015 was the first year of implementation; therefore, only nine years are shown.

Banning Utility Authority
Schedule of Plan Contributions
Last Ten Fiscal Years*
June 30, 2023

	2023	2022	2021	2020	2019	2018	2017	2016	2015
Actuarially Determined Contributions -	$ 501,973	$ 487,369	$ 451,639	$ 400,411	$ 345,993	$ 299,328	$ 282,241	$ 268,518	$244,728
Contributions in Relation to The Actuarially Determined Contribution	(501,973)	(487,369)	(451,639)	(400,411)	(345,993)	(299,328)	(282,241)	(268,518)	(244,728)
Contribution Deficiency (Excess)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Covered Payroll	$1,769,717	$1,623,839	$1,505,440	$1,380,098	$1,474,271	$1,323,997	$750,489	$903,564	$1,084,435
Contributions as a Percentage of Covered Payroll	28.36%	30.01%	30.00%	29.01%	23.47%	22.61%	37.61%	29.72%	22.57%
Notes to Schedule:									
Valuation Date	6/30/2020	6/30/2019	6/30/2018	6/30/2017	6/30/2016	6/30/2015	6/30/2014	6/30/2013	6/30/2012
Methods and Assumptions Used to Determine Contribution Rates									
Actuarial Cost Method	Entry Age	Entry Age	Entry Age	Entry Age	Entry Age	Entry Age	Entry Age	Entry Age	Entry Age
Amortization Method	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Asset Valuation Method	Fair value	Fair value	Fair value	Fair value	Fair value	Fair value	Fair value	Fair value	Fair value
Inflation	2.75%	2.75%	2.75%	2.75%	2.75%	2.75%	2.50%	2.75%	2.75%
Salary Increases	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Investment Rate of Return	7.00% (3)	7.50% (3)	7.50% (3)	7.50% (3)	7.50% (3)	7.375% (3)	7.15% (3)	7.375% (3)	7.375% (3)
Retirement Age	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)
Mortality	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)

(1) Level percentage of payroll, closed
(2) Depending on age, service, and type of employment
(3) Net of pension plan investment expense, including inflation
(4) 2.5% at 55 and 2% at 60 retirement age from 50-67, 2% at 62 retirement age 52-67
(5) Mortality assumptions are based on mortality rates resulting from the most recent CalPERS Experience Study adopted by CalPERS Board of Directors.

* - Fiscal year 2015 was the first year of implementation; therefore, only nine years are shown.

Banning Utility Authority
Schedule of Proportionate Share in Total OPEB Liability and Related Ratios
Last Ten Fiscal Years*
June 30, 2023

Fiscal Year Ended	June 30, 2023	June 30, 2022
Measurement Period	June 30, 2022	June 30, 2021
Plan's Proportion of the total OPEB Liability	12.68%	15.90%
Plan's Proportionate Share of the total OPEB Liability	$141,322	$169,818
Plan's Coverage Payroll	$1,623,839	$1,505,440
Plan's Proportionate Share of the total OPEB Liability as a Percentage of Covered Payroll	8.70%	11.28%

Notes to Schedule

Benefit Changes

There were not changes in benefits.

Changes in Assumptions

From fiscal year June 30, 219 to June 30, 2020

There were no changes in assumptions.

From fiscal year June 30, 2020 to June 30, 2021

There were no changes in assumptions.

From fiscal year June 30, 2021 to June 30, 2022

There were no changes in assumptions.

No assets are accumulated in a trust that meets the criteria in paragraph 4 of GASB statement 75.

* - Fiscal year 2021 was the first year of implementation; therefore, only three years are shown.

EideBailly

CPAs & BUSINESS ADVISORS

Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

City Council
Banning Utility Authority
Banning, California

We have audited, in accordance with the auditing standards generally accepted the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the business-type activities and each major fund of the City of Banning Utility Authority (the Authority), a component unit of the City of Banning, California, as of and for the year ended June 30, 2023, and the related notes to the financial statements which collectively comprise the Authority's basic financial statements, and have issued our report thereon dated July 31, 2024. Our report qualified the opinion on the water fund because management had not engaged Eide Bailly LLP as of June 30, 2023. As such, we could not perform an inventory observation. Additionally, the City did not perform a year-end inventory observation. Our report also included an emphasis of matter paragraph regarding a restatement of beginning net position/fund balance for the correction of errors.

Report on Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Authority's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal control. Accordingly, we do not express an opinion on the effectiveness of the Authority's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that have not been identified. However, as described in the accompanying Schedule of Findings and Responses, we identified certain deficiencies in internal control that we consider to be material weaknesses and significant deficiencies.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. We consider the deficiencies described in the accompanying Schedule of Findings and Responses as items 2023-001 through 2023-003 to be material weaknesses.

A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider the deficiency described in the accompanying Schedule of Findings and Responses as item 2023-004 to be a significant deficiency.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Authority's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards.*

Authority's Response to Findings

Government Auditing Standards requires the auditor to perform limited procedures on the Authority's response to the findings identified in our audit and described in the accompanying Schedule of Findings and Responses. The Authority's response was not subjected to the other auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on the response.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Authority's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Authority's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Eide Bailly LLP

Rancho Cucamonga, California
July 31, 2024

2023-001 **Internal Controls over the Financial Reporting Process and Year-End Closing Process**
Type of Finding: *Material Weakness*

Criteria:

Management is responsible for the preparation and fair presentation of the financial statements. Management is responsible for ensuring that all financial records and related information is reliable and properly recorded. This requires management to perform a year-end closing process to accumulate, reconcile and summarize information for inclusion in the annual financial statements. Management is responsible for timely billing and collection of receivables. Management is responsible for reporting revenue as it is earned and available, where appropriate.

Condition:

During the audit, we identified adjustments, which were proposed and posted, as follows:

- Depreciable assets and related liability for a vactor truck within the wastewater fund were reclassified into traditional capital assets and long-term debt out of right-of-use assets and lease liabilities as it was deemed to not qualify as a lease under GASB 87

Corrections of errors to prior year financial statements were posted, as follows:

- A restatement was recorded to the beginning net position of the business-type activities in the amount of $113,092, the water fund in the amount of ($19,183) and wastewater fund in the amount of $132,275 to record receivable balances incurred but not recorded in the prior year. The restatement reduced the beginning net position by $19,183 for the water fund and increased the beginning net position by $132,275 for the wastewater fund.

Additionally, instances occurred throughout audit fieldwork where subsidiary listings either could not be generated to support account balances or did not agree to the general ledger. A subsidiary listing could not be generated for accounts payable. Within capital assets, the City reclassified business-type accumulated depreciation balances from prior year audits to agree to subsidiary listings.

The City's net investment in capital asset calculation erroneously excluded deferred charges, deferred gain on refunding, lease/SBITA activity, and unspent bond proceeds. The calculation erroneously included accrued interest.

Cause:

The City did not consistently maintain year-end closing procedures to ensure that all financial information was accumulated and reconciled timely.

Effect:

Journal entries were posted, and adjustments made to the financial statements, in order to fairly present the financial statements.

Context:

The conditions were noted during our testwork throughout the audit.

Recommendation:

We recommend the City implement and/or strengthen its closing policies and procedures to ensure amounts are properly captured, reconciled, classified, reviewed, reported in a timely manner, and agree to subsidiary listings.

Views of Responsible Officials:

Management agrees with the finding. See separate corrective action plan.

2023-002 Inventory Counts
Type of Finding: *Material Weakness*

Criteria:

Management is responsible for performing test counts of inventories throughout the year, as necessary, and specifically at year-end.

Condition:

The City did not perform a year-end inventory count.

Cause:

The City did not have an internal control process in place to perform a year-end inventory count.

Effect:

Not performing an annual inventory count could lead to a material misstatement of inventory balances. Further, the opinion was qualified for the water fund. The City had not engaged Eide Bailly as the City's auditor as of June 30, 2023, and therefore an inventory observation was not performed.

Context:

The conditions were noted during our testwork throughout the audit.

Recommendation:

The City should perform inventory counts at year-end, as well as ensuring an auditor is engaged to perform a year-end observation.

Views of Responsible Officials:

Management agrees with the finding. See separate corrective action plan.

2023-003 Timely Preparation and Review of Bank Reconciliations
Type of Finding: *Material Weakness*

Criteria:

Management is responsible for reconciling and reviewing bank accounts in a timely manner on a monthly basis.

Condition:

The December 2022 General Account bank reconciliation was prepared in May 2023. Additionally, the June 2023 bank reconciliations, with the exception of the General Account, were reviewed in November 2023.

Cause:

The City did not have monitoring processes in place throughout the year to prepare and review bank reconciliations in a timely manner.

Effect:

Errors could go undetected without a timely preparation and review process.

Context:

The conditions were noted during our testwork throughout the audit.

Recommendation:

Bank reconciliations should be prepared and reviewed timely.

Views of Responsible Officials:

Management agrees with the finding. See separate corrective action plan.

2023-004 **Utility Customer Account Adjustments**
Type of Finding: *Significant Deficiency*

Criteria:

Management is responsible for monitoring adjustments to utility customer accounts.

Condition:

During the process to gain an understanding of the utility customer accounts, it was noted adjustments to customer accounts can be prepared and posted by the same individual. Additionally, customer account adjustments are not reviewed.

Cause:

A lack of segregation of duties and review process over utility adjustments allows for potentially unapproved adjustments to customer accounts.

Effect:

The control environment over customer accounts is weakened.

Context:

The conditions were noted during our testwork throughout the audit.

Recommendation:

We recommend the City implement policies and procedures that restrict the same individual from having the ability to adjust customer accounts. Additionally, a process should be implemented to review adjustments to customer accounts on a one-by-one basis, based on certain thresholds, or an aggregate basis.

Views of Responsible Officials:

Management agrees with the finding. See separate corrective action plan.

EideBailly

CPAs & BUSINESS ADVISORS

July 31, 2024

To the Honorable Mayor and Members of the City Council
City of Banning, California

We have audited the financial statements of the business-type activities and each major fund of the City of Banning Utility Authority (the Authority), a component unit of the City of Banning, California, as of and for the year ended June 30, 2023, and have issued our report thereon dated July 31, 2024. Professional standards require that we advise you of the following matters relating to our audit.

Our Responsibility in Relation to the Financial Statement Audit under Generally Accepted Auditing Standards and *Government Auditing Standards*

As communicated in our letter dated November 13, 2023, our responsibility, as described by professional standards, is to form and express an opinion about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of your respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control over financial reporting. Accordingly, as part of our audit, we considered the internal control of the Authority solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

We have provided our comments regarding internal control deficiencies during our audit in our Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards* dated July 31, 2024.

Planned Scope and Timing of the Audit

The timing of the audit was modified to allow the Authority sufficient time to close its books and records.

Compliance with All Ethics Requirements Regarding Independence

The engagement team, others in our firm, as appropriate, our firm, and other firms utilized in the engagement, if applicable, have complied with all relevant ethical requirements regarding independence.

Qualitative Aspects of the Entity's Significant Accounting Practices

Significant Accounting Policies

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by the Authority is included in Note 1 to the financial statements. There have been no initial selection of accounting policies and no changes in significant accounting policies or their application during the year ended June 30, 2023. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments.

The most sensitive accounting estimates affecting the financial statements are net pension and total other postemployment benefits (OPEB) liabilities, disclosures, related deferred inflows/outflows of resources, and pension/OPEB expense. These are based on actuarial valuations which include assumptions adopted by CalPERS and the Authority.

We evaluated the key factors and assumptions used to develop these estimates and determined that they are reasonable in relation to the basic financial statements taken as a whole.

Financial Statement Disclosures

Certain financial statement disclosures involve significant judgment and are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting the Authority's financial statements relate to:

- Pension liabilities in Note 9 are sensitive to the underlying actuarial assumptions used, including, but not limited to, the investment rate of return and discount rate. As disclosed in Note 9, a 1% increase or decrease in the discount rate has a significant effect on the Authority's total pension liabilities.
- OPEB liabilities in Note 10 are sensitive to the underlying actuarial assumptions used, including, but not limited to, the investment rate of return, discount rate, and healthcare cost trend rate. As disclosed in Note 10, a 1% increase or decrease in the discount rate or healthcare trend rate has a significant effect on the Authority's total OPEB liabilities.

Significant Difficulties Encountered during the Audit

We encountered no significant difficulties in dealing with management relating to the performance of the audit.

Uncorrected and Corrected Misstatements

For purposes of this communication, professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classes of transactions, account balances or disclosures, and the financial statements as a whole. Uncorrected misstatements or matters underlying those uncorrected misstatements could potentially cause future-period financial statements to be materially misstated, even though the uncorrected misstatements are immaterial to the financial statements currently under audit.

The attached schedule of corrected misstatements (Attachment I) summarizes misstatements identified as a result of our audit procedures. These misstatements were brought to the attention of, and corrected by, management.

The attached schedule of uncorrected misstatements (Attachment II) summarizes misstatements whose effects in the current and prior periods, as determined by management, are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to the Authority's financial statements or the auditor's report. No such disagreements arose during the course of the audit.

Circumstances that Affect the Form and Content of the Auditor's Report

For purposes of this letter, professional standards require that we communicate any circumstances that affect the form and content of our auditor's report.

As described in our report, we were not engaged as auditors of the City until after June 30, 2023, nor did the City perform a year-end inventory observation as of June 30, 2023. We were unable to satisfy ourselves by performing other auditing procedures concerning the inventory held at June 30, 2023. As the inventory balance is material to the water fund, our opinion on this opinion unit is qualified with respect to this matter.

Further, our report included an emphasis of matter paragraph relating to the correction of errors as disclosed in Note 11.

Representations Requested from Management

We have requested certain written representations from management which are included in the management representation letter dated July 31, 2024.

Management's Consultations with Other Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

Other Significant Matters, Findings, or Issues

In the normal course of our professional association with the Authority, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, significant events or transactions that occurred during the year, operating conditions affecting the entity, and operating plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as the Authority's auditors.

Existence of a Material Misstatement that Affects the Financial Statements of a Prior Period in Which There Was a Predecessor Auditor

We have identified the existence of a material misstatement that affects the prior period financial statements on which the predecessor auditor had previously reported without modification. The misstatement is as follows:

A restatement was recorded to the beginning net position of the water fund in the amount of ($19,183) and the wastewater fund in the amount of $132,275 to record receivable balances incurred but not recorded in the prior year due to the trial balance not being reconciled to the general ledger. The restatement reduced the prior year change in net position by $19,183 for the water fund and increased the prior year change in net position by $132,275 for the wastewater fund.

This report is intended solely for the information and use of the Mayor and members of the City Council, and management of the Authority and is not intended to be, and should not be, used by anyone other than these specified parties.

Eide Bailly LLP

Rancho Cucamonga, California

BANNING UTILITY AUTHORITY **ATTACHMENT I**
SUMMARY OF CORRECTED MISSTATEMENTS
JUNE 30, 2023

Account	Description	Debit	Credit
Adjusting Journal Entries			
Adjusting Journal Entries JE # 3			
To reclassify the Unit 902 Vactor Truck from leased assets/liabilities to capital assets/long-term debt.			
680-0000-122.00-00	LEASE ASSETS / ACCUM AMRTZN-LEASE ASSET	94,598.00	
680-0000-170.30-00	FIXED ASSETS / MACHINERY & EQUIPMENT	577,049.00	
680-0000-225.10-00	LEASE ASSETS / ROUA-LEASE LIAB-CURRENT	95,275.00	
680-0000-231.20-00	LEASE LIABILITY / ROUA-LEASE LIAB-NC	285,824.00	
680-8000-454.49-50	BAD DEBT & DEPREC EXPENSE / DEPRECIATION	94,958.00	
680-0000-121.45-00	LEASE ASSETS / ROUA-VEHICLES		577,049.00
680-0000-179.10-00	ACCUMULATED DEPRECIATION / ACCUMULATED DEPRECIATION		94,598.00
680-0000-241.01-00	LONG TERM DEBT / FINANCED PURCHASE SHORT-TERM		95,275.00
680-0000-241.20-00	LONG TERM DEBT / FINANCED PURCHASE NC		285,824.00
680-8000-454.66-09	AMORTIZATION / ROUA AMORTIZATION-LEASE		94,958.00
Total		**1,147,704.00**	**1,147,704.00**
Adjusting Journal Entries JE # 5			
Prior period adjustment to adjust utility A/R to agree to CIS (Utility Billing) reports.			
660-0000-279.00-00	RETAINED EARNINGS / UNRESERVED/UNDESIGNATED	19,183.00	
680-0000-112.00-00	RECEIVABLES / ACCOUNTS RECEIVABLE	132,275.00	
660-0000-112.00-00	RECEIVABLES / ACCOUNTS RECEIVABLE		19,183.00
680-0000-279.00-00	RETAINED EARNINGS / UNRESERVED/UNDESIGNATED		132,275.00
Total		**151,458.00**	**151,458.00**

BANNING UTILITY AUTHORITY
SUMMARY OF UNCORRECTED MISSTATEMENTS
JUNE 30, 2023

ATTACHMENT II

	BALANCE SHEET				CHANGE IN FB/NP					
	ASSETS	DEFERRED OUTFLOWS	LIABIL-ITIES	DEFERRED INFLOWS	REVENUE	EXPENSES/ EXPEND-ITURES	(3) OFS/OFU & TRANSFERS	CHANGE IN FB/NP	BEGINNING FB/NP	ENDING FB/NP
MAJOR FUND: Banning Utility Authority Water										
PY REVERSING ENTRIES										
To adjust inventory to physical count					84,790			84,790	(84,790)	-
Total	-	-	-	-	84,790	-	-	84,790	(84,790)	-
MAJOR FUND: Banning Utility Authority Wastewater										
PY REVERSING ENTRIES										
N/A										
Total	-	-	-	-						
Government-Wide: Business-type Activities										
PY REVERSING ENTRIES										
To adjust inventory to physical count					84,790			84,790	(84,790)	-
Total	-	-	-	-	84,790	-	-	84,790	(84,790)	-

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Doug Schulze, City Manager**
MEETING DATE:	**August 27, 2024**
SUBJECT:	**Consideration of Resolution 2024-143, Creating a Community Revitalization Investment Authority to Operate within the Community, and Making Certain Findings and Taking Certain Actions in Connection Therewith, and Resolution 2024-05 SA, Making Certain Findings Relating to the City of Banning's Creation of a Community Revitalization Investment Authority to Operate within the Community**

RECOMMENDATION:

(1) That the Successor Agency adopt Resolution 2024-05 SA; and (2) That the City Council adopt Resolution 2024-143.

BACKGROUND:

The Community Revitalization and Investment Authority (CRIA) in California, established by Assembly Bill 2 in 2015, offers several benefits for designated districts. CRIA works by enabling tax increment financing to fund projects within a designated Revitalization Area. As developers and businesses improve properties in the investment area, the higher appraised value results in greater property tax assessment. This increased revenue is then allocated directly to the CRIA for use only within the investment area. The CRIA can be created by a resolution of the governing body of a city or county, and once formed, it can conduct a variety of activities, including funding infrastructure improvements, affordable housing projects, seismic retrofits, property acquisition, tenant improvements, and undertaking brownfield cleanup

The CRIA is intended to provide a source of tax increment funding for infrastructure and housing in disadvantaged communities, and it does not require a public vote for creation or issuance of bonds. The CRIA's sponsoring jurisdiction can provide a loan to the CRIA in the interim period while the revenue is generated. Overall, the CRIA offers a way to revitalize areas without raising taxes, providing a sustainable way to fund much-needed projects.

Some of the key benefits include:

1. Increased Funding for Affordable Housing: CRIAs increase funding for and production of affordable housing in disadvantaged communities, with a mandatory affordable housing set-aside of 25%.
2. Powers of Eminent Domain: CRIA's entail the powers of eminent domain for the first 12 years, which can be used to acquire private property for public use with fair compensation to the property owner.
3. No Public Vote Required: Unlike some other financing districts, CRIAs do not require a public vote for creation or issuance of bonds, although they are subject to a majority protest at adoption.
4. Tax Increment Financing: CRIA's use tax increment funds to finance projects within a designated

Revitalization Area, providing a mechanism for funding community improvements and economic development.
5. Job Creation and Training: The CRIA program can also lead to job creation and training opportunities through community revitalization and cleanup efforts, as evidenced by grants from the EPA's Brownfields Jobs Training Program.

The process for creating a Community Revitalization and Investment Authority (CRIA) in California involves several steps, as outlined by the California Government Code and various local government resources:

1. **Feasibility Analysis:** Conduct a feasibility analysis to determine if the creation of a CRIA is suitable for the community. This process has been completed.
2 . **Community Outreach:** Hold public informational meetings and provide notice of informational meetings to property owners and residents, typically at least 10 days prior to the meeting. City Council has previously completed this process. As a result, Council directed the City Manager to discuss creation of a joint City/County District with Riverside County. Meetings were held with Riverside County staff from 5th District Supervisor Gutierrez' office as well as staff from the County Executive's Office. Riverside County staff expected some additional incentive from the City. The conditions required by the County for partnership in the CRIA would render the CRIA financially infeasible for the City.
3. **Resolution by Governing Body:** A single-member CRIA (City only) may be created by resolution of the governing body. This is the next step required in the process, if Council desires to proceed.
4. **Adoption of Revitalization Plan:** Once formed, the CRIA board adopts a Revitalization Plan, which outlines the activities the CRIA will undertake, such as funding infrastructure improvements, affordable housing projects, seismic retrofits, property acquisition, tenant improvements, and undertaking brownfield cleanup. CRIA funds could be used for implementation of the recently adopted Downtown Revitalization and Complete Streets Plan.
5. **Board Composition:** The CRIA is governed by a board, typically made up of at least 3 members of a legislative body and 2 public members.

JUSTIFICATION:

A Community Revitalization Investment Authority (CRIA) will provide tools to achieve City Council goals of cleaning up the Ramsey Street corridor and creating a vibrant downtown. CRIA funds could be used for implementation of the Downtown Revitalization Plan. Establishing a Community Revitalization Investment Authority is an identified economic strategy in the adopted Community Economic Development Strategy (2021-2026). Funds generated by the CRIA can be used for implementation of the Downtown Revitalization/Complete Streets Plan, which is critical for establishing a vibrant downtown.

FISCAL IMPACT:

CRIA funding capacity is estimated in the range of $23 to $46 million in present value terms.

ALTERNATIVES:

Do not adopt resolutions and provide alternate direction to staff.

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. Resolution 2024-05 SA, CRIA Formation.docx
2. Resolution 2024-143, CRIA Formation.docx
3. Banning CRIA Next Steps 2-13-2024.pdf

RESOLUTION 2024-05 SA

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FORMER BANNING REDEVELOPMENT AGENCY MAKING CERTAIN FINDINGS RELATING TO THE CITY OF BANNING'S CREATION OF A COMMUNITY REVITALIZATION INVESTMENT AUTHORITY TO OPERATE WITHIN THE COMMUNITY

WHEREAS, the California Legislature approved Assembly Bill 2 (Stats. 2015, c. 319, as amended), and thereby enacted Part 1 (commencing with Section 62000) of Division 4 of Title 6 of the Government Code (the "CRIA Law") to create a planning and financing tool for local governments to address areas characterized by deteriorated buildings in which persons live or work, conditions that make the viable use of buildings or parcels difficult, high business vacancies and lack of employment opportunities, and inadequate public improvements, water, or sewer utilities; and

WHEREAS, the CRIA Law authorizes cities to create a public body, corporate and politic known as a "Community Revitalization Investment Authority" ("CRIA") to operate in the community, and to grant the CRIA jurisdiction to carry out a community redevelopment revitalization plan ("Plan") within a community revitalization investment area ("Plan Area"); and

WHEREAS, a CRIA formed by a city that created a redevelopment agency that was dissolved pursuant to Part 1.85 (commencing with Section 34170) of Division 24 of the Health & Safety Code (the "Dissolution Law") may not become effective until the successor agency of the former redevelopment agency has adopted findings of fact that satisfy the requirements of subsection (b)(3) of Section 62001 of the Government Code; and

WHEREAS the City of Banning has heretofore created a redevelopment agency, known as the Banning Redevelopment Agency ("Former Agency"), which was dissolved by virtue of the Dissolution Law, and the Successor Agency to the Former Agency ("Successor Agency") is charged with overseeing and effectuating the "wind down" of the Former Agency's affairs in accordance with statutory mandates; and

WHEREAS, the City Council of the City of Banning will, contemporaneously with adoption of this Resolution, consider the creation of the Banning Community Revitalization Investment Authority ("Authority") pursuant to the CRIA Law; and

WHEREAS, the Successor Agency desires to facilitate the creation and effectiveness of the Authority by adopting this resolution making the findings set forth in subsection (b)(3) of Section 62001 of the Government Code; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE SUCCESSOR AGENCY TO THE FORMER BANNING REDEVELOPMENT AGENCY HEREBY FINDS, DECLARES, AND RESOLVES as follows:

SECTION 1. The foregoing recitals are true and correct and incorporated herein this Resolution as substantive findings.

SECTION 2. Pursuant to subsection (b)(3) of Section 62001, and based upon staff presentations and reports, public testimony, and other matters presented during its consideration of this matter, the Successor Agency hereby makes the following findings of fact:

(A) The Successor Agency has received a finding of completion from the Department of Finance pursuant to Section 34179.7 of the Health & Safety Code, with such finding of completion dated April 13, 2013;

(B) Neither the City or the Successor Agency is currently or has been a named plaintiff in any litigation against the state in which assets of the Former Agency are the subject, and accordingly no assets of the Former Agency which are the subject of such litigation will be used to benefit any efforts of the Authority, and further that no assets of the Former Agency which may be the subject of any such future litigation will be used to benefit any efforts of the Authority unless such litigation has been resolved by entry of a final judgment by any court of competent jurisdiction and any appeals have been exhausted; and

(C) The Successor Agency has complied with all orders of the State Controller pursuant to Section 34167.5 of the Health & Safety Code, as such orders and the Successor Agency's compliance therewith are evidenced by the State Controller's Asset Transfer Review for the City of Banning.

SECTION 3. The Secretary of the Successor Agency shall certify to the adoption of this Resolution, and it shall become effective immediately upon approval.

PASSED, APPROVED AND ADOPTED this 27th day of August 2024.

Alberto Sanchez, Chairperson
Banning Successor Agency

ATTEST:

Caroline Patton, Secretary
Banning Successor Agency

APPROVED AS TO FORM:

Serita Young, Agency Counsel
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Secretary of the Banning Successor Agency, do hereby certify that the foregoing Resolution 2024-05 SA, was duly adopted by the Successor Agency of the City of Banning, California, at a regular meeting thereof held on the 27th day of August 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Secretary
Banning Successor Agency

RESOLUTION 2024-143

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, CREATING A COMMUNITY REVITALIZATION INVESTMENT AUTHORITY TO OPERATE WITHIN THE COMMUNITY, AND MAKING CERTAIN FINDINGS AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH

WHEREAS, the California Legislature approved Assembly Bill 2 (Stats. 2015, c. 319, as amended), and thereby enacted Part 1 (commencing with Section 62000) of Division 4 of Title 6 of the Government Code (the "CRIA Law") to create a planning and financing tool for local governments to address areas characterized by unsafe or unhealthy buildings in which persons live or work, conditions that make the viable use of buildings or parcels difficult, high business vacancies and lack of employment opportunities, and inadequate public improvements, water, or sewer utilities; and

WHEREAS, the CRIA Law authorizes cities to create a public body, corporate and politic known as a "Community Revitalization Investment Authority" ("CRIA") to operate in the community, and to grant the CRIA jurisdiction to carry out a community redevelopment revitalization plan ("Plan") within a community revitalization investment area ("Plan Area"); and

WHEREAS, a CRIA may be created by the adoption of a resolution by the legislative body of a city, and the composition of the CRIA's governing board is comprised of three (3) appointed members of the legislative body, and two (2) appointed members of the public that live or work within the Plan Area; and,

WHEREAS, a CRIA is an "agency" as described in subdivision (b) of Section 16 of the California Constitution for purposes of receiving tax increment revenues, with the powers and duties set forth in Government Code Section 62002, which include, but are not limited to: providing funding to rehabilitate, repair, upgrade, or construct infrastructure; providing for low- and moderate-income housing in accordance with Part 2 (commencing with Section 62100) of Division 4, Title 6 of the Government Code; remediating or removing a release of hazardous substances pursuant to the Polanco Redevelopment Act; providing for seismic retrofits or existing buildings in accordance with applicable laws and regulations; acquiring and transferring real property; issuing bonds in conformity with Article 4.5 (commencing with Section 53506) and Article 5 (commencing with Section 53510 of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code; borrowing money, receiving grants, or accepting financial or other financial assistance from the state or federal governments, or any other public agency or private lending institution; making loans or grants for owners of tenants to improve, rehabilitate, or retrofit buildings or structures within the Plan Area; and providing direct assistance to businesses within the Plan Area in connection with new or existing facilities for industrial or manufacturing uses; and,

WHEREAS, following its creation, a CRIA is required to adopt a Plan that includes the elements set forth in Section 62003 of the Government Code, and a CIRA may carry out the adopted Plan within a Plan Area that satisfies the conditions and requirements set forth in subsections (d) or (e) of Section 62001 of the Government Code;

WHEREAS, a CRIA's adoption of a Plan must be considered at three (3) public hearings held at least thirty (30) days apart, and such public hearings must comply with the procedural and substantive requirements set forth in Section 62004 of the Government Code;

WHEREAS, a CRIA formed by a city that created a redevelopment agency that was dissolved pursuant to Part 1.85 (commencing with Section 34170) of Division 24 of the Health & Safety Code may not become effective until the successor agency of the former redevelopment agency has adopted findings of fact that satisfy the requirements of subsection (b)(3) of Section 62001 of the Government Code; and,

WHEREAS, the City of Banning is a California general law city located in Riverside County; and,

WHEREAS, following the dissolution of the Banning Redevelopment Agency, the City has had difficulty remediating blighted conditions existing throughout the community, encouraging private investment and development in the area, attracting new to and retaining existing businesses in the community, funding vital development and infrastructure improvements, and providing affordable housing opportunities and programs for its residents, among other things; and,

WHEREAS, the City Council of the City of Banning therefore desires to create a CRIA to operate within its jurisdiction boundaries to address these issues, to support the economic revitalization of the community, and to address geographical areas within its boundaries marked by deteriorated buildings, conditions that make the viable use of buildings or parcels difficult, high incidents of business vacancies and unemployment, and inadequacies in public improvements and utilities; and,

WHEREAS, contemporaneously with adoption of this Resolution, the Successor Agency of the Former Banning Redevelopment Agency has adopted a Resolution making the findings required by subsection (b)(3) of Section 62001 of the Government Code; and,

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

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

SECTION 1. The foregoing recitals are true and correct and incorporated herein this Resolution as substantive findings.

SECTION 2. Pursuant to Part 1 (commencing with Section 62000) of Division 4 of Title 6 of the Government Code, the City Council hereby creates, and authorizes and declares the existence of, a community revitalization investment authority within the City of Banning, to be known as the Banning Community Revitalization Investment Authority, a public body, corporate and politic (the "Authority").

SECTION 3. The Authority is hereby authorized and directed to prepare and adopt a community revitalization and investment plan that complies with and satisfies the requirements of Section 62003 of the Government Code ("Authority Plan"), and is further authorized and directed to implement and carry out said plan within a community revitalization investment area that complies with and satisfies the requirements of subdivision (d) of Section 62001 of the Government Code ("Authority Plan Area"). The Authority is authorized and directed to take any and all actions necessary and appropriate to identify, prepare, and adopt the Authority Plan and Authority Plan Area.

SECTION 4. The City Council hereby appoints the following three (3) members of the City Council to the Governing Board of the Authority Governing Board ("City Council Members"):

Member 1:
Member 2:
Member 3:

SECTION 5. The City Council Members shall appoint two (2) public members to the Governing Board of the Authority, and such persons shall either reside in or work within the Authority Plan Area ("Public Members"). City staff is hereby authorized and directed to prepare a draft Authority Plan ("Draft Plan") for consideration by the Authority, and between publication of the notice for the first public hearing required by subsection (c) of Section 62004, and the date of the first public hearing on the Authority Plan, the City Council Members shall accept nominations for and make appointments of the Public Members to the Governing Board of the Authority. Such nominations and appointments of the Public Members shall be completed in the manner directed by the City Council Members. The Authority may, on its own initiative, or it shall upon the direction of the City Council, adopt rules and regulations governing the manner and method of future appointments to the Governing Board of the Authority, as well as the terms of office of members of the Governing Board of the Authority.

SECTION 6. Following its adoption of a Plan in accordance with Section 62004 of the Government Code, the Authority is hereby authorized and empowered to do all of the actions and activities authorized by the CRIA Law, including but not limited to those set forth in Section 62002 of the Government Code.

SECTION 7. This Resolution is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines, as it can be seen with certainty that the actions authorized by this Resolution will not have an impact on the environment, in that the Authority's adoption of the Authority Plan and Authority Plan Area are subject to future discretion of the Governing Board of the Authority, and the Authorities contents and scope of the Authority Plan and Authority Plan Area are too speculative at this time to enable environmental review.

SECTION 8. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 27th day of August 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-143, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 27th day of August 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

Community Revitalization and Investment Authority (CRIA) Next Steps for Implementation

February 13, 2024

Prepared by:
Kosmont Companies

Executive Summary

- City of Banning has potential for private sector investment and development across multiple opportunity site areas in the City

- Investments in critical infrastructure and property assemblage, particularly in the Downtown / Ramsey Street area, are needed to support investment and economic revitalization

- A public/private financing strategy that includes Tax Increment Financing (TIF) financing in the form of a Community Revitalization and Investment Authority (CRIA) has been evaluated by staff and consulting firm Kosmont to be well-suited to capture value from new development to fund acquisition and infrastructure costs, particularly due to eminent domain authority of CRIA

- CRIA funding capacity is estimated in the range of $23 to $46 million in present value terms (25% of funding being set aside for affordable housing uses, or $6 to $11 million)

Executive Summary (Continued)

- City staff and consultants have had multiple discussions with County of Riverside staff and elected officials, and the conditions required by the County for partnership in the CRIA would render the CRIA financially infeasible for the City
- It is thus suggested that the City proceed with CRIA implementation without the County
- Purpose of today's meeting is to formally create the CRIA entity and appoint City Councilmembers to the CRIA governing board
- Next steps include drafting the guiding CRIA Plan, followed by a set of public meetings and hearings to present and vet the CRIA Plan with the community
- Completion of the CRIA formation process is anticipated in the Fall of 2024

Outline

1. Overview of TIF / CRIA
2. Banning CRIA Boundary and Strategic Considerations
3. Targeted Property Assembly Activities and Infrastructure Projects
4. Financing and Funding Alternatives
5. Next Steps

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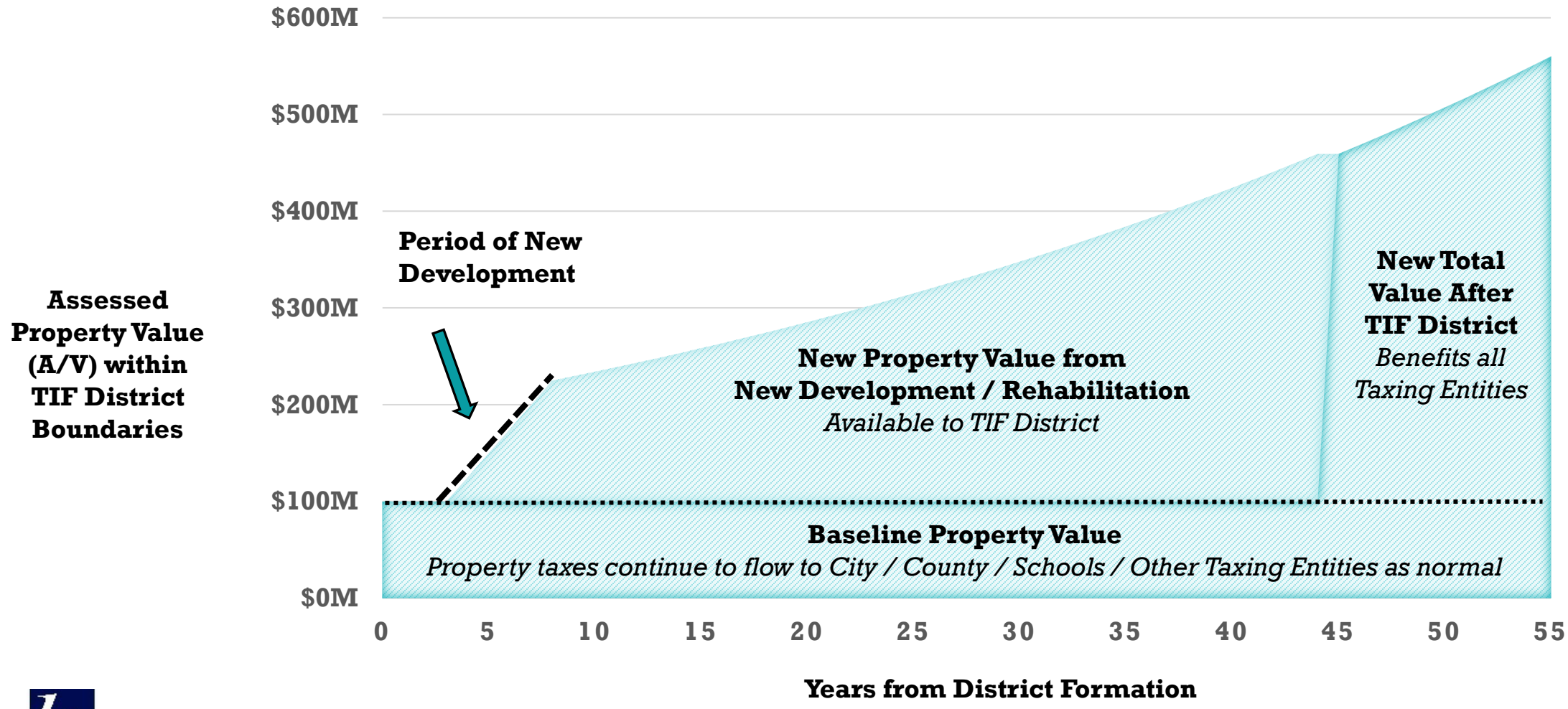
What is Tax Increment Financing (TIF) – Not a New Tax



Note: Illustrative. Conservative 2% growth of existing assessed value (A/V) shown; does not include mark-to-market increases associated with property sales.

CRIA Fundamentals

Term	30 years to issue debt; 45 years to repay
Governance	Public agency separate from the city, county that created it; implements governing document (CRIA Plan)
Eligibility	City or County that meets disadvantaged community definitions (median income, unemployment, crime, deterioration)
Approvals	Mandatory public hearings for formation (includes protest opportunity); no public vote to issue debt
Eligible Projects	Infrastructure, affordable housing, remediation, acquire and transfer property (incl. via **eminent domain**), loans and grants to property owners and businesses; 25% affordable housing set aside

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Does NOT increase property taxes

CRIA versus Former Redevelopment Agencies
Sample of Similarities and Differences

	Former RDA	CRIA
Eligible Use of Funds	• Infrastructure and affordable housing • Market-rate housing • Parcel assembly • Tax and other private business / developer subsidies, incl. golf courses, casinos, big box retail, auto malls	• Infrastructure and affordable housing • Market-rate housing • Parcel assembly • Assistance to businesses • Assistance **not** allowed for golf courses, casinos, big box retail, auto malls
Eminent Domain / Condemnation	• Allowed	• Allowed for first 12 years of CRIA lifetime
Eligible Areas	• Must qualify as "blighted" with loose definition	• "Blight" defined quantitatively
Governance	• City Council or County Board • School entity participation	• CRIA Board, including public members (no school entities)
Formation	• Vote of governing body, limited ongoing review	• 3 public hearings, majority protest opportunity, annual review required, "check-in" at 15 years post-formation

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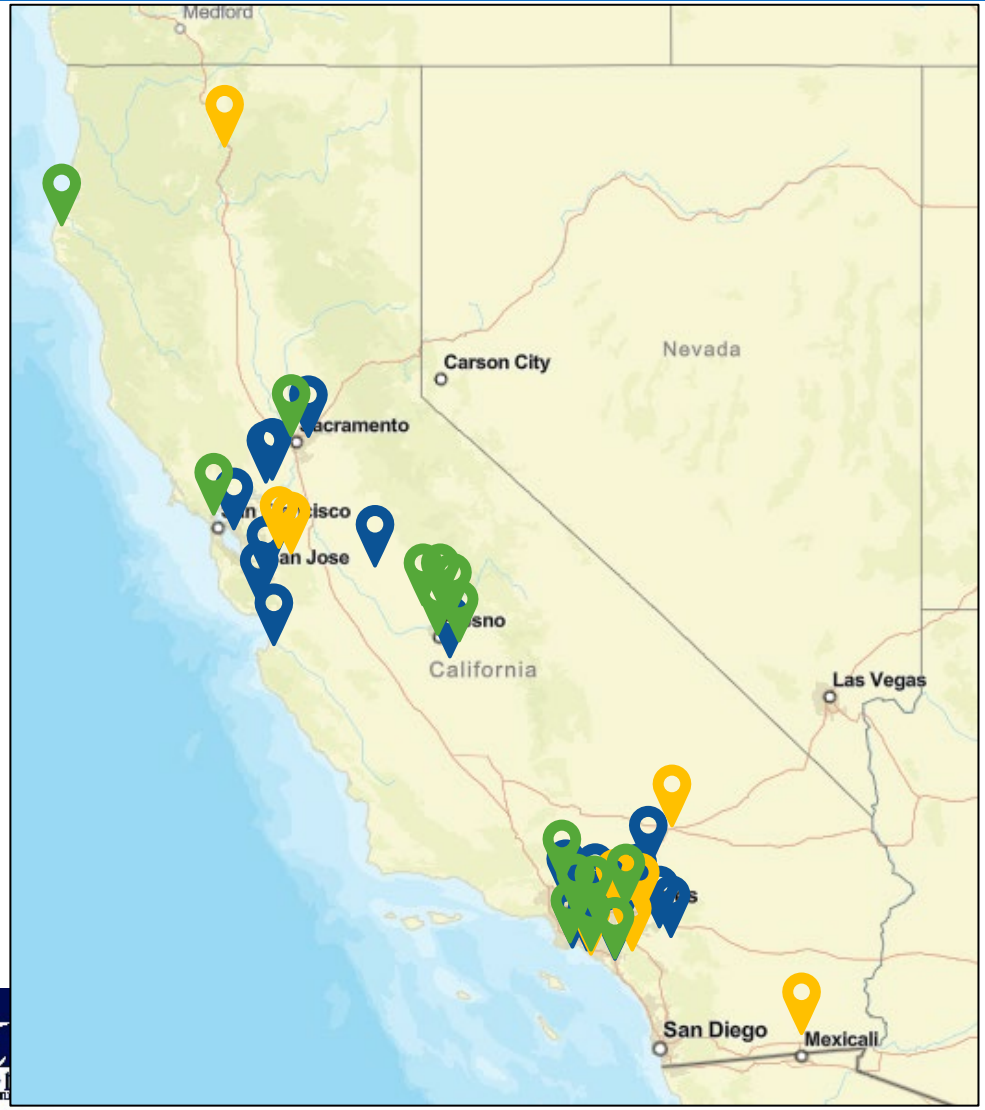
Why are Public Agencies Authorizing TIF Districts?

1. Return on Investment: Private sector investment induced by district commitment accelerates growth of net fiscal revenues, job creation, housing production, essential infrastructure improvements

2. Ability to attract additional funds / other public money ("OPM") – tax increment from other entities (county, special districts), federal / state grants / loans (e.g., for TOD, water, housing, parks, remediation)

3. Eminent domain authority (specific to CRIA)

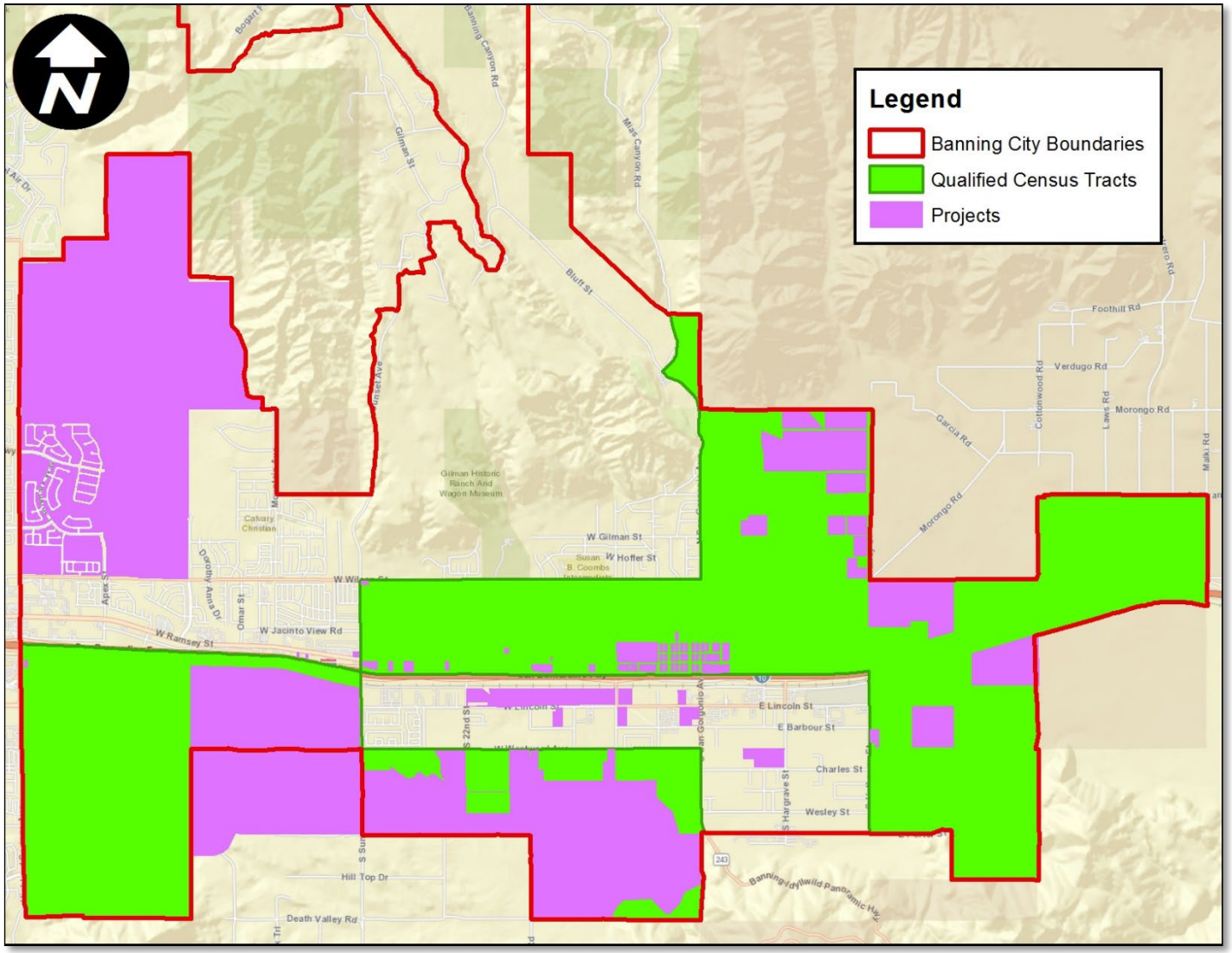
TIF Districts in Progress Statewide
(Partial List)



Jurisdiction	Purpose
Apple Valley	Industrial and housing supportive infrastructure
Banning	Downtown revitalization, industrial infrastructure
Barstow	Industrial and housing supportive infrastructure
Brentwood	Housing, employment, and transit-supportive infrastructure
Buena Park	Mall reimagination, housing-supportive infrastructure
Carson + L.A. County	Remediation, affordable housing, recreation
Citrus Heights	Mall reimagination
Covina	Downtown housing and blended use supportive infrastructure
Fairfield	Downtown, housing, and transit-supportive infrastructure
Fresno	Downtown, housing and transit-supportive infrastructure
Fresno County	Industrial and commercial supportive infrastructure
Humboldt County	Coastal mixed-use and energy supportive infrastructure
Indian Wells	Housing and tourism-supportive infrastructure
Imperial County	Industrial, renewable energy, and housing and infrastructure
La Verne + L.A. County	Housing and transit-supportive infrastructure
Long Beach	Economic empowerment and affordable housing
Los Angeles (Downtown, San Pedro, other)	Affordable housing and transit-supportive infrastructure
Los Angeles County Uninc. West Carson	Housing / bio-science / tech infrastructure
Madera County (3 Districts)	Water, sewer, roads and other housing infrastructure
Modesto + Stanislaus County	Downtown, housing, and recreation infrastructure
Mount Shasta + Siskiyou County	Rural brownfield mixed-use infrastructure
Napa	Downtown, housing, tourism supportive infrastructure
Oakland	Affordable housing and infrastructure
Ontario	Industrial and housing infrastructure
Palmdale + L.A. County	Housing and commercial infrastructure
Pittsburg	Housing, commercial, and tech park infrastructure
Placentia + Orange County	Housing and TOD infrastructure
Rancho Cucamonga	Blended use and connectivity infrastructure
Redlands	Education related and blended use infrastructure
Redondo Beach + L.A. County	Parks / open space, recreation infrastructure
Riverside	Affordable housing and infrastructure
Sacramento County (Unincorporated)	Industrial / commercial supportive infrastructure
San Jose	Affordable housing and TOD infrastructure
Sanger	Housing and commercial supportive infrastructure
Santa Cruz	Downtown and blended use infrastructure
Santa Fe Springs	Blended use infrastructure
Selma	Water, sewer, and other housing supportive infrastructure
Vacaville	Housing and business park infrastructure
Yucaipa	Housing and commercial infrastructure

Fully Formed | **In Formation Process** | **Under Evaluation**

CRIA Qualification Analysis
+ *Economic Development Opportunity Sites*

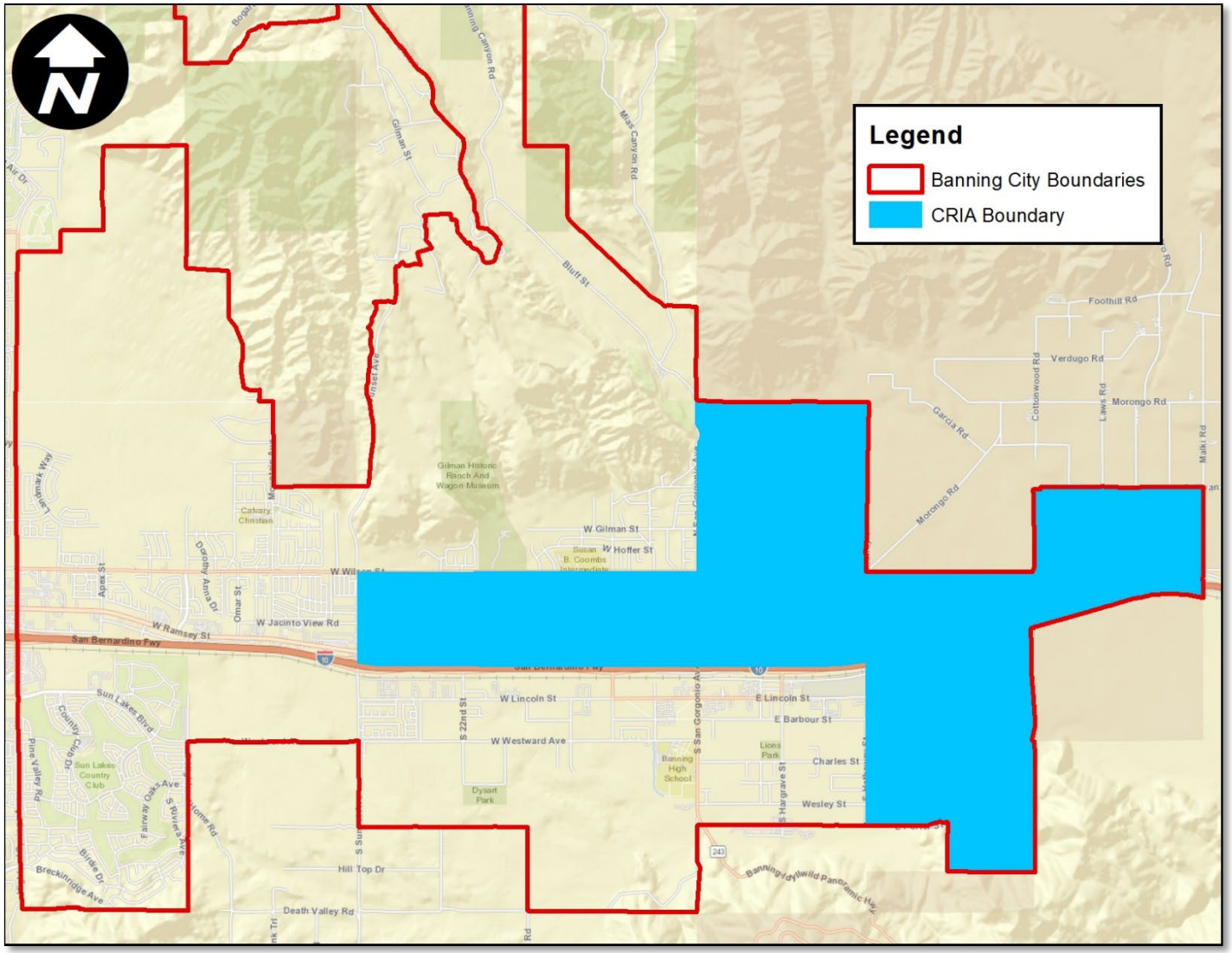


- Income
- Unemployment
- Crime
- Planned and proposed projects

Source: City of Banning, ESRI (2023)

Draft CRIA Boundary

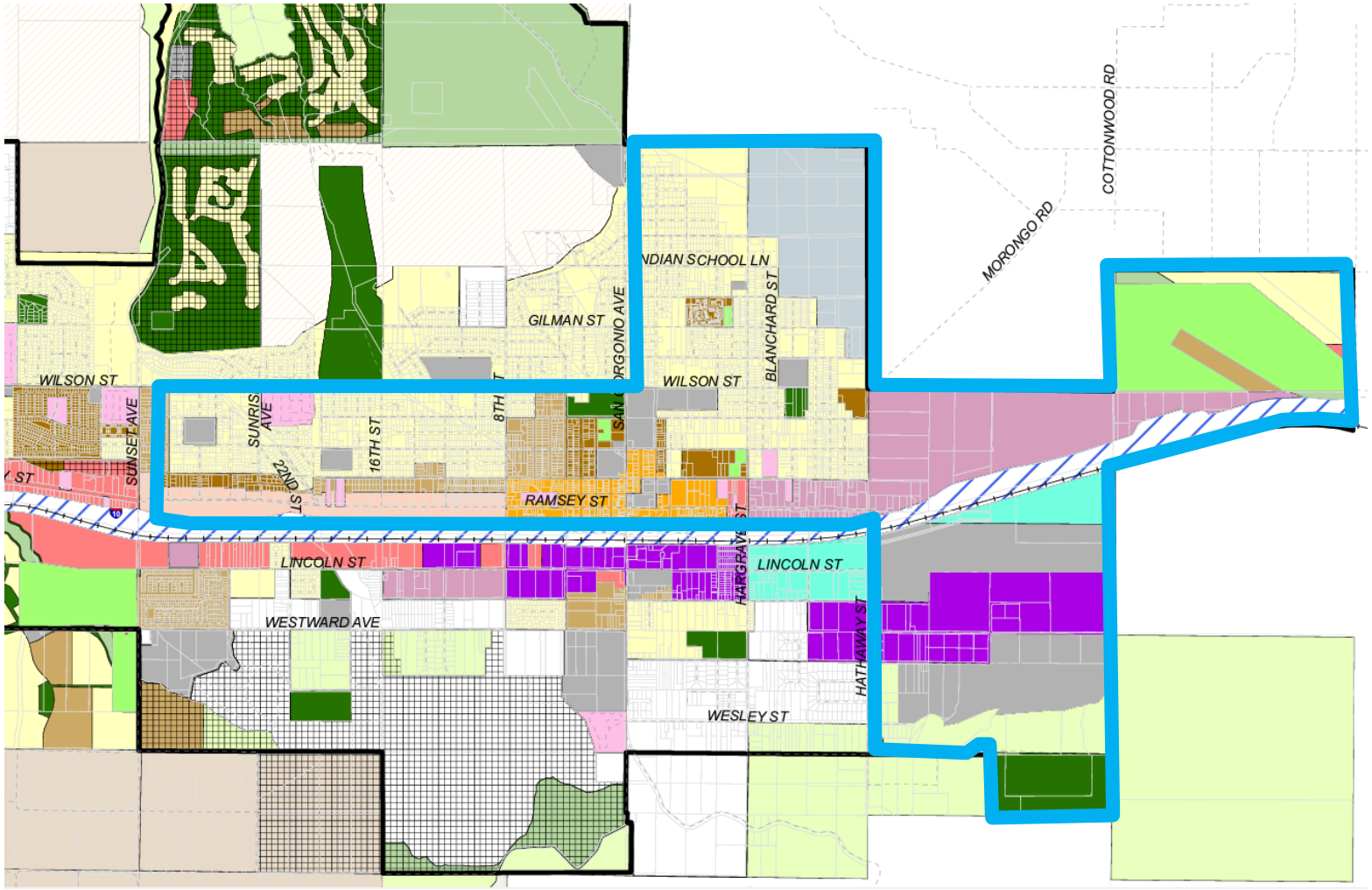
Refined Iteratively Over the Last 12 Months



- Approx. 3,226 acres (22% of Citywide acreage)
- Approx.$766.9M in existing assessed value (32.7% of Citywide A/V)
- *(100% within the City of Banning)*

Source: City of Banning, Riverside County Auditor-Controller (2023)

CRIA Boundary Land Uses



- Airport Industrial
- Business Park
- Downtown Commercial
- General Commercial
- High Density Residential (11-18 du/ac)
- High Density Residential-20/Affordable Housing
- Highway Serving Commercial
- Industrial
- Industrial-Mineral Resources
- Low Density Residential (0-5 du/ac)
- Medium Density Residential (0-10 du/ac)
- Mobile Home Parks
- Open Space - Hillside Preservation
- Open Space - Parks
- Open Space - Resources
- Professional Office
- Public Facilities

Source: City of Banning, General Plan and Zoning Map (2021)

Potential Targeted Improvements

- Acquisition / assemblage of underutilized parcels for redevelopment, particularly along Ramsey Street
- Development off-site infrastructure (e.g., water / sewer / storm drain, other utilities)
- Roadway, streetscape improvements
- Affordable housing
- Parks and open space

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Future Development Assumptions
Absorption Assumed over 30 Years

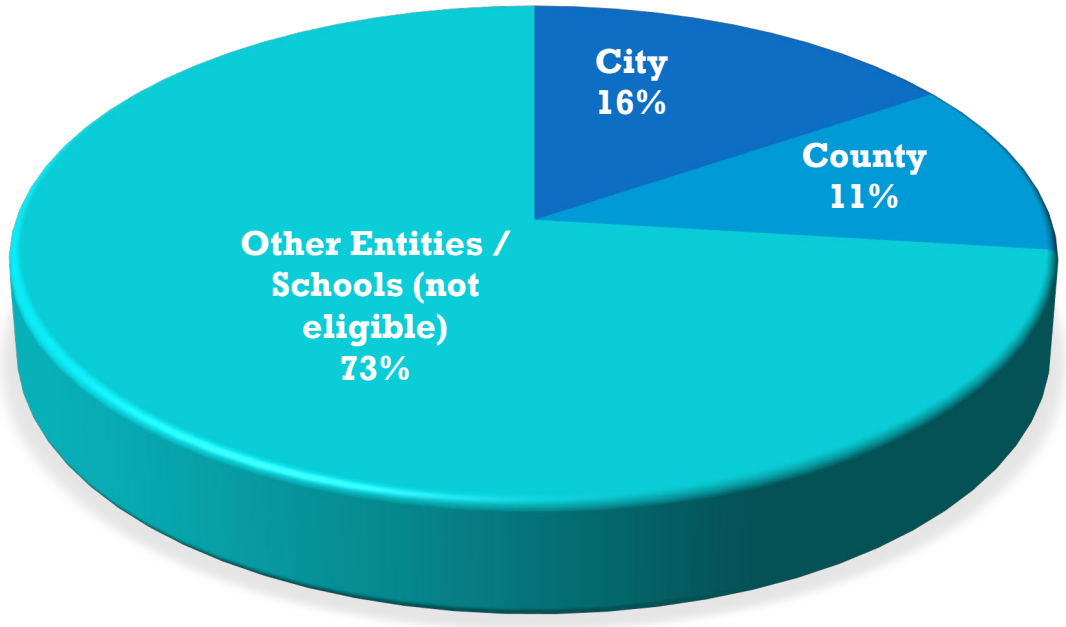
Area	# SF or Units	Estimated AV Factor	Estimated Total AV at Buildout
Residential	600 units	$325,000 per unit	$195 million
Industrial	3,000,000 SF	$185 PSF	$555 million
Cannabis/Flex Space	65,000 SF	$165 PSF	$11 million
Grandave Studios	225,000 SF	$165 PSF	$37 million
Retail	80,000 SF	$250 PSF	$20 million
Total New Development Assumed within CRIA Study Area			**$818 million**

Note: AV at buildout values in current 2024 dollars.
Source: City of Banning Planning and Economic Development Staff, CoStar (2023)

Potential Partner Agencies
Property Tax Distribution

- Primary non-school recipients and potential contributors of property tax are **City of Banning** and **County of Riverside**
- City receives approx. **16%** of every $1 collected in property taxes within the CRIA Study Area
  - City additionally receives equivalent of approx. **11%** of property tax in lieu of MVLF, also available to CRIA
- County receives approx. **11%**
  - County additionally receives equivalent of approx. **9%** of property tax in lieu of MVLF, also available to CRIASchool-related entities cannot participate

Weighted Average Property Tax Distribution within CRIA Study Area



Tax Rate Area (TRA) weighted average distributions for CRIA Study Area shown. Post-ERAF (Education Revenue Augmentation Fund) distribution.
Parcels within former Redevelopment Agency Project Areas are subject to RPTTF revenue flow until expiration of ROPS obligations.
Source: Riverside County Auditor Controller (2023)

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Scenario Analysis Summary Matrix
Boundary Scenario #2

CRIA Revenue Contribution Scenario	Year 5 Accumulated Revenue + Bonding Capacity*	Year 10 Accumulated Revenue + Bonding Capacity*	45-Year Present Value @ 3%	25% Affordable Housing Set-Aside
A) City 25% Scenario	$2,428,000	$7,593,000	$22,950,000	$5,738,000
B) City 50% Scenario	$5,501,000	$15,831,000	$45,900,000	$11,475,000

City contribution includes contribution from both AB8 + MVLF in-lieu property tax.

** Bonding capacity assumes Year 5 is first bond issuance for CRIA. "Year 5 means fifth year of revenue following district formation. Net proceeds shown. Bondable revenue assumes $25,000 admin charge, 150% debt service coverage. 6.5% interest rate; 30-year term. Proceeds net of 2% underwriter's discount, estimated reserve fund (maximum annual debt service), costs of issuance estimated at $350,000.*

Source: Kosmont Financial Services (KFS), registered municipal advisor.

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Nominal vs. Present-Value Dollars

Revenue Allocation Scenarios	**Present Value Dollars** *(3% Discount Rate)*	**Nominal 2024 Dollars**
City 25% Scenario	$23M	$52M
City 50% Scenario	$46M	$103M

Potential Cash Flow / Debt Issuance Approaches

- Kosmont Financial Services is in active discussions with public finance underwriters regarding CRIA debt issuances in other jurisdictions
- Underwriters have proposed several approaches for the leverage of CRIA tax increment for accelerated debt issuance (e.g., 2-3 years from CRIA formation), for example:
  a) CRIA increment only
  b) Overlapping CRIA and CFD (CFD Backstop) – landowners / developers must be willing to pay CFD special taxes in the short term (e.g., 5-10 years) until CRIA increment reaches a level to cover debt service
  c) CRIA increment with City or County general fund backstop
- There are advantages and disadvantages with each approach (e.g., upfront proceeds available, public agency risk, cost of capital)
- Additional alternatives are available if private sector partners (e.g., landowners / developers are willing to advance infrastructure funding in exchange for reimbursement from CRIA proceeds)

CRIA Helps Attracts Other Funding

Communities with CRIAs are more likely to win state grant funding sources

Federal & State Sources

- *Cap-and-Trade / HCD grant & loan programs (AHSC, IIG, TCC)*
- *Prop 1 bond funds / Prop 68*
- *SB 1 Road funds*
- *SB 2 Transfer Tax funds*
- *Federal DOT / EPA / EDA funding*

Other Potential Funding Sources

- *Development Agreement / impact fees*
- *Benefit assessments (e.g., contribution from CFD)*
- *Private investment*

City "Return on Investment"

- Implementation of regional economic development policy objectives, including affordable housing, community revitalization in a Disadvantaged Community, quality of life improvement

- Jobs and wages from both temporary construction activities and ongoing operation of new development, including 2,400+ permanent new jobs

- Acceleration of development and related fiscal revenues: **$24.1 million** in present value **fiscal benefit** for City General Fund over 45 years, net of tax increment contribution to EIFD, and net of estimated fiscal expenditures (45-year, 25% City allocation example)

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Fiscal ROI – Summary of Potential Net Fiscal Impacts
Net of 25% Increment Contribution to Banning CRIA

	Annual (Stabilized Year 20)	Year 0-45 Nominal Total	Year 0-45 Present Value @ 3.0%
City of Banning			
Estimated Fiscal Revenues (Net of CRIA Allocation)	$4,445,310	$205,601,200	$89,224,300
Estimated Fiscal Expenditures	$3,083,000	$158,519,500	$65,168,600
Estimated Net Fiscal Impact to City	**$1,362,310**	**$47,081,700**	**$24,055,700**

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Potential CRIA Formation Schedule

Target Date	Task
TODAY: Feb 13, 2024	a) City adopts resolution creating the CRIA entity
Feb-Mar 2024	b) CRIA drafts Community Revitalization and Investment Plan (CRIA Plan)
Apr 2024	c) Distribute draft CRIA Plan to property owners and residents within CRIA boundary
May 2024	d) Initial CRIA public meeting to present the draft CRIA Plan to the public and property owners
Jul 2024	e) CRIA Public Hearing #1 to hear written and oral comments but take no action
Jul or Aug 2024	f) City Council considers resolution approving the CRIA Plan and allocation of property tax increment to CRIA
Aug 2024	g) CRIA Public Hearing #2 to hear additional comments and take action to modify or reject Plan, if appropriate
Sept 2024	h) CRIA Public Hearing #3 to consider oral and written protests and take action to terminate proceedings or adopt CRIA Plan by ordinance

- Tax increment allocation begins fiscal year following district formation
- Debt issuance, if desired, would occur after a stabilized level of tax increment has been established

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Next Steps / Action Items

- For Tonight:

  a) City Council to consider Resolution forming the CRIA entity

  b) Successor Agency to consider Resolution making findings of pre-requisites to CRIA formation

- Staff and consultants to prepare draft CRIA Plan, distribute publicly via mail and website, convene a public meeting of the CRIA to present the draft CRIA Plan (targeting May 2024)

THANK YOU

Questions?

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Disclaimer

The analyses, projections, assumptions, rates of return, and any examples presented herein are for illustrative purposes and are not a guarantee of actual and/or future results. Project pro forma and tax analyses are projections only. Actual results may differ from those expressed in this analysis.

Discussions or descriptions of potential financial tools that may be available to the City are included for informational purposes only and are not intended to be to be "advice" within the context of this Analysis.

Municipal Advisory activities are conducted through Kosmont Companies' affiliate, Kosmont Financial Services, which is Registered as a Municipal Advisor with the SEC and MSRB.

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Doug Schulze, City Manager**
MEETING DATE:	**August 27, 2024**
SUBJECT:	**Consideration of the First Reading and Introduction of Ordinance 1606, Setting Salaries for City Council**

RECOMMENDATION:

Conduct first reading of Ordinance 1606 and set second reading for September 10, 2024 Regular Meeting of the City Council.

BACKGROUND:

Governor Newsom signed SB 329 into law in July 2023 that allows general law cities to adjust council member salaries for inflation for the first time in almost four decades. Prior to SB 329, city councils in general law cities could vote to receive a limited salary, which was capped based on population size provided in state law. Serving on a city council requires lengthy time commitments and limited pay can discourage many residents from running for office, especially low-income residents, single parents and young people.

Prior to SB 329, city councils in general law cities could vote to receive a limited salary, not to exceed caps based on population size provided in state law. They could not increase their salary annually. This limited mechanism did not allow salaries to stay in line with inflation. In previous decades, the Legislature updated these numbers for inflation, but the last update was in 1984 despite an over 300% increase in the cost of living.

SB 329 (Section 26516 of the Government Code) authorizes city councils to enact an ordinance providing that each member of the city council shall receive a salary based on the population of the city as set forth in paragraph (2) of Gov't. Code Section 26516. In cities up to and including 35,000 in population, the salary can be set up to and including nine hundred fifty dollars ($950) per month. The population is determined by the last preceding federal census, or a subsequent census, or estimate validated by the Department of Finance.

The salary of council members may be increased beyond the amount provided in this subdivision by an ordinance or by an amendment to an ordinance, but the amount of the increase shall not exceed the greater of either (1) an amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted or (2) an amount equal to inflation since January 1, 2024, based upon the California Consumer Price Index, which shall not exceed 10 percent for each calendar year. An ordinance cannot be enacted or amended to provide automatic future increases in salary.

Any amounts paid by a city for retirement, health and welfare, and federal social security benefits shall not be included for purposes of determining salary under Gov't Code Section 36516. Reimbursements

for actual and necessary expenses pursuant to Section 36514.5 are also not included for purposes of determining salary.

The City Council must consider the adoption of an ordinance to increase compensation in open session during at least two regular meetings of the city council. At the first meeting, the city council shall present the proposed ordinance, which shall including findings demonstrating the need for the increased compensation. At least seven days after the first meeting, the city council must hold a second meeting to consider whether to adopt the ordinance.

JUSTIFICATION:

City Council salaries have not been increased for many years and low compensation may discourage or even prohibit some residents from running for office.

FISCAL IMPACT:

As proposed, the annual cost of the increase to $950 per month from $300 per month will be $39,000

ALTERNATIVES:

Conduct first reading and move ordinance, as written, to September 10, 2024 meeting for consideration.
Conduct first reading and move ordinance, with modification(s), to September 10, 2024 meeting for consideration.
Do not move ordinance forward for second reading and consideration.

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. Ordinance 1606, City Council Compensation.docx
2. SB 329.pdf

ORDINANCE 1606

AN ORDINANCE OF THE CITY OF BANNING, CALIFORNIA, AMENDING SECTION 2.04.030 OF THE BANNING MUNICIPAL CODE TO INCREASE THE SALARY OF EACH MEMBER OF THE CITY COUNCIL TO $950 PER MONTH

WHEREAS, Government Code Section 36516 provides that a City Council may enact an ordinance setting the salary for each member of the City Council, the amount of which shall be based upon population; and

WHEREAS, on October 24, 2006, the City Council adopted Ordinance 1354, setting City Councilmember compensation to $300 per month; and

WHEREAS, Government Code Section 36516(a)(2)(A) provides that cities up to and including 35,000 in population may set City Councilmember salaries by ordinance up to and including $950 per month; and

WHEREAS, Government Code Section 36516(a)(3) provides that the population of a city shall be determined by the last preceding federal census, or a subsequent census, or estimate validated by the Department of Finance; and

WHEREAS, the City of Banning population as of the 2020 federal census was 29,505 and the California Department of Finance has estimated that the 2024 population for Banning is 31,213; and

WHEREAS, the time, commitment, and expense of serving on the Banning City Council has increased significantly since 2006; and

WHEREAS, pursuant to Government Code Section 36516.5, changes to city councilmember salaries may not take effect until a new city council term begins and, in the case of councilmembers serving staggered terms, all councilmembers may receive the salary increase once one or more councilmembers begin a new term in office; and

WHEREAS, the next General Municipal Election for the City of Banning is to be held on November 5, 2024, and the proposed salary increase set forth in this Ordinance shall not take effect until the start of a new city council term following the November 2024 election;

The City Council of the City of Banning does hereby ordain as follows:

SECTION 1. All of the above recitals are true and correct and are herein by reference.

SECTION 2. The Council hereby finds that increasing time commitments by the Council and increasing cost of living demonstrate the need for the increase in compensation.

SECTION 3. Section 2.04.03 ("Compensation") of Chapter 2.04 ("City Council") of Title 2 ("Administration and Personnel") of the Banning Municipal Code is hereby amended to read as follows:

"**2.04.030 - Compensation.**

A. Pursuant to California Government Code section 36516(a)(2)(A), each council person shall receive a monthly salary of nine hundred fifty dollars.
B. Pursuant to California Government Code section 36516.5 the salary provided for in subsection A shall take effect as to all members of the city council only upon the commencement of the new or re-elected term of office by any member of council following the November 2024 municipal election.
C. Pursuant to California Government Code section 36516(a)(4), the City Council may increase the salary of each council person beyond the amount provided in subsection A by an ordinance or an amendment to an ordinance, provided the amount of the increase shall not exceed the greater of either of the following:
   (1) An amount equal to five percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted.
   (2) An amount equal to inflation since January 1, 2024, based upon the California Consumer Price Index, which shall not exceed ten percent for each calendar year."

SECTION 4. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Banning's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, phrase, or portion not declared invalid or unconstitutional without regard to whether any portion of this Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED, APPROVED AND ADOPTED this 10th day of September 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that Ordinance 1606 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 27th day of August 2024, and was duly adopted at a regular meeting of said City Council on the 10th day of September 2024, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

STATE OF CALIFORNIA
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL

Senate Bill No. 329

CHAPTER 27

An act to amend Section 36516 of the Government Code, relating to local government.

[Approved by Governor June 29, 2023. Filed with Secretary of State June 29, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 329, Dodd. Cities: city council members: compensation.

Existing law authorizes a city council to enact an ordinance to provide each member of the city council a salary based upon the population of the city, as specified. Existing law authorizes that amount to be increased by the city council by an amount that does not exceed 5% for each calendar year from the operative date of the last adjustment of the salary that is in effect when the increase is enacted. Existing law provides for the procedures by which a city may enact ordinances.

This bill would increase the maximum amount of salary, based upon the population of the city, that may be approved by an ordinance passed by the city council, as specified. The bill would authorize the salary of council members to be increased beyond the specified maximums to an amount not exceeding the greater of either 5% for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted, or an amount equal to inflation since January 1, 2024, based upon the California Consumer Price Index, which shall not exceed 10% for each calendar year. The bill would require the city council to consider the adoption of an ordinance to increase council member compensation in open session during at least 2 regular meetings of the city council.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The compensation schedule for general law cities has not been adjusted since 1984, meaning that city council compensation has not kept pace with inflation.

(b) Allowing cities to adjust their compensation for inflation since 1984 may help city councils become more diverse because increased compensation can help individuals from across different income levels receive sufficient income from their service to help ensure that they can continue to serve the public and support their families.

SEC. 2. Section 36516 of the Government Code is amended to read:

36516. (a) (1) A city council may enact an ordinance providing that each member of the city council shall receive a salary based on the population of the city as set forth in paragraph (2).

(2) The salaries approved by ordinance under paragraph (1) shall be as follows:

(A) In cities up to and including 35,000 in population, up to and including nine hundred fifty dollars ($950) per month.

(B) In cities over 35,000 up to and including 50,000 in population, up to and including one thousand two hundred seventy-five dollars ($1,275) per month.

(C) In cities over 50,000 up to and including 75,000 in population, up to and including one thousand six hundred dollars ($1,600) per month.

(D) In cities over 75,000 up to and including 150,000 in population, up to and including one thousand nine hundred dollars ($1,900) per month.

(E) In cities over 150,000 up to and including 250,000 in population, up to and including two thousand five hundred fifty dollars ($2,550) per month.

(F) In cities over 250,000 population, up to and including three thousand two hundred dollars ($3,200) per month.

(3) For the purposes of this subdivision, the population of a city shall be determined by the last preceding federal census, or a subsequent census, or estimate validated by the Department of Finance.

(4) The salary of council members may be increased beyond the amount provided in this subdivision by an ordinance or by an amendment to an ordinance, but the amount of the increase shall not exceed the greater of either of the following:

(A) An amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted.

(B) An amount equal to inflation since January 1, 2024, based upon the California Consumer Price Index, which shall not exceed 10 percent for each calendar year.

(5) No ordinance shall be enacted or amended to provide automatic future increases in salary.

(b) Notwithstanding subdivision (a), at any municipal election, the question of whether city council members shall receive a salary for services, and the amount of that salary, may be submitted to the electors. If a majority of the electors voting at the election favor it, all of the council members shall receive the salary specified in the election call. The salary of council members may be increased beyond the amount provided in this section or decreased below the amount in the same manner.

(c) Unless specifically authorized by another statute, a city council may not enact an ordinance providing for compensation to city council members in excess of that authorized by the procedures described in subdivisions (a) and (b). For the purposes of this section, compensation includes payment for service by a city council member on a commission, committee, board, authority, or similar body on which the city council member serves. If the other statute that authorizes the compensation does not specify the amount

of compensation, the maximum amount shall be one hundred fifty dollars ($150) per month for each commission, committee, board, authority, or similar body.

(d) Any amounts paid by a city for retirement, health and welfare, and federal social security benefits shall not be included for purposes of determining salary under this section, provided that the same benefits are available and paid by the city for its employees.

(e) Any amounts paid by a city to reimburse a council member for actual and necessary expenses pursuant to Section 36514.5 shall not be included for purposes of determining salary pursuant to this section.

(f) A city council member may waive any or all of the compensation permitted by this section.

(g) (1) For the purposes of this section, a city council shall consider the adoption of an ordinance to increase compensation in open session during at least two regular meetings of the city council.

(2) At the first meeting, the city council shall present the proposed ordinance, which shall include findings demonstrating the need for the increased compensation. The ordinance shall not be adopted at the first meeting.

(3) At least seven days after the first meeting, the city council shall hold a second meeting to consider whether to adopt the ordinance.

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CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Emery Papp, Senior Planner**
MEETING DATE:	**August 27, 2024**
SUBJECT:	**Discussion of Proposed Amendments to Banning Municipal Code and Zoning Pertaining to Cannabis Businesses, Including the Possibility of Implementing an Urgency Ordinance/Moratorium**

RECOMMENDATION:

Receive information and presentation from staff and public speakers; followed by discussion of the Council Members and direction to staff.

BACKGROUND:

In July 2018, the Banning City Council passed Ordinance Nos. 1523 and 1524, which created a conditional use permit process for cannabis cultivation, manufacturing, and testing lab facilities and a procedure for the issuance of cannabis regulatory permits for cannabis cultivation, manufacturing, and testing lab facilities, respectively. Ballot Measure N, on the November 2018 ballot, established a cannabis cultivation tax and provided that the City Council can amend the cultivation tax. Ballot Measure O, on the same 2018 ballot, provided that should the Banning City Council adopt an ordinance allowing for the issuance of conditional use permits to cannabis retailers and an ordinance to allow for the issuance of regulatory permits to cannabis retailers to operate in certain commercial zones, a commercial retail cannabis tax will go into effect. Both Measures N and O passed. In November 2018, after the election, the City Council enacted Ordinance No. 1531, which provided for a conditional use permit process to allow cannabis retailers within the City.

In July 2020, the City Council passed Ordinance No. 1564, which would allow cannabis distribution facilities in industrial zones contingent on the approval of Measure L, which was on the November ballot. Measure L was a measure that would impose a tax on cannabis distribution facilities. Measure L passed, and Ordinance No. 1564 went into effect. Finally, in 2021, the City Council passed Ordinance No. 1577, which allowed cannabis microbusinesses, established the regulatory scheme for such businesses, and established zoning standards for the microbusinesses.

The revenue generated by cannabis business taxes has not met the City's prior expectations. Tax revenue is dependent on the retail sales each cannabis retailer generates and the size and number of cannabis cultivation businesses that are operating in the City. This ranges from $150,000 to $330,000 per year, per license/Conditional Use Permit. In an effort to boost revenues from cannabis business taxes, the City has passed a number of additional cannabis Ordinances in recent years to amend zoning requirements and business licensing requirements for cannabis businesses, without having the desired effect of increasing tax revenues.

Cannabis business operations have also raised concerns about potential land use conflicts, such as odor and noise control, inadequate separations from sensitive uses, and other potential unintended

consequences and public safety, health, and welfare impacts. Councilmembers and Planning Commissioners alike have expressed dissatisfaction regarding the processing of some recent land use entitlement applications due to potential impacts on residents. Proposals to revise the City's current cannabis regulations have therefore been discussed.

One idea under discussion is a moratorium on cannabis businesses. Under Section 65858 of the California Government Code, cities may adopt interim ordinances prohibiting approval of new land uses that might conflict with an amendment to a general plan, specific plan, or zoning ordinance that the city plans to study within a reasonable time period. Therefore, a moratorium on cannabis uses in Banning would not eliminate existing businesses, but it would temporarily prohibit new businesses from applying for or receiving approvals from the City while the City studies possible changes to the its cannabis regulations.

A moratorium must be adopted by ordinance that requires a four-fifths vote of the city council and contains a finding that there is a current and immediate threat to the public health, safety, or welfare. The ordinance may be adopted either on an urgency basis or after a noticed public hearing. An urgency ordinance can be adopted without notice and a hearing, without prior Planning Commission review, and can be made to take effect immediately by the inclusion of urgency findings.

Once enacted, a moratorium has an initial duration of 45 days, and after can only be extended following a noticed public hearing. Up to two extensions are allowed for a maximum term of two years. Each extension is subject to the same requirements for four-fifths approval and legislative findings. Cities must also issue a written report describing the measures taken to alleviate the condition that led to the adoption of the ordinance at least ten days prior to any extension.

The City Council may consider further input on this subject from members of the public and provide direction to City staff. If the City Council wishes to consider a moratorium, staff will prepare an ordinance for its consideration at a future meeting based on the direction received from the City Council.

JUSTIFICATION:

Section 65858 of the California Government Code permits local jurisdictions to adopt an urgency measure as an interim zoning ordinance. Should the Council direct staff to prepare an urgency ordinance placing a moratorium on cannabis businesses, the procedures for same may be found in the attached citation from CGC 65858.

It is important to note that should the City adopt an Ordinance to place a moratorium on cannabis related businesses, that such a ban would not apply to any lawfully established cannabis businesses currently operating, nor does it "freeze" any regulatory permits, applications or use permit entitlement applications for cannabis businesses that are submitted prior the enactment of the urgency ordinance.

FISCAL IMPACT:

Potential loss of Cannabis Business Tax revenues, staff time, and City Attorney time to prepare Moratorium Ordinance(s)

ALTERNATIVES:

Direct staff to:

1. Make no amendments to the current BMC
2. Amend the current BMC provisions
3. Prepare an Urgency Ordinance, temporarily placing a hold on new cannabis businesses and prepare a Moratorium Ordinance

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. 05-14-2024 CC Staff Report.pdf
2. SR_Ordinance 1565_05-12-2020.pdf
3. Cannabis Ad Hoc Committee Meeting Minutes 6.18.2024 v2.docx
4. California Government Code Section 65858.docx
5. DCC Medicinal and Adult-Use Regulations.docx

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Emery Papp, Senior Planner** **Adam Rush, Community Development Director**
MEETING DATE:	**May 14, 2024**
SUBJECT:	**Consideration of Amending the City of Banning Municipal Code Requirements for Cannabis Businesses**

RECOMMENDATION:

Discuss and consider amendments to the City of Banning Municipal Code requirements for cannabis businesses, and provide direction to Community Development Department staff.

DEPARTMENT DIRECTOR:

Adam Rush, Community Development Director

BACKGROUND:

The City Council and the Planning Commission each act in their individual capacities as a decision-making body and a recommending body, respectively, for approval of cannabis business related entitlements under Title 17 of the Banning Municipal Code (BMC), otherwise referred to as the "Zoning Code." Cannabis businesses are unique in the sense that they require adherence to State requirements through the California Department of Cannabis Control, as well as Banning Municipal Code (BMC) requirements set out in Title 3 - Revenue and Finance; Title 5 - Business Licenses and Regulations; and Title 17 - Zoning of the BMC. Pertinent Sections of the BMC concerning cannabis businesses are attached to this report.

Since adoption of the first cannabis ordinance which established a process allowing for cannabis businesses to operate in the City of Banning, three retail cannabis stores have opened, two indoor cultivation facilities were approved with one operating for approximately two (2) years, one manufacturing and distribution facility was approved and is open, and two requests for an indoor cultivation facilities were denied by the City Council. The City continues to receive inquiries regarding additional retail cannabis locations, indoor cultivation facilities, and for cannabis microbusinesses; however, no current applications are on file. The City currently has a limit on the number of retail cannabis establishments, which is set at 1 retailer per 10,000 residents. As the City's population continues to increase, the public and the City Council have expressed concern regarding the number of retail outlets in the City of Banning. Concerns regarding odor emanating from cultivation facilities continues to remain.

Discussion Items:

Staff is seeking discussion and guidance from the City Council regarding potential amendments to the Banning Municipal Code related to cannabis businesses in the following areas:

1. Number of Retail Cannabis Locations. Does the City Council wish to keep the existing ratio of 1:10,000; or set a finite cap on the number of retail establishments allowed? If placing a finite cap, by what metric(s) shall staff evaluate in setting the desired number of retail cannabis establishments?
2. Potential increase in Number of Retail Cannabis Establishments. Should the City Council consider: a) Allowing retail establishments to locate into other commercial zones? Currently, retail cannabis establishments are only permitted in the Highway Serving Commercial (HSC) Zoning District; b) Continue with "Cannabis Lottery" format for consideration of new retail cannabis establishments?; c) Evaluate new applicants on a first-come, first-served basis?; d) Evaluate new applicants on a merit-based evaluation system?; e) Increase/decrease the 1,000 linear-foot minimum distance separating existing retail cannabis establishments and from newly proposed cannabis retail business?; f) Should any proposed distance separation be measured from property line to property line, door to door, "as the crow flies" (in a straight line, crossing physical barriers such as walls and streets), or along an accessible path of travel (going around physical barriers)?; g) Should the existing requirement for separation of 200 feet from residential uses be revisited?
3. Indoor Cultivation/Manufacturing Facilities. There is currently one indoor cultivation facility and one manufacturing/distribution facility operating in the City of Banning and another cultivation facility has been entitled but is not yet operational. An application for a cultivation facility was recently denied by the City Council based on its proximity to residential uses, concerns regarding building height and design, and concerns regarding odors potentially emanating from the facility. As a result of these actions, should the City Council consider: a) a distance separation (setback) from an industrial cannabis business to nearby residential uses, and if so, by what metric(s) will this distance be determined?; b) Limitations on building height in proximity of residential uses?; c) Physical barriers separating industrial cannabis businesses from residential uses such as fences, walls, berms, additional landscaping, etc.?; d) Require certified air handling/HVAC engineers to prepare an odor control plan for submittal and review as part of the Conditional Use Permit application process?
4. Cannabis Microbusiness Establishments. Cannabis microbusinesses are currently allowed in the Business Park (BP) and Industrial (I) zones only. Applications for Microbusinesses currently require at least 3 of the 4 types of activities to qualify as a microbusiness which include: retail establishments, manufacturing, cultivation, and distribution. The "cap" on retail does not apply to cannabis microbusinesses that contain a retail component. As standalone retail cannabis establishments are currently only permitted in the HSC Zone, should the City consider: a) Continue to authorize future microbusinesses to include a retail component?; b) Expanding opportunities for microbusinesses by allowing them in the HSC Zone or General Commercial (GC) Zone?; c) If expanding microbusinesses into the HSC and GC Zones, should there be a physical separation from other cannabis retail establishments or residential uses?
5. Design Guidelines. Should the City Council consider adopting ***additional*** design guidelines for cannabis businesses to reduce impacts on surrounding land uses, including: a) Increased physical separation from residential and other sensitive uses such as walls and fences, landscaping and berming? This would primarily apply to cultivation, but also retail, microbusiness, and manufacturing uses as well; b) Distance separations from other cannabis businesses and sensitive uses (e.g., daycares, schools, churches, parks/playgrounds, senior facilities)? NOTE: Small Family Daycares (SFD) can exist within residential neighborhoods without direct knowledge by City staff.; c) Building height and form when adjacent to residential development and other sensitive uses?; d) Air handling and odor control?

JUSTIFICATION:

It is the intent of this discussion to fully vet the types of cannabis businesses permitted by the City of Banning, identify how City staff will evaluate the merits of cannabis business applications, and enhance the City's community engagement regarding all cannabis related businesses. This will be achieved through public discussion at City-noticed public meetings and future public hearings serving to increase transparency and awareness of proposed BMC amendments, express to the citizens of Banning that their concerns have been heard, and that steps are being taken to address those concerns, and to

provide additional opportunities for public input, discourse, and participation.

Per City Council discussion and direction to staff, City staff will prepare an ordinance amending applicable provisions of the BMC that endeavors to strike a balance between the needs of the residents and citizens of the City of Banning, the needs of the business community, and the desire of the City Council.

FISCAL IMPACT:

The preparation of this Staff Report was prepared by the Community Development staff under the normal course of duties and responsibilities. No additional costs were incurred. If and when the City Council initiates a Zoning Text Amendment (ZTA) to modify and incorporate changes to the City's Cannabis Business program, an Ordinance will need to be drafted by the City Attorney's Office, reviewed by the Community Development Department and the City Manager and then scheduled before the Planning Commission at a public hearing for their review, input, and recommendation to the City Council. At the time that an Ordinance is considered by the Council, another public hearing will occur during the introduction and first reading of the ordinance, and then a second reading is required. This process will require the support of City Staff (namely the Community Development Department, Deputy City Clerk, City Attorney, and City Manager). A specific dollar amount is unknown at this time, however, preliminary estimates for City Attorney are approximately $5,000 to $12,500 in legal costs, with an additional $7,500 to $15,000 in total staff support costs The anticipated time frame for completion of amendments to the Banning Municipal Code for cannabis businesses is expected to take from six (6) to eight (8) months. Both the costs and time frame are widely subject to change, based upon the degree and complexity of input requested by the City Council.

ALTERNATIVES:

1. Provide direction to staff regarding additional research, but delay initiation of the amendment.
2. Continue this item off calendar and without discussion.

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. Chapter_3.15___CANNABIS_RETAILER_TAX.docx
2. Chapter_3.17___CANNABIS_INDUSTRIAL_TAX.docx
3. Chapter_5.33___CANNABIS_RETAILER_REGULATORY_PERMITS.docx
4. Chapter_5.34___MARIJUANA_CULTIVATION.docx
5. Chapter_5.35___CANNABIS_REGULATORY_PERMITS.docx
6. 17.08.020 Residential Uses.docx
7. 17.12.020 Commercial Uses.docx
8. 17.53 CANNABIS_CONDITIONAL_USE_PERMITS.docx
9. 17.54___CANNABIS_RETAILER_CONDITIONAL_USE_PERMITS.docx

CITY OF BANNING
CITY COUNCIL REPORT

TO: **CITY COUNCIL**

FROM: **Douglas Schulze, City Manager**

PREPARED BY: **Kevin G. Ennis, City Attorney**
Maricela E. Marroquin, Assistant City Attorney
Adam Rush, Community Development Director

MEETING DATE: **May 12, 2020**

SUBJECT: **Discussion Item Regarding Cannabis Retailers, Distributors and Cultivators**

RECOMMENDED ACTION:

That the City Council provide direction on the following items:

1. Numbers of Retailers Allowed. Whether the cap on cannabis retailers should be increased to allow all businesses on the lottery waiting list to apply (21 in total) which could allow up to 24 retailers in total to operate in City, or if a different cap should be set;
2. Processing New Retail Applications. How staff should process the additional retailer conditional use permit applications (i.e., all at the same time or in groups);
3. Tax on Distributors. Whether the Council wants to place a tax measure on the November 2020 ballot imposing a tax on cannabis distributors, and if so, at what tax rate; and
4. Modification of Cultivation Tax. Whether the Council wants to modify the cultivation tax rate which is currently set at $15 per square foot per canopy space, or alternatively, change the methodology altogether.
5. Other Changes. Whether the Council wants to provide additional direction on other changes to the City's Cannabis regulations that the Council would like staff to explore.

BACKGROUND:

At its April 14, 2020 meeting, the City Council considered several options pertaining to expanding the cannabis program to increase the number of cannabis businesses operating in the City. The City Council directed staff to draft an ordinance allowing cannabis

distributors to operate in the City. The City Council also directed staff to amend the zoning code to allow cannabis retailers to operate in the General Commercial zone, to eliminate the separation requirement between retailers and residentially zoned property, and to eliminate the current cap on cannabis retailers which are currently limited to one for every 10,000 residents. Staff has drafted an ordinance consistent with the Council's direction. This draft ordinance was considered by the Planning Commission at its May 6, 2020 public hearing. Staff will orally update the City Council on the recommendations made by the Planning Commission and then will formally bring the Commission's recommendations at an upcoming meeting.

Today, staff seeks additional policy direction from the Council regarding the cap on allowable number of cannabis retailers and how staff should process the additional retailer conditional use permit ("CUP") applications before it presents the cannabis ordinance to the Council for its consideration. Staff is also seeking Council direction on whether it wants to impose a tax on cannabis distributors and whether it wants to alter the tax on cultivation facilities. Staff also requests Council input on whether it would like to make any additional revisions to the cannabis program.

At the April 14, 2020 meeting, the Council requested more information about how cannabis businesses are taxed. This memorandum also discusses how cannabis is taxed and collected by the State.

DISCUSSION:

A. Cannabis Retailers

On November 6, 2018, the Banning voters adopted Measure O establishing a tax on cannabis retailers. The tax was set as an annual tax of 10% of gross receipts of the cannabis retailer. The voters allowed the City Council to modify that tax rate to increase or decrease the rate as long as it does not exceed 15% of gross receipts. The ballot measure, the tax ordinance approved by the voters, and the argument in favor of Measure O are included as **Attachment A**.

In conjunction with Measure O, on December 11, 2018, the City Council adopted an ordinance that currently permits one cannabis retailer for every 10,000 residents. This equates to allowing up to three retailers to operate in the City. Also, on December 11, 2018, the City Council adopted a resolution establishing a process for determining which three cannabis retailers would be eligible to apply to obtain a regulatory permit and CUP to operate in the City. A copy of that Resolution is attached as **Attachment B**. Included as **Attachment C** is a timeline summarizing the regulatory permit and CUP approval process.

At the April 14, 2020 City Council meeting, the majority of the Council expressed its frustration at the pace of getting cannabis uses up and running in Banning and, for

purposes of remedying that issue, stated that it was in favor of: (1) eliminating this numeric cap and allowing retailers that are on the waiting list to apply for retailer permits, (2) eliminating the separation requirement between retailers and residentially zoned property, and (3) allowing retailers to operate in the General Commercial zone. Consistent with the Council's direction, staff has drafted an amendment to the zoning ordinance that was considered by the Planning Commission at its May 6, 2020 meeting. Staff is seeking direction from the Council on a few discrete issues related to allowing more retailers to operate in the City.

1. Elimination or increase of retailer permit cap

There were 24 businesses that participated in the lottery that was held on May 23, 2018 to determine which three businesses would be the first ones eligible to obtain cannabis regulatory permits and proceed to the CUP approval process for operation at specific sites. Two retailers, Black Sun Medicinals a.k.a. Empire Cannabis (Lottery Position #1) and Nourish Cannabis (Lottery Position #2) both obtained CUPs to operate in the City in January 2020. A third retailer, Harvest Corner, LLC (Lottery Position #3) has submitted a completed CUP application that is currently being processed by staff. Banning Municipal Code section 5.33.050(D) provides that a cannabis retailer has one year from the date of issuance of the cannabis regulatory permit to obtain a CUP. Harvest Corner, LLC submitted a complete CUP application on April 22, 2020 and only has until May 23, 2020 to obtain a CUP. City staff has prepared amendments to Section 5.33.050 of the City's Code that, upon approval by the Council at an upcoming meeting, will allow Harvest Corner, LLC an additional 30 days, until June 22, 2020, to obtain a CUP to operate in the City. If Harvest Corner, LLC successfully obtains a CUP, the CUP will be conditioned to require that the retailer submit building plans within as short a period of time as is feasible, such as within 60 days of the approval of the CUP or the CUP will be null and void.

Staff would like direction from the Council as to whether it wants to: (1) allow all 21 remaining retailers (other than the first three) that are currently on the waiting list to apply for a permit (which would potentially allow 24 retailers to seek approval to operate in the City), (2) allow a more limited number of retailers to operate in the City, or (3) allow an unlimited number of retailers to operate (i.e., allow businesses that are not on the waiting list to participate in the process).

If the City were to allow up to 24 retailers to operate in the City (or an unlimited number of retailers), this could significantly increase the amount of applicants, businesses and eventually local taxes that the City could collect from these businesses as there would be more businesses to collect taxes from. The Council should consider, however, whether this could oversaturate the market, and whether retailers would be discouraged from operating in the City given that there would be so much local competition. Of course,

opening up the process to all 24 retailers does not guarantee that they will all apply, or even that they would all obtain a CUP to operate in the City.

Another approach to consider is to increase the cap from three retailers to a higher number such as ten (10). In the San Gorgonio Pass area, there are three cities, Banning, Beaumont and Calimesa, and some unincorporated areas such as Cherry Valley and Cabazon. Of these cities, only Banning allows cannabis retailers to operate. The population of the three Pass Area cities combined is approximately 100,000. Therefore, the commercial market for cannabis sales may not be limited to the population of the City and the City may want to take into account the entire population of the San Gorgonio Pass area which exceeds 100,000. Using the figure of allowing one cannabis retailer for every 10,000 residents, but using the population of the San Gorgonio Pass (approximately 100,000 residents), this would allow for ten retailers to operate in the City.

Included as **Attachment D** is a comment letter the City received on April 24, 2020 from Nourish Earth, one of the retailers that has obtained a CUP to operate in the City, that opposes allowing additional retailers to operate in the City for a two-year period.

2. Processing of additional permit applications

Staff also seeks Council direction regarding how to process the permit applications. The City could allow all the retailers to apply at once which would, presumably, allow additional retailers to open up more quickly in the City. Staff has not yet contacted all the applicants on the waiting list to determine their interest in applying for CUP applications. Of the 21 applicants on the waiting list, City staff has begun to reach out to those applicants to determine which of them is still interested in operating in Banning.

Staff believes that there would be a benefit to the City to having an orderly process for processing the remaining 21 applications. That orderly process would be to generally honor the results of the lottery and allow applicants to apply based on their position on the waiting list while at the same time speeding up the application and approval process.

One alternative is to allow the applicants to apply, and to process their applications, in the order that they appear on the waiting list. This could, however, create a prolonged process where it could take several years to process all the retailer applications.

Instead, staff is recommending that staff send a letter to the applicants on the waiting list advising that they have 14 days to confirm, in writing, that they are still interested in applying for a CUP to operate a retailer in the City. Any applicant that does not respond within 14 days, or that states that they are no longer interested, will be removed from the waiting list. The letter would advise applicants that they have 90 days from the opening of the designated application period to submit a complete application for a CUP, and that if they obtain a CUP, a condition of approval would require that building plans be

submitted within the shortest period of time feasible, such as 60 days of approval of the CUP, or the CUP would be null and void.

Those applicants that remain on the waiting list will be categorized into groups depending on their lottery position, with a certain set number of retailers being permitted to apply at one time. For example, assuming the Council decides to allow all 21 applicants on the waiting list to apply (and assuming all the applicants still want to obtain a CUP), the City could follow a schedule such as the following:

Lottery numbers	**Designated Application period**
4 through 8	June 1, 2020 - August 31, 2020
9 through 13	September 1, 2020 - November 30, 2020
14 through 18	December 1, 2020 - March 1, 2021
19 through 21	March 2, 2021 - May 31, 2021

The applicants would be permitted to submit a completed CUP application during their designated application period (90 days for each application period). Any applicant that submits a completed application during their designated application period would have their application processed in the order that it is deemed complete. Retailers would be incentivized to apply quickly to ensure that their application is processed first. Staff would process all the applications until the cap was reached, assuming there was a cap instituted. If there is no cap, then all the applications would be processed.

The alternative would be to allow all applicants on the lottery waiting list, or any other applicants, to submit applications by a certain deadline. This approach has the benefit of allowing any applicant to seek and obtain approval and then compete against other applicants for approval, compete to open and establish market share before others, and to result in a market-driven limit on the number of retailers that could run profitable businesses in Banning.

In considering these two approaches, Staff is concerned that if all 21 remaining applicants, or an unlimited number of applicants, are all allowed to concurrently submit applications and seek approval, that decisions of the City to deem some of the applications complete and ready to move forward but not others, could result in challenges from applicants that the City's decisions to deem one application complete and ready to proceed but not another were incorrect. Also, the Planning Commission and City Council would likely be presented with multiple applications at once which could lead to significant pressure to approve one applicant over another. In sum, and based on the experience in other communities, this type of wide open process can lead to jockeying to be the first to get approved, which in many cases has led to litigation over decisions at each step in the process. The lottery process, in contrast, which the City has already completed, provides for options for the more orderly processing of applications and can lessen the risks noted above because the lottery already designates which applicant gets to proceed before others. If, however, the City Council prefers to undertake a process

untethered to the lottery list, staff will proceed to develop a process to best manage the volume of applications and the risks noted above.

3. Background check

Chapter 5.33 of the Banning Municipal Code requires that all cannabis retail owners and persons with a financial interest in a retailer pass a background check before they can participate in the lottery. All the retailers that are on the waiting list have met this requirement. However, since the background checks were conducted about a year ago, staff recommends that new background checks be run to ensure that there have not been any new disqualifying convictions by any owner or person with a financial interest in a retailer. This would delay the process for retailers to apply for a CUP as a business cannot apply for a CUP until it has first obtained a cannabis retailer regulatory permit. Alternatively, the Council could elect to allow the retailers to apply for a CUP, but make the issuance of the CUP contingent upon the passing of a background check. This would require an amendment to Chapter 5.33 of the Banning Municipal Code which requires that a background check be conducted before a regulatory permit is issued.

B. Cannabis Distribution

Pursuant to the Council's direction, staff has drafted a cannabis ordinance that will permit cannabis distribution facilities to operate in the Industrial zone. This draft ordinance was considered by the Planning Commission at its May 6, 2020 meeting for recommendation to the City Council.

1. Imposition of tax

If the City Council adopts an ordinance allowing cannabis distributors to operate in the City, the Council will need to determine whether to tax distributors, and if so, at what rate. Staff conducted a study of the tax rates that are being charged by cities in the counties of Riverside and San Bernardino, as well as the unincorporated areas of Riverside and San Bernardino counties. Attached as **Attachment E** is the chart compiling this information. There do not appear to be many jurisdictions that have a separate distribution tax, as opposed to a general tax on "other cannabis businesses" that do not fall into specific categories such as retailers and cultivators. From what staff was able to gather, for those cities that do impose a tax on distributors, they are charged a tax at the following rates: Adelanto (1% of gross receipts), unincorporated San Bernardino (2% of gross receipts), unincorporated Riverside County ($3 per square feet as a community benefit fee), and San Jacinto ($10 per sq. foot of gross building footprint used for any cannabis related activity including ancillary office and other administrative areas). In addition, Perris charges a tax at a rate of 10% of proceeds, but allows the business to deduct the amount of sales and use taxes and excise taxes collected from consumers and remitted to the State from their reported proceeds for the purpose of calculating their taxes owed to the

city. Palm Springs allows distributors to operate in its jurisdiction but does not tax the distributors.

The City could decide not to impose a tax on distributors and instead just rely on tax revenues from cultivators, manufacturers, testing laboratories and retailers. This would be consistent with the state taxation model which does not tax distributors. Instead, the state requires distributors to collect the cannabis cultivation tax from cultivators or manufacturers and to collect the excise tax from retailers and then transmit these taxes to the State. The City could follow that same approach and exempt distributors from a separate tax and instead focus on the taxes to be collected from the other functions in the cannabis chain. Having no tax on distributors would also place the City at a competitive advantage to other communities. However, this approach may reduce overall potential revenues and it may be difficult to change approaches once distribution uses are allowed and start operating in the City.

2. Process for Imposing Tax

If the City wants to impose a local tax on distributors, the tax would have to be approved by the voters. If the tax is a general tax, that is a tax that can be used for any governmental purpose, the tax must be approved by a majority of the electorate (50% plus one of the voters voting in the election vote in favor of the measure).[1] If the tax is a special tax (i.e., a tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund), the tax must be approved by a two-thirds vote of the electorate.[2] Measure O, the retailer tax, and Measure N, the tax on cultivation, manufacturing, and testing laboratories were both general tax measures.

Any measure imposing taxes must be considered at an election consolidated with a regularly scheduled general election for members of the City Council, except in cases of an emergency.[3] In this case, the next regularly scheduled election at which members of the city council will be elected will take place on November 4, 2020. A measure imposing a general tax cannot be placed on the ballot unless it is approved by a two-thirds vote of all members of the City Council (4/5th vote).[4]

If the City Council is inclined to support imposing a tax on cannabis distributors, then the City Council may direct staff to begin working on a tax measure to be presented to the Council at a future meeting in June 2020.

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[1] Cal. Const. art. XIIIC, §§ 1(a) and 2.
[2] Cal. Const. art. XIIIC, §§ 1(d) and 2.
[3] Cal. Const. art. XIIIC, § 2(b).
[4] Cal. Gov. Code § 53724(b).

C. Cannabis Cultivation

1. Current Cannabis Cultivation Tax

On November 6, 2018, the Banning voters adopted Measure N imposing a tax on cannabis cultivation facilities. Measure N, which is codified in Banning Municipal Code ("BMC") Chapter 3.17, sets the cannabis cultivation tax rate at $15 per square foot of canopy space, but allows the City Council to increase or lower the tax rate as long as it does not exceed $25 per square foot of canopy space. See BMC §§ § 3.17.030(B) and 3.17.050(A). Canopy space is defined as the designated areas at a cultivation facility that will contain mature plants at any point in time. See BMC § 3.17.020. Any designated area in the cultivation facility intended for cultivation, whether the area is stacked with shelves, counts towards the canopy space. For example, a 10,000 square foot facility, could have 5,000 square feet of space designated for cultivation with the cannabis plants stacked on two levels for a total of 10,000 square feet of canopy space. Each area at a cultivation facility that will contain mature plants at any point in time (each level of the stacks) would count towards the area used to calculate the canopy tax.

2. Cultivation Tax in Other Jurisdictions

Staff reviewed the tax rates, contained in **Attachment E**, that are being charged by cities in the Riverside and San Bernardino County. By way of comparison, at least two cities in Riverside County impose the same or similar cultivation tax as Banning including Cathedral City ($15 per square foot of canopy space) and Coachella ($15 per square foot for the first 20,000 square feet and $7.50 per square foot of the remainder of the grow area). At least one city in Riverside County imposes a tax that is higher than Banning's tax including Perris ($25 per square foot of canopy space). The following cities in Riverside County currently impose a lower tax per square foot of canopy space/cultivation area than the tax imposed by Banning, including: Moreno Valley ($7), Palm Desert ($13), Palm Springs ($10), San Jacinto ($10), and Blythe ($3). In addition, unincorporated Riverside County charges different tax rates depending on the size of the cultivation operation, and whether the cultivation operation is indoors, outdoors, or uses mixed light. For indoor cultivation ranging from 10,000 to 43,560 square feet, the cultivator is charged a $5.50 per square foot community benefit fee. Desert Hot Springs charges a tax of $25.50 per square foot for the first 3,000 square feet of cultivation, and $10.20 per square foot for the remaining space used for cultivation. Coachella has a hybrid approach where it charges cultivators a tax of $15 per square foot for the first 20,000 square feet, and $7.50/sq. foot for the remainder of the grow canopy area for the facility. In addition, wholesale gross receipts are taxed annually at 4% for cultivation. Staff was not able to identify any city in Riverside or San Bernardino County that imposes a strictly gross receipts tax on cannabis cultivators.

Staff is requesting direction as to whether the Council wants to retain the tax rate at $15 per square foot of canopy space, change the tax rate to a different amount, or change the

tax rate to a percentage of gross receipts. If the Council desires to change the tax rate from the current $15 per square foot of canopy space to a lower dollar amount per canopy space, the Council is permitted to do so without a vote of the people because Measure N specifically allowed for that adjustment to be made by the City Council. If, however, the City Council wants to change that tax to a gross receipts tax, this would be a change from the tax methodology set forth in Measure N and would require voter approval.

D. Summary of discussion with Matt Herald

At the April 14, 2020 City Council meeting, the Community Development Director discussed possible amendments to the cannabis ordinances to allow cannabis retailers to operate in the General Commercial zone. There was also a discussion about whether to allow cannabis distributors to operate in the City. Matt Herald with Next Gen Organix, Inc. spoke in favor of allowing cannabis distributors to operate in the City. The Community Development Director and the City Attorney's office subsequently contacted Mr. Herald to obtain more information about his proposal. Below is a summary of staff's discussion with Mr. Herald.

1. Cannabis Distributors

Mr. Herald explained that distributors are an integral part of the cannabis supply chain. Cannabis cultivators are required to use licensed distributors to transport their harvested cannabis products from the cultivation location to manufacturers and testing laboratories. The distributors collect the state's cultivator tax from cultivators as part of this process. In addition, all cannabis and cannabis products, whether from a cultivator or manufacturer, must be tested in laboratories, which again, must be transported to those laboratories by state licensed distributors. Finally, once the cannabis product has been tested and packaged, it is only state licensed distributers that are permitted to transport and sell finished cannabis products to cannabis retailers, from which the distributor is to collect the state required cannabis excise tax.

Distributors are an integral link in state licensed cannabis chain and in the State's cannabis tax collection scheme. If cannabis distributors are only located outside the City, then this important part of the cannabis supply chain would have to occur through distributors located outside the City leading to additional expenses and inefficiencies in that supply chain process. Accordingly, certain cultivators, manufacturers and testing laboratories may not want to locate in the City unless they know there is a stated licensed distributors also located close by in the City to take on these functions. Also, some cultivators and manufacturers want to operate the various license duties under one company and in one location. To accomplish that and incentivize those businesses to locate in Banning, distributors must be allowed to be a part of those business models.

In addition, since the distributors are required by the state to collect the state's cannabis tax from cultivators and the state's excise tax from retailers, some of those tax

transactions could be recorded as having occurred outside the City and thus avoiding City taxes on cannabis cultivation and manufacturing, thereby leading to potential diminution in the true amount of City taxes that should be collected on activities occurring in the City. For all these reasons, if the City wants to attract and maintain cultivators, manufacturers and testing laboratories, and ensure that the City gets its full and fair share of the taxes on those activities, Mr. Herald recommends that the City should allow the distributors to also locate in the City.

2. Cultivation Tax

Mr. Herald also explained that the cannabis cultivation tax should be calculated on a percentage of the gross receipts rather than on canopy space. He contended that this decreases the start-up costs for cultivators. This is because with a tax based on canopy space devoted to growing cannabis, the taxes would start to be owed as soon as the space is used to grow cannabis. In contrast, if the cultivation tax is based on gross receipts, the tax is not owed until the crop is harvested and transported to a testing laboratory or manufacturer. This change would effectively delay the point in time when the City tax would become due and owing and that added time allows for greater use of start-up funds for the cultivation activity rather than also having to use some of that start-up cost to pay the City tax.

In addition, he said that change would eliminate staff time spent measuring canopy space to determine the amount of tax that a cultivator must pay to the City. He explained that by using a gross receipts model, the City could collect the cultivation tax at the same time that the State cultivation taxes are paid, and because the State's required tax collection system would record the quantities that the distributor collects from the cultivator, there is a way to verify the quantities of the cannabis product and the dollar value of that product to which the gross receipts tax would apply. Mr. Herald noted that many cities do use a canopy space methodology for taxing cultivation and he would not be dissuaded from locating in Banning because of that tax methodology.

3. Large-scale cannabis operations

Mr. Herald also noted that beginning in 2023, large scale cannabis cultivators will be permitted to operate in the State. Currently, the largest size of a cultivation operation permitted under current State licensing is 22,000 square feet of canopy space. The City currently allows cultivators up to that current state maximum size. City staff researched

this issue and determined that beginning January 1, 2023, the State will start issuing licenses to the following cultivators:

- Type 5 for outdoor cultivation using no artificial lighting greater than one acre, inclusive, of total canopy size on one premises.

- Type 5A for indoor cultivation using exclusively artificial lighting greater than 22,000 square feet, inclusive, of total canopy size on one premises.

- Type 5B for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, greater than 22,000 square feet, inclusive, of total canopy size on one premises.

The City currently only permits commercial cannabis cultivation that occurs indoors and that contains not less than 10,000 square feet of canopy space and that does not exceed 22,000 square feet of canopy space. Mr. Herald suggested that the City consider allowing greater sizes of cultivation facilities under one or more of the Type 5 licenses.

4. Palm Springs' Cannabis Program

We asked Mr. Herald which city's tax scheme would he recommend. He referred us to Palm Springs. Staff has investigated the Palm Springs program and found that Palm Springs adopted a voter-approved measure imposing a maximum 15% gross receipt tax on all cannabis businesses except cannabis cultivation. Cannabis cultivators pay a $10.00 tax per square foot of cultivation area. The tax measure allows the Palm Springs City Council to set the gross receipts rates by resolution based on business type. The current tax rate for retailers is 10% for gross receipts. In February 2019, the City Council adopted a resolution reducing the tax rate on manufacturers to 2% of gross receipts, and eliminated the tax on distributors and testing laboratories. The cannabis cultivation tax remains at $10.00 per square foot of cultivation area. According to a February 2019 staff report, in Fiscal Year 2017-18 Palm Springs collected $1,605,337 in cannabis tax revenue from all cannabis businesses except cultivators. For Fiscal Year 2018-19, it appears that Palm Springs collected roughly $2 million in tax revenue from cannabis businesses, except cultivators. For Fiscal Years 2017-18 and 2018-19, Palm Springs did not collect any tax revenue from cannabis cultivation.

E. State Taxation of Cannabis

In California, the State imposes several taxes on commercial cannabis and cannabis products, including a cultivation tax and an excise tax. Additionally, cannabis and cannabis products are subject to sales and use tax. These taxes are imposed in addition to local taxes. These taxes are each briefly addressed below.

1. Cultivation Tax

The State imposes a cultivation tax on all harvested cannabis that enters the commercial market. The tax is based on the weight and category of the cannabis and the California Department of Tax and Fee Administration ("CDTFA") annually adjusts the cultivation tax rates based on inflation.[5] There are currently three categories of cannabis subject to this tax, listed here with their current tax rate: (1) cannabis flowers ($9.65 per dry-weight ounce), (2) cannabis leaves ($2.87 per dry-weight ounce), and (3) fresh cannabis plant ($1.35 per ounce).[6]

Cultivators pay this tax to manufacturers or distributors when their harvested cannabis "enters the commercial market." Where manufacturers are involved, manufacturers collect the cannabis cultivation tax from cultivators from which they receive unprocessed cannabis and provide the cultivator with a receipt. Manufacturers then pay the cultivation tax collected from cultivators to a distributor. Distributors collect the cannabis cultivation tax from cultivators and manufacturers from which they receive cannabis and/or cannabis products. Distributors provide an invoice or receipt to the businesses from which they collect the cultivation tax and distributors file cannabis tax returns and pay the amounts due to the CDTFA.

2. Excise Tax

The State imposes a 15-percent excise tax upon retail purchasers of cannabis or cannabis products.[7] The 15-percent excise tax is calculated based on the average market price of the cannabis or cannabis products sold in a retail sale. The average market price is determined by the type of transaction (either "arm's length" - subject to an 80% mark-up - or "nonarm's length") that occurred when the seller sold the cannabis or cannabis product to the retailer.

Retailers charge and collect the cannabis excise tax from customers who purchase cannabis and/or cannabis products. Retailers pay the cannabis excise tax that is due to the distributor that provided the cannabis or cannabis products. Distributors collect the cannabis excise tax from cannabis retailers they supply with cannabis and/or cannabis product and provide them with an invoice or receipt. Distributors file cannabis tax returns and pay the amounts due to the CDTFA.

Cannabis tax returns that are filed by distributors for excise and cultivation taxes can be due quarterly or monthly.

[5] Cal. Rev. & Tax. Code § 34012(k).
[6] 18 Cal. Code of Regulations § 3700(c). Rates available at: https://www.cdtfa.ca.gov/taxes-and-fees/tax-rates-stfd.htm.
[7] Cal. Rev. & Tax. Code § 34011.

3. Sales and Use Tax

In California, all retail sales of tangible personal property are taxable unless the law provides a specific exemption. Cannabis and cannabis products are generally considered tangible personal property and without a specific exemption, so sales of such property are subject to sales and use tax. Sales tax due on taxable cannabis sales at retail is computed on the selling price of cannabis, plus the cannabis excise tax. Sales and use taxes do not apply to the retail sale of medicinal cannabis, medicinal cannabis concentrate, edible medicinal cannabis products, or topical cannabis.[8]

Retailers charge and collect sales tax on taxable retail sales of cannabis and/or cannabis products, and other products. Retailers file sales and use tax returns and pay the sales and/or use tax to the CDTFA. The statewide sales and use tax rate is 7.25%.

F. State Tack and Trace Program

1. Tracking of Sales

The State established a track and trace program, known as the California Cannabis Track-and-Trace ("CCTT") system, for recording the inventory and movement of cannabis and cannabis products through the commercial cannabis distribution and supply chain, from cultivation to sale.[9] The State contracted with a private company called METRC to provide the track-and-trace system. The CCTT system must be used by all cannabis businesses licensed by the State to record, track and maintain information about their cannabis and cannabis product inventories and activities, including taxable activities discussed above. Specifically, licensees must record the sale and transfer and receipt of cannabis goods.[10]

2. Local Access to Tracked Information Records

Local jurisdictions are authorized to request information received and contained in records kept within the CCTT database and with the State as necessary to perform official duties pursuant to a local ordinance or to assist in law enforcement.[11] According to a California Department of Food and Agriculture and the Bureau of Cannabis Control FAQ, the State's cannabis licensing authorities are still developing procedures for vetting and processing CCTT data requests from local jurisdictions.

Alternatively, the City could seek options to access to the CCTT system directly. In March a couple counties entered into MOUs with State licensing authorities to establish a pilot program whereby the counties will be provided access to the CCTT data. So an

[8] Cal. Rev. & Tax. Code § 34011(f).
[9] Cal. Bus. & Prof. Code § 26067.
[10] 16 Cal. Code of Regulations § 5049.
[11] Cal. Bus. & Prof. Code § 26067(b)(6)-(7).

agreement with the State could grant access to this system. Further, verified third-party vendors are allowed access to the CCTT system. These are the vendors that can interface with the CCTT system to obtain data from that system. Staff could explore whether any third party venders provide tax collection assistance.

FISCAL IMPACT:

At this time, staff is unable to quantify the fiscal impact associated with any of the items for which it is seeking Council direction on. Once Council provides direction on the changes it would like to make to the cannabis program, staff will analyze the fiscal impact of these changes and provide information on the fiscal impact when it brings the draft ordinance back to the Council for its consideration.

ATTACHMENTS:

A. Ballot Measures N and O and arguments in favor of Measures N and O https://banningca.gov/DocumentCenter/View/7334/Attachment-A---Resolution-2018-82
B. 2018 Resolution Establishing Process for Applying for Cannabis Permits https://banningca.gov/DocumentCenter/View/7335/Attachment-B---Resolution-2018-153
C. Timeline summarizing cannabis retailer permit and conditional use permit approval process https://banningca.gov/DocumentCenter/View/7336/Attachment-C---Timeline-for-Cannabis-Permits
D. April 24, 2020 letter from Nourish Earth https://banningca.gov/DocumentCenter/View/7337/Attachment-D---Letter-to-City-of-Banning
E. Chart summarizing cannabis taxation rates in Riverside and San Bernardino counties https://banningca.gov/DocumentCenter/View/7338/Attachment-E---Survey_-Commercial-Cannabis-Activity-and-Associated-Tax-Rates
F. Presentation https://banningca.gov/DocumentCenter/View/7352/Attachment-F---Presentation

Approved by:

Douglas Schulze
City Manager

City of Banning
Cannabis Ad-Hoc Committee Meeting

Meeting Minutes

Tuesday, June 18, 2024, at 2:00 PM, Small Conference Room at City Hall, 99 East Ramsey Street, Banning, CA, 92220 and Microsoft Teams.

Participants Present:

Emery Papp	Sr. Planner
Steve Flower	RWG Law
Alberto Lopez	Mayor
Rick Minjares	Council Member
Sandra Calderon	Project Coordinator

I. Introduction: Emery Papp

A. Review of previous meeting minutes.
B. Current number of operators and active applications.
C. Options/Direction moving forward.

II. Old Business:

A. Proximity to Residential Uses.
B. Odor Complaints.
C. Design Guidelines for Cannabis Businesses

III. Discussion Items:

A. Revenue Generation/Cannabis Business Tax Collection.

1. Review or audit of receipts/books (City staff or Consultant).
2. Frequency to collect taxes (currently annual).
3. Staff Report to City Council tentatively scheduled for July 9, 2024.

B. Desire to Limit or Expand Cannabis Businesses?

1. Adopt an Urgency Ordinance.
2. Adopt a Moratorium?
3. If moratorium, then what permanent BMC revisions are desired (Moratoriums are not permanent and can only be done one time).
4. If expansion of some uses are desired, to what extent?

Meeting Discussion:

Emery: Each individual cannabis cultivation conditional use permit is required by the issuance of their operating permit to have a minimum of 10,000 square feet of canopy area. I provided Lincoln with some tax estimate figures for budgeting purposes. I want to say it's something like $15 per square foot. So, 10,000 square feet of canopy, they should be pulling in around $50,000 a year minimum, but they can also go up to 22,000 square feet of canopy area. There are two cannabis business that might come online. It was predetermined that if they complete their demolition work prior to their permit expiring, it would be acceptable to the city in terms of having a substantial investment in that entitlement. I will check with our building official on the status of their building permit and their demolition permit for those two businesses.

Cannabis business tax might be one of the discussion items to include in the presentation to council. The City may not be receiving the revenue they should because of the lack of auditors. The City is currently using HDL for business license and we might want to look into using their services.

Cannabis business tax is being changed to be collected, either six months or every quarter. Staff will double check.

Two Council Members were interested in the possibility of a moratorium at the last City Council meeting. I searched the municipal code for moratoriums and urgency ordinances but was not able to find anything.

Steven: It is covered under general law for the State. What typically happens is you adopt a short-term moratorium that goes for about 180 days, and then you can extend it. The maximum could be two years. The basis for doing that, as the law says, is you'd have to use that time to study whether you're going to change your rules and do something different. It's basically a way of halting a certain type of development or a certain place until you figure out what you want to do with it. It's not a way to roll back what you necessarily already have in place. It's a way of freezing things and saying we're not going to allow any more until we figure this out. That's what a moratorium would do, in essence, but it can't be just forever. You have a voter initiative and I'd have to think about how that would interact with it, but that would be another consideration.

I think the council member’s intent is to bring everything back to Council to where we get rid of cannabis in a way, but this doesn't do that.

Rick: We talked about not increasing the number of licenses or anything like that. That's what I recall.
If the Council decides to go for moratorium, they know where to go with that if Council decides so let’s start, you know, changing certain things when it comes to how far away they need to be from homes and schools. They can change that as well. And we can do the other side as well because I know how he was interested in bringing back to see if anybody's interested in doing one more cannabis retailer, but based on merit, instead of what we used to in the past which was the lottery, which we're getting rid of completely. Emery brings all that to council and then Council can decide to move forward from there.

Rick will send Emery a copy of his city’s current Ordinance to review and compare or to see how it could be helpful to our Banning.

Steven: There has to be the initial urgency ordinance that establishes the moratorium, and then you pretty much come back at your next meeting to extend it. And then there's a maximum time limit per state law on how long that moratorium can go.

Emery: We talked briefly about whether it was the Council's desire to have staff present the possibility, and the steps towards adopting an urgency ordinance to establish a moratorium on cannabis related businesses. So that'll be part of my next presentation to the City Council, which is currently scheduled for July 9. That's going to be a big agenda. So, there's a possibility that could get pushed out after the summer break. Councilmember Flynn would like to see this stay on the agenda. We’ll make every effort to do that.

Emery: Are there any other items that you would like to see added to the presentation on this issue?

Alberto: Financial tax collection from the past, and how we're moving forward. Whether tax will be collected every six months or quarterly, and maybe we can get with HDL and see if they can provide the auditing service, just like you mentioned, and I'll go from there, just because that's important.

Emery: Our options and direction moving forward for the City Council would be to mention the possibility of an urgency ordinance and a moratorium and the steps that would be required to make those things happen including the timeframes, but to also include some of the other elements that were part of the presentation last time. it'd be, you know, the flip side of that coin, which would be not necessarily expanding but potentially allowing for expansion of cannabis uses by moving in different zones, possibly changing separation

requirements, which could also mean increasing them from away from sensitive uses, like residences or schools. I know we already have those in there. And to a certain degree, we're not allowed to be more restrictive than state law, but we are certainly allowed to be less restrictive.

Adjournment:
3:00 P.M.

California Government Code Section 65858 - Urgency measure adopted as interim ordinance

(a) Without following the procedures otherwise required prior to the adoption of a zoning ordinance, the legislative body of a county, city, including a charter city, or city and county, to protect the public safety, health, and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time. That urgency measure shall require a four-fifths vote of the legislative body for adoption. The interim ordinance shall be of no further force and effect 45 days from its date of adoption. After notice pursuant to Section 65090 and public hearing, the legislative body may extend the interim ordinance for 10 months and 15 days and subsequently extend the interim ordinance for one year. Any extension shall also require a four-fifths vote for adoption. Not more than two extensions may be adopted.

(b) Alternatively, an interim ordinance may be adopted by a four-fifths vote following notice pursuant to Section 65090 and public hearing, in which case it shall be of no further force and effect 45 days from its date of adoption. After notice pursuant to Section 65090 and public hearing, the legislative body may by a four-fifths vote extend the interim ordinance for 22 months and 15 days.

(c) The legislative body shall not adopt or extend any interim ordinance pursuant to this section unless the ordinance contains legislative findings that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare. In addition, any interim ordinance adopted pursuant to this section that has the effect of denying approvals needed for the development of projects with a significant component of multifamily housing may not be extended except upon written findings adopted by the legislative body, supported by substantial evidence on the record, that all of the following conditions exist:

(1) The continued approval of the development of multifamily housing projects would have a specific, adverse impact upon the public health or safety. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date that the ordinance is adopted by the legislative body.

(2) The interim ordinance is necessary to mitigate or avoid the specific, adverse impact identified pursuant to paragraph (1).

(3) There is no feasible alternative to satisfactorily mitigate or avoid the specific, adverse impact identified pursuant to paragraph (1) as well or better, with a less burdensome or restrictive effect, than the adoption of the proposed interim ordinance.

(d) Ten days prior to the expiration of that interim ordinance or any extension, the legislative body shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance.

(e) When an interim ordinance has been adopted, every subsequent ordinance adopted pursuant to this section, covering the whole or a part of the same property, shall automatically terminate

and be of no further force or effect upon the termination of the first interim ordinance or any extension of the ordinance as provided in this section.

(f) Notwithstanding subdivision (e), upon termination of a prior interim ordinance, the legislative body may adopt another interim ordinance pursuant to this section provided that the new interim ordinance is adopted to protect the public safety, health, and welfare from an event, occurrence, or set of circumstances different from the event, occurrence, or set of circumstances that led to the adoption of the prior interim ordinance.

(g) For purposes of this section, "development of multifamily housing projects" does not include the demolition, conversion, redevelopment, or rehabilitation of multifamily housing that is affordable to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or that will result in an increase in the price or reduction of the number of affordable units in a multifamily housing project.

(h) For purposes of this section, "projects with a significant component of multifamily housing" means projects in which multifamily housing consists of at least one-third of the total square footage of the project.

Ca. Gov. Code § 65858

Amended by Stats 2001 ch 939 (SB 1098), s 1, eff. 1/1/2002.

Department of Cannabis Control

Medicinal and Adult-Use Commercial Cannabis Regulations

California Code of Regulations Title 4

Division 19. Department of Cannabis Control

Link to 239 Pages of DCC Regulations:

https://cannabis.ca.gov/wp-content/uploads/sites/2/2024/08/dcc_commercial_cannabis_regulations_07_2024.pdf

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Art Vela, Public Works Director** **Lincoln Bogard, Administrative Finance Director**
MEETING DATE:	**August 27, 2024**
SUBJECT:	**Discussion of the Banning Electric Utility Emergency Rate Increase Scenarios**

RECOMMENDATION:

Discuss the different alternatives for a possible emergency electrical rate increase and provide direction to staff.

BACKGROUND:

On May 14, 2024 City Council approved Resolution 2024-71, approving a contract with NHA Advisors, LLC (NHA). NHA's scope of work included financial planning, debt management and financial implementation, ballot initiatives and other related services. Recognizing the financial challenges faced by the Banning Electric Utility (BEU), Resolution 2024-71 included a $100,000 task order to evaluate and assess financing and other options for BEU.

On June 25, 2024, staff presented a report regarding the lowering of the Banning Finance Authority's Outstanding Electric System Revenue Bond rating and requested that City Council consider an interim Electric Rate Adjustment. City Council provided direction to staff to return at a future meeting with options for City Council to consider regarding an Emergency Electric Rate Increase.

City staff worked with NHA, to analyze four preliminary options for an emergency electric rate increase in the to improve operating revenues and replenish cash balances. It is important to note that the analysis presented in this staff report are best estimates available at this time based on a dynamic model, but this modeling is not a cost of service study and NHA is not acting as the City's rate consultant. The City will soon be issuing a request for proposals for a consultant to perform a cost of service study, and is also proceeding with this high level analysis in the interest of time.

Option 1

This option is a "do nothing" scenario and evaluates the impact to BEU of not implementing emergency rate increases. This scenario assumes the first electric utility rate increases happen after the City completes a full cost of service study in conjunction with the electric master plan. Under this scenario, the cash balance is expected to be more negative by FY 2025 end, which will further pressure other City funds and could result in an additional credit rating downgrade. Additionally, it is likely that the BEU will have a covenant default related to the 120% debt service coverage requirement on the 2015 Bonds.

Option 2

Option 2 models the amount of emergency rate increase in FY 2025 needed to simply cover operations and essential expenditures. Using FY 2025 budgeted operating revenues and expenses as the baseline,

it calculates that a 13% one-time rate increase (effective October 1, 2024) would generate sufficient revenues in FY 2025 to allow BEU to fund essential CIP, meet the 120% debt service coverage requirement, and cover operating expenses. The fund balance remains negative and does not see any meaningful improvement under this scenario – which means that other City funds will not be paid back for funds loaned to BEU.

Option 3

Option 3 explores the amount of emergency rate increases needed in FY 2025 and FY 2026 to bring the fund balance back into the black – allowing the Electric Utility to repay what it owes to other City Funds. Analysis of this option calculated that a 64% one-time rate increase in FY 2025, effective October 1, 2024, should generate sufficient revenues to bring BEU cash balance to a positive number after paying back the other City Funds. Under this scenario of Option 3, future years could see a reduction in rates, depending on the findings of the upcoming cost of service study. If stretching that recovery timeline out to two years, two 22% annual rate increases would be needed to bring the fund balance to the same place by the end of FY 2026. Under both scenarios for Option 3, BEU meets its 120% debt service coverage requirement for both fiscal years. Additionally, the BEU replenishes its fund balance within the two-year window given to it by the credit rating agency.

Option 4

Option 4 analyzes the amount of emergency rate increase needed in FY 2025 to cover operations and essential expenditures (similar to Option 2) but expands upon Option 2 to include approximately $10 million bond financing to bring BEU's cash balance back into the positive (allowing it to repay what it owes to other City Funds). The debt service requires a 13% emergency rate increase in FY 2025, which is similar to Option 2. The trade-off to the benefit of the rapid improvement in cash balance is that this Option 4 also has the interest cost of a financing and long-term annual debt service payments.

Debt service on a bond financing would be structured to have minimal to no payments in the first two years to allow the Electric Utility to build up its reserves and adopt a longer-term rate increase plan. Compared to Option 2, this option would require higher long-term rate increases to support the annual debt service on a bond.

Because of the Electric Utility's current "BB" credit rating, it is likely that a bond financing would be unrated. Additionally, it would be issued on a taxable basis because of IRS limitations on the use of tax exempt debt to reimburse an issuer for prior capital expenditures.

Staff is seeking direction from City Council on which option it would like to proceed with. Staff would return to City Council in September with a resolution for either Option 2, 3 or 4, if one of those are selected.

JUSTIFICATION:

The Electric Utility's cash balance has decreased significantly in recent years due to a combination of capital spending and inflationary pressures. Over the past three years, the Electric Utility has spent $10 million per year on average toward capital projects. Additionally, while the Electric Utility has historically been able to generate sufficient operating revenues to cover operating expenses, in each of the last three fiscal years – 2022, 2023 and 2024 – operating expenses have been greater than operating revenues. One driver behind this is power purchase costs, which increased 31% from 2019 to 2023.

As a result, the Electric Utility's unrestricted cash and investments balance decreased significantly from over $18 million in FY 2019 to negative $9.5 million in FY 2024. Because operating expenses have been greater than revenues in the last three years and cash balances are negative, Electric Utility has needed to borrow from other City funds, which has put significant strain on those funds.

The General Fund's cash balance in FYE 2023 was $4.5 million after including a $3.5M amount due from other funds. This is a marked decrease from the General Fund's pooled cash balances over $13 million in fiscal year 2018. Continued borrowing from the General Fund is not an option to support the Electric Utility. Additionally, the Banning Utility Authority's Water and Wastewater Funds are subject to California's Proposition 218 related to utility rates and charges and having those funds' send cash to the Electric Utility could expose the City to the risk of a legal challenge.

The options listed above, with the exception of Option 1, would provide relief to the current fiscal challenges faced by BEU.

FISCAL IMPACT:

Options 1 thru 4 have different degrees of fiscal impact to BEU.

ALTERNATIVES:

1. Option 1
2. Option 2
3. Option 3
4. Option 4
5. Provide alternative direction to staff.

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. Options 1 thru 4.pdf
2. Staff Report Bond Rating Decrease 6.25.24.pdf
3. Staff Report Reso 2024-71 NHA Advisors.pdf

Summary Results for Option 1 ("Do Nothing")

	Draft	Estimated	Projected				
	2022-23	**2023-24**	**2024-25**	**2025-26**	**2026-27**	**2027-28**	**2028-29**
Assumed Rate Increases			*4.7%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*
Assumed Rate Increase Date			*10/1/2024*	*7/1/2025*	*7/1/2026*	*7/1/2027*	*7/1/2028*
Total Gross Revenues	34,167,255	35,346,961	37,292,549	37,592,549	35,520,209	35,520,209	35,520,209
Total Operating Expenses	30,760,816	34,333,079	35,235,777	35,740,279	37,474,936	39,314,601	41,246,250
Net Revenues	**3,406,439**	**1,013,882**	**2,056,772**	**1,852,270**	**(1,954,727)**	**(3,794,392)**	**(5,726,041)**
Debt							
2015 Electric Revenue Bonds	2,424,794	2,423,044	2,423,044	2,424,544	2,422,294	2,426,294	2,423,013
Placeholder							
Total Debt Service	2,424,794	2,423,044	2,423,044	2,424,544	2,422,294	2,426,294	2,423,013
Debt Service Coverage (1.20x Requirement)	**1.40**	**0.42**	**0.85**	**0.76**	**(0.81)**	**(1.56)**	**(2.36)**
City's Reported Coverage (EMMA Filings)	*1.25*						
Cash Balance Calculations							
Net Revenues After Debt Service	981,645	(1,409,162)	(366,272)	(572,274)	(4,377,020)	(6,220,686)	(8,149,054)
Capital Expenditures	8,073,472	5,145,653	1,140,072	1,130,000	1,130,000	1,130,000	1,130,000
Other Cash Adjustments	*(2,101,693)*	*5,020,639*	(350,000)	(350,000)	-	-	-
Net Revenues After Capital Expenditures and Transfers Out	(4,990,134)	(11,575,454)	(1,156,344)	(1,352,274)	(5,507,020)	(7,350,686)	(9,279,054)
Beginning Cash Balance	6,966,959	1,976,825	(9,598,629)	(10,754,972)	(12,107,246)	(17,614,266)	(24,964,953)
Net change in Cash & Cash Equivalents	(4,990,134)	(11,575,454)	(1,156,344)	(1,352,274)	(5,507,020)	(7,350,686)	(9,279,054)
Ending Cash Balance	**1,976,825**	**(9,598,629)**	**(10,754,972)**	**(12,107,246)**	**(17,614,266)**	**(24,964,953)**	**(34,244,006)**

NHA does not recommend this option

NHA is not a rate consultant; these required rate increases are estimates, subject to a cost of service study

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Summary Results for Option 2 ("Maintain Operations ONLY")

	Draft	Estimated	Projected				
	2022-23	**2023-24**	**2024-25**	**2025-26**	**2026-27**	**2027-28**	**2028-29**
Assumed Rate Increases			*13.0%*	*0.0%*	*11.0%*	*6.0%*	*6.0%*
Assumed Rate Increase Date			*10/1/2024*	*7/1/2025*	*7/1/2026*	*7/1/2027*	*7/1/2028*
Total Gross Revenues	34,167,255	35,346,961	38,959,905	39,259,905	40,450,974	42,426,820	44,521,217
Total Operating Expenses	30,760,816	34,333,079	35,235,777	35,740,279	37,474,936	39,314,601	41,246,250
Net Revenues	**3,406,439**	**1,013,882**	**3,724,128**	**3,519,626**	**2,976,039**	**3,112,219**	**3,274,967**
Debt							
2015 Electric Revenue Bonds	2,424,794	2,423,044	2,423,044	2,424,544	2,422,294	2,426,294	2,423,013
Placeholder							
Total Debt Service	2,424,794	2,423,044	2,423,044	2,424,544	2,422,294	2,426,294	2,423,013
Debt Service Coverage (1.20x Requirement)	**1.40**	**0.42**	**1.54**	**1.45**	**1.23**	**1.28**	**1.35**
City's Reported Coverage (EMMA Filings)	*1.25*						
Cash Balance Calculations							
Net Revenues After Debt Service	981,645	(1,409,162)	1,301,084	1,095,082	553,745	685,925	851,954
Capital Expenditures	8,073,472	5,145,653	1,140,072	1,130,000	1,130,000	1,130,000	1,130,000
Other Cash Adjustments	*(2,101,693)*	*5,020,639*	(350,000)	(350,000)	-	-	-
Net Revenues After Capital Expenditures and Transfers Out	(4,990,134)	(11,575,454)	511,012	315,082	(576,255)	(444,075)	(278,046)
Beginning Cash Balance	6,966,959	1,976,825	(9,598,629)	(9,087,616)	(8,772,534)	(9,348,789)	(9,792,864)
Net change in Cash & Cash Equivalents	(4,990,134)	(11,575,454)	511,012	315,082	(576,255)	(444,075)	(278,046)
Ending Cash Balance	**1,976,825**	**(9,598,629)**	**(9,087,616)**	**(8,772,534)**	**(9,348,789)**	**(9,792,864)**	**(10,070,910)**

Cash balance never gets positive under this scenario but hovers around current negative levels; this option has serious, negative implications for ability of other City funds to be repaid for amounts they have loaned the Electric Utility

NHA is not a rate consultant; these required rate increases are estimates, subject to a cost of service study

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Summary Results for Option 3A ("Recovery from Rates in 2025")

	Draft	Estimated	Projected				
	2022-23	**2023-24**	**2024-25**	**2025-26**	**2026-27**	**2027-28**	**2028-29**
Assumed Rate Increases			*63.7%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*
Assumed Rate Increase Date			*10/1/2024*	*7/1/2025*	*7/1/2026*	*7/1/2027*	*7/1/2028*
Total Gross Revenues	34,167,255	35,346,961	49,169,526	49,469,526	47,397,186	47,397,186	47,397,186
Total Operating Expenses	30,760,816	34,333,079	35,235,777	35,740,279	37,474,936	39,314,601	41,246,250
Net Revenues	**3,406,439**	**1,013,882**	**13,933,749**	**13,729,247**	**9,922,250**	**8,082,585**	**6,150,936**
Debt							
2015 Electric Revenue Bonds	2,424,794	2,423,044	2,423,044	2,424,544	2,422,294	2,426,294	2,423,013
Placeholder							
Total Debt Service	2,424,794	2,423,044	2,423,044	2,424,544	2,422,294	2,426,294	2,423,013
Debt Service Coverage (1.20x Requirement)	**1.40**	**0.42**	**5.75**	**5.66**	**4.10**	**3.33**	**2.54**
City's Reported Coverage (EMMA Filings)	*1.25*						
Cash Balance Calculations							
Net Revenues After Debt Service	981,645	(1,409,162)	11,510,705	11,304,703	7,499,957	5,656,291	3,727,923
Capital Expenditures	8,073,472	5,145,653	1,140,072	1,130,000	1,130,000	1,130,000	1,130,000
Other Cash Adjustments	*(2,101,693)*	*5,020,639*	(350,000)	(350,000)	-	-	-
Net Revenues After Capital Expenditures and Transfers Out	(4,990,134)	(11,575,454)	10,720,633	10,524,703	6,369,957	4,526,291	2,597,923
Beginning Cash Balance	6,966,959	1,976,825	(9,598,629)	1,122,005	11,646,708	18,016,664	22,542,955
Net change in Cash & Cash Equivalents	(4,990,134)	(11,575,454)	10,720,633	10,524,703	6,369,957	4,526,291	2,597,923
Ending Cash Balance	**1,976,825**	**(9,598,629)**	**1,122,005**	**11,646,708**	**18,016,664**	**22,542,955**	**25,140,878**

NHA is not a rate consultant; these required rate increases are estimates, subject to a cost of service study

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Summary Results for Option 3B ("Recovery from Rates in 2026")

	Draft	Estimated	Projected				
	2022-23	**2023-24**	**2024-25**	**2025-26**	**2026-27**	**2027-28**	**2028-29**
Assumed Rate Increases			*21.2%*	*21.2%*	*0.0%*	*0.0%*	*0.0%*
Assumed Rate Increase Date			*10/1/2024*	*7/1/2025*	*7/1/2026*	*7/1/2027*	*7/1/2028*
Total Gross Revenues	34,167,255	35,346,961	40,603,984	47,510,365	45,438,025	45,438,025	45,438,025
Total Operating Expenses	30,760,816	34,333,079	35,235,777	35,740,279	37,474,936	39,314,601	41,246,250
Net Revenues	**3,406,439**	**1,013,882**	**5,368,207**	**11,770,086**	**7,963,090**	**6,123,424**	**4,191,775**
Debt							
2015 Electric Revenue Bonds	2,424,794	2,423,044	2,423,044	2,424,544	2,422,294	2,426,294	2,423,013
Placeholder							
Total Debt Service	2,424,794	2,423,044	2,423,044	2,424,544	2,422,294	2,426,294	2,423,013
Debt Service Coverage (1.20x Requirement)	**1.40**	**0.42**	**2.22**	**4.85**	**3.29**	**2.52**	**1.73**
City's Reported Coverage (EMMA Filings)	*1.25*						
Cash Balance Calculations							
Net Revenues After Debt Service	981,645	(1,409,162)	2,945,163	9,345,542	5,540,796	3,697,130	1,768,762
Capital Expenditures	8,073,472	5,145,653	1,140,072	1,130,000	1,130,000	1,130,000	1,130,000
Other Cash Adjustments	*(2,101,693)*	*5,020,639*	(350,000)	(350,000)	-	-	-
Net Revenues After Capital Expenditures and Transfers Out	(4,990,134)	(11,575,454)	2,155,091	8,565,542	4,410,796	2,567,130	638,762
Beginning Cash Balance	6,966,959	1,976,825	(9,598,629)	(7,443,538)	1,122,005	5,532,800	8,099,930
Net change in Cash & Cash Equivalents	(4,990,134)	(11,575,454)	2,155,091	8,565,542	4,410,796	2,567,130	638,762
Ending Cash Balance	**1,976,825**	**(9,598,629)**	**(7,443,538)**	**1,122,005**	**5,532,800**	**8,099,930**	**8,738,693**

NHA is not a rate consultant; these required rate increases are estimates, subject to a cost of service study

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Summary Results for Option 4 ("Recovery from Bonds in 2025")

	Draft	Estimated	Projected				
	2022-23	**2023-24**	**2024-25**	**2025-26**	**2026-27**	**2027-28**	**2028-29**
Assumed Rate Increases			*13.0%*	*5.0%*	*10.0%*	*5.0%*	*5.0%*
Assumed Rate Increase Date			*10/1/2024*	*7/1/2025*	*7/1/2026*	*7/1/2027*	*7/1/2028*
Total Gross Revenues	34,167,255	35,346,961	38,959,905	40,739,209	41,781,535	43,494,601	45,293,321
Total Operating Expenses	30,760,816	34,333,079	35,235,777	35,740,279	37,474,936	39,314,601	41,246,250
Net Revenues	**3,406,439**	**1,013,882**	**3,724,128**	**4,998,930**	**4,306,599**	**4,180,000**	**4,047,070**
Debt							
2015 Electric Revenue Bonds	2,424,794	2,423,044	2,423,044	2,424,544	2,422,294	2,426,294	2,423,013
2024 Electric Revenue Bonds (Taxable)			0	0	925,750	925,750	925,750
Total Debt Service	2,424,794	2,423,044	2,423,044	2,424,544	3,348,044	3,352,044	3,348,763
Debt Service Coverage (1.20x Requirement)	**1.40**	**0.42**	**1.54**	**2.06**	**1.29**	**1.25**	**1.21**
City's Reported Coverage (EMMA Filings)	*1.25*						
Cash Balance Calculations							
Net Revenues After Debt Service	981,645	(1,409,162)	1,301,084	2,574,386	958,556	827,956	698,308
Capital Expenditures	8,073,472	5,145,653	1,140,072	1,130,000	1,130,000	1,130,000	1,130,000
Other Cash Adjustments	*(2,101,693)*	*5,020,639*	(350,000)	(350,000)	-	-	-
Proceeds from Bonds		-	10,209,621	-	-	-	-
Net Revenues After Capital Expenditures and Transfers Out	(4,990,134)	(11,575,454)	10,720,633	1,794,386	(171,444)	(302,044)	(431,692)
Beginning Cash Balance	6,966,959	1,976,825	(9,598,629)	1,122,005	2,916,391	2,744,946	2,442,902
Net change in Cash & Cash Equivalents	(4,990,134)	(11,575,454)	10,720,633	1,794,386	(171,444)	(302,044)	(431,692)
Ending Cash Balance	**1,976,825**	**(9,598,629)**	**1,122,005**	**2,916,391**	**2,744,946**	**2,442,902**	**2,011,210**

Cash balance recovers quickly under this scenario, tradeoff is the long-term debt repayments on a ~$10M Bond (principal + interest)

NHA is not a rate consultant; these required rate increases are estimates, subject to a cost of service study

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CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Art Vela, Public Works Director** **Art Vela, Public Works Director**
MEETING DATE:	**June 25, 2024**
SUBJECT:	**Discussion Regarding the Lowering of the Banning Financing Authority's Outstanding Electric System Revenue Bond Rating and Consideration of an Interim Electric Rate Adjustment**

RECOMMENDATION:

Discussion and direction regarding an interim electric rate adjustment.

DEPARTMENT DIRECTOR:

Art Vela, Public Works Director

BACKGROUND:

Electric System Revenue Bonds

In 2007 the Banning Finance Authority, through the City of Banning, issued a series of electric system revenue bonds ("Electric System Series 2007 Bonds") to assist in the financing of improvements including new substations, circuit breakers, underground feeders, land and other improvements. The amount of the Electric System Series 2007 Bonds was $45,790,000.

In 2015, City Council (acting as the Banning Finance Authority) adopted Resolution 2015-02FA authorizing the refunding of the revenue bonds ("Electric System 2015 Refunding Revenue Bonds") with the intent to take advantage of historic low interest rates which were to save the City approximately $1,050,000. At the time of the refunding, the Electric System Series 2007 Bonds had an outstanding aggregate principal amount of $40,045,000. The Electric System 2015 Refunding Revenue Bonds were authorized in an amount of not-to-exceed $45,000,000.

For clarity purpose, a revenue bond is a type of municipal bond. Municipal bonds act like loans, with bondholders becoming creditors. In exchange for borrowed funds (i.e. funds invested by bondholders) the bondholders/investors are promised interest on their invested amount. Revenue bonds are secured by revenues generated by the issuer which, in the City's case, is the City's Electric Utility.

Electric System 2015 Refunding Revenue Bonds Ratings

Credit ratings are provided by credit rating agencies, such as S&P Global, that specialize in evaluating credit risk. Credit ratings are forward looking and provide investors with independent opinions about an issuer's, such as a corporation or state/city government, to meet its financial obligation. Typically, ratings are expressed as letter grades that range from 'AAA' to 'D' to communicate the agency's opinion of relative level of credit risk.

From the S&P Global's website: "Our studies have shown that the higher the ratings, the lower the

default rates, and vice versa. For example, our historical statistics show a 3-year cumulative default rate for a 'BBB' rated company of 0.91%, vs. 4.17% for a 'BB' rated one, 12.41% for a 'B' rate one and 45.67% for a 'CCC/CC' rate one."

On March 20, 2024 the City of Banning received notice from S&P Global that they had lowered the underlying rating from 'A-' to 'BBB' and put on Credit Watch, see attached correspondence and back up analysis.

On May 2, 2024, the City of Banning received notice from S&P Global that they had again lowered the underlying rating from 'BBB' to 'BB' with an "outlook for this rating as negative", see attached correspondence and back up analysis ("May 2024 S&P Analysis").

In summary, according to the May 2024 S&P Analysis the recent downgrading of the Electric System 2015 Refunding Revenue Bonds was a result of the following:

- The use of interfund borrowings to meet financial obligations.
- Lack of proactive rate setting.

May 2024 S&P Analysis also describes that the outlook is negative which "reflects our view that rates are not anticipated to be raised before fiscal-year end 2025.

Fiscal Year 2024/2025 Budget

In an effort to improve the Banning Electric Utility's financial position the City has taken to following approach reflective in the planned Fiscal Year (FY) 2024/2025 budget:

- Continued implementation of the Power Cost Adjustment Factor (PCAF; Estimated at $1.1M). The PCAF began on January 1, 2022.
- Continued to sell Renewable Energy Credits (RECs; Estimated at $2.48M)
- Reduced the utility's Capital Improvement Plan from $16.4M to $1.1M
- Collection of delinquencies ($1.9M). Shutoff notices resumed in April, 2024.

With the above changes the Electric Utility is projected to have a FY 2024/2025 budget shortfall of $1,200,130.

It is also projected that the Electric Utility will have a FY 2025/2026 budget shortfall of $1,135,060.

For reference, the Electric Utility will have a budget shortfall of approximately $4.7M at the end of FY 2023/2024. Although the utility is expecting a $2.5 million Aid In Construction payment to be recorded before June 30, 2024, which will reduce that expected net loss to approximately $2.2 million.

One option for City Council's consideration would be an interim rate adjustment in order to avoid further deterioration of the Banning Electric Utility's cash position, which is projected to be negative $8.8M at the end of FY 2023/2024. If City Council provides direction to staff to proceed with this option, staff will present an analysis and recommendation to City Council at the August 27, 2024 City Council meeting.

The rate adjustment would be considered "interim" while staff hires a consultant to develop a complete Cost of Service (COS)/Rate Study, which would likely be completed during the fourth quarter of FY 2024/2025.

JUSTIFICATION:

According to the May 2, 2024 S&P Analysis, the Electric System 2015 Refunding Revenue Bonds rating could be further downgraded if the Banning Electric Utility is not able to rebuild and maintain a sustained track level of positive reserves and improve its structural balance.

The May 2024 S&P Analysis indicates that the “negative outlook” is a result of rates likely not being raised prior to fiscal year end 2025.

FISCAL IMPACT:

The projected budgetary shortfalls for FY 2024/2025 and FY 2025/2026 will continue to negatively impact the utility’s cash balance, which may result in a higher rate increase in the future.

ALTERNATIVES:

Do not proceed with Interim Electric Rate Adjustment.

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. Resolution No. 2015-02 FA Electric Refunding Bonds.pdf
2. March 2024 S&P Rating Downgrade.pdf
3. May 2024 S&P Rating Downgrade.pdf
4. S&P Rating Scale.pdf
5. FY25 and FY26 Electric Budgets,pdf.pdf

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Lincoln Bogard, Administrative Services Director**
MEETING DATE:	**May 14, 2024**
SUBJECT:	**Consideration of Resolution 2024-71, Approving a three (3) year Contract with Option to Extend for Two (2) Additional Years with NHA Advisors, LLC for Municipal Advisory Services that will be funded via task orders per Procurement Policy requirements and approving an initial task order for $100,000 to evaluate and assess financing and other options for the Electric Department**

RECOMMENDATION:

Adopt Resolution 2024-71.

DEPARTMENT DIRECTOR:

BACKGROUND:

The City does not currently have a contract with a municipal advisor. Municipal advisory services include financial planning and modeling, market analysis, debt management and implementation, ballot initiatives, and other value added services.

The City is a complex organization that has several enterprise funds that necessitate the need for the services provided by municipal advisors. Additionally, the General Fund would also benefit from those same services.

Most cities and other local agencies utilize the services of a municipal advisor.

The Scope Of Work that we advertised is as follows:

4. Scope of Work

4.1. General Services

A successful proposer will have the ability to provide services including, but not limited to, comprehensive financial planning and analysis services, credit rating surveillance, advise on market conditions, debt issuance and continuing disclosure services in order to:

- achieve sufficient funds to operate the City
- identify revenue streams for the City
- and assist in efficient and effective administration in support of the management of the City

4.2. Financial Planning

The services to be provided by the municipal advisor shall be as needed and include, but not limited to, the following:

- Act as the City of Banning's Independent Registered Municipal Advisor as defined by the U.S. Securities Exchange Commission (SEC) in connection with all capital markets activity.
- Provide independent financial advice and serve solely the interest of the City of Banning.
  Review the overall financial status of the City and recommend specific financing programs to maximize resources available for the implementation of projects.
- Provide continuing updates and advice on the impact of current or proposed state or federal legislation and that could affect the financial plans of the City and refunding opportunities.
- Provide as-needed financial advice regarding market conditions and trends, financial products, credit analysis, alternative financing, State or Federally subsidized loan programs, and other specialty financing.
- Review the City's long-range financing strategy, particularly with respect to its capital improvement program.
- Develop a financing plan analyzing alternatives based on the City's needs and the municipal market environment evaluating structuring and pricing options: long or short term; callable or non-callable features; credit enhancement (Obtain bids if necessary); level debt service versus front or back-loaded debt service; and the consideration of premiums; discounts; or par securities.
- Review and evaluate the City's existing capital financing plans and work closely with Finance staff to determine whether current borrowing strategies need to be amended. Development of comprehensive capital plan, including the timing and security for planned borrowings, for its general fund and enterprise fund activities.
- Assist in the formulation of financing plans, including presentations of alternative financial programs and strategies, taking into consideration appropriate debt structures, timing, impact on tax rates and taxpayers, budgeting, credit ratings, tax laws, and assessment of capital market conditions.
- Analyze and make recommendations relating to various financing options so as to secure the lowest practical interest rate; enhance the marketability of the Bonds; achieve the widest competition for bond purchase to include retail, institutional, and other investor classes; and achieve optimal leverage of municipal resources, while maintaining a prudent level of risk, through debt obligations. Identify the advantages and disadvantages of any recommendations (bond market conditions, timing of sales, etc.).
  At the request of the City, advise the City on reinvestment strategies for bond proceeds and any other funds related to the financing, execute investment bid processes, as needed, and negotiate final terms and conditions on the City's behalf.
  Prepare and present information designed to facilitate understanding of public sector financing and its implications to City staff and elected officials.
- Be familiar with the City of Banning's existing debt levels and covenants relating to that debt, bond resolutions, financial policies, strategic plan, capital plan, and anticipated financing needs.
- Assist in preparing a financial model to include credit profile evaluation, valuation forecast, water fund financial forecast model, capital planning model and debt model.
- Assist with ancillary services such as debt and capital planning advisory services.
- Assist in the development of strategic financial plans and a financing schedule. This will include considering various potential financing. Techniques, including but not limited to, public versus privately- placed debt, fixed versus variable rate debt, long-term versus short-term amortization.
- Developing financial analysis and special reports as requested.
- Provide timely credit market information, evaluation and presentation of financing options, long-term financial planning, documentation of financing decision and on-going quantitative analysis.
- Advise on current market conditions in the context of upcoming bond issues which may impact interest rates and bond sales. Advise on bond issue timing based on market conditions.
- Conduct a survey of the financial resources of the City to determine the extent of their capacity to authorize, issue and service any debt instruments contemplated.
- Consider and analyze future financing needs projected by the City's staff and consulting experts.
- Provide recommendations to the City regarding debt instruments under consideration, including such elements as the date of issue, interest payment dates, schedule of principal maturities, options of prior payment, security provisions, and such other provisions as may be appropriate in

order to make the issue attractive to investors while achieving the objectives of the City.

- Advise the City of its interpretation of current bond market conditions, other related forthcoming bond issues and general information, with economic data so that the date of sale of the debt instruments may be set at a favorable time.
- Review all outstanding long-term debt obligations for savings.
- Work with the City to balance bonds/cash/loans for ongoing Capital Improvement Projects.
- Provide advice to the City on development projects on an ongoing basis to include capital funding and revenue to the City as well as review and advise on long-term contracts with outside development partners.
- Work with the City on an ongoing basis to acquire and/or increase bond ratings and visibility with institutional investors.
- Perform other financial advisory services as may be required from time to time, including advising a municipality on refunding opportunities.
  Assist with preparing City Council presentations and/or make presentations to City Council and City Management, as requested.

4.3. Debt Management and Financial Implementation

The services to be provided by the municipal advisor shall be as needed and include, but not limited to, the following:

- Evaluate the particular financings being contemplated, giving consideration to the complexity, market acceptance, rating, size and structure in order to make the recommendation as to an appropriate method of sale.
- Provide recommendations for specific debt offerings, including but not limited to, options regarding timing, sizing, maturity schedules, call provisions and rate structure.
- Coordinate the preparation of the notice of sale and bidding instructions, official statement, official bid and such other documents as may be required and submit all such documents to the City for examination, approval and certification.
- Advise on all debt offerings, including proposed interest rates and yields, need for credit enhancements, pre-sale marketing, and negotiation of fees and expenses.
- Advise on bond sales climate and make recommendations with respect to whether sale of bonds should be competitive or negotiated. If negotiated, assist in the selection of bond underwriting firms by developing and issuing RFP's. Manage, analyze, provide summaries of RFP responses, and provide recommendations of the underwriting team.
- Make recommendations to the City as to the advisability of obtaining a credit rating, or ratings, for the debt instrument and, when directed by the City, coordinate the preparation of such information as may be appropriate for submission to the rating agency, or agencies.
- Upon request from the City, assist in the selection of a Trustee and/or Paying Agent for the debt instruments, and assist in the negotiation of agreements pertinent to these services and the fees incident thereto.
- Assist in preparation and review of official statements and other financing documents necessary for the issuance of debt. Conduct thorough review of the financial calculations relating to the sale of debt contained in the associated documents.
- Assist in the selection and assignment of roles and responsibilities of bond counsel, trustee, paying agent, insurers, printers, rating agencies, and other parties involved in the debt issuance process.
- Assist in the solicitation, evaluation, and negotiation of insurance proposals if needed.
  Assist with the preparation for and participate in presentations, discussions, meetings, and conference calls with credit rating agencies for the issuance of debt.
- Evaluate and provide expert advice during the bond pricing in the area of overall structure of the bond issue, including timing of the issue relative to market conditions, maturity structures, call provisions, interest rates, reserve fund requirements, disposition of bond proceeds, flow of funds, issuance costs, confirmation of present value savings, etc.
- Assist in the presentation, preparations, and distribution of the Preliminary Official Statement (POS), Notice of Sale (NOS), Official Statement (OS), and other documents and materials

required to facilitate the sale of any securities. Provide mailing list and overall management of mailing of the POS and NOS to potential underwriters and investors and manage the production mailing of the final OS.

- If the securities are sold on a competitive basis, assist in the bid process, verify the bids, and reallocate principal amounts throughout the loan if required to meet municipality objectives. Have a working knowledge with those competitive underwriters who typically lead syndicates that bid for municipal securities.
- Assist with the preparation for and participate in information meetings and conference calls with prospective investors and others, as appropriate, prior to the issuance of debt.
- Assist the City with independent auditor requests regarding debt related calculations or related information.
- Work with bond/tax counsel in advance of the publication or sale of any securities to ensure acceptance of the financing structure and the ability of bond counsel to deliver an unqualified opinion and review tax certificate to the municipality. Assist in the preparation and review of legal and financing documents in coordination with municipality legal counsel, bond counsel, underwriter's counsel (if any) and disclosure counsel (if any), City staff, and other relevant parties.
- Assist in the preparation and review of legal and financing documents in coordination with City staff, consultants, City Counsel, bond counsel, underwriter's counsel (if any) and disclosure counsel (if any), and other relevant parties.
- Create presentation materials and arrange calls/meetings with the rating agencies, bond underwriters (if negotiated), institutional investors, financial publications, credit enhancers, and other market participants. Note that presentation materials must meet or exceed the City's current aesthetic and informational standards.
- Participate in pre-closing and closing activities to ensure that all documents contained in the transaction of the sale accurately reflect the municipality's understanding of the terms of the transaction. Review and approve closing documents including the tax certificate and 8038 filing forms.
- Prepare a comprehensive "Final Pricing Book" within a reasonable time of the closing of each financing transaction that includes information requested by the City, at a minimum summary of the transaction describing any unique financing feature, security and other characteristics of the transaction.
- Assist in the preparation and the required reporting of continuing disclosure documents, monitoring and reporting of disclosure events.
- Make available qualified personnel for consultations and conferences with municipality officials, bond counsel, and staff members, as well as for other meetings on an as needed basis.
- With respect to bond financings, assist in sizing and structuring of the sale, prepare credit presentations, determine the maturing schedule, establish syndicate policies and closing procedures, and any other matters which may assist the City in obtaining the lowest practical interest cost and the widest competition for purchase of its obligations.
- After consulting with and receiving directions from the City, arrange for such reports and opinions of recognized independent consultants as may be appropriate for the successful marketing of the debt instruments.
- Provide feedback on underwriter recommendations, especially bond pricing and date.
- Assist in determining the best method for marketing ore remarketing bonds under current market conditions.
- Assist in evaluation of debt service reserve fund, and other debt related funds.
- Attend meetings of the governing body of the City, its staff, representatives or committees as requested at all times when Consultant may be of assistance or service and the subject of financing is to be discussed.
- To the extent authorized by the City, coordinate all work incident to printing of the offering documents and the debt instruments.
- Maintain liaison with Bond Counsel in the preparation of all legal documents pertaining to the authorization, sale and issuance of the debt instruments.
- As soon as a bid for the debt instruments is accepted by the City, coordinate the efforts of all

concerned to the end that the debt instruments may be delivered and paid for as expeditiously as possible and assist the City in the preparation or verification of final closing figures incident to the delivery of the debt instruments.
- After the closing of the sale and delivery of the debt instruments, deliver to the City a schedule of annual debt service requirements for the debt instruments and assure that the Trustee and or Paying Agent has been provided with a copy of the authorizing ordinance.
- Subsequent to the sale and delivery of Debt Instruments, review the transaction and transaction documentation with Bond Counsel and any other experts and consultants retained by the City and assist in developing appropriate responses to legal processes, audit procedures, inquiries, internal reviews and similar matters.
- Assist the City with independent auditor requests regarding debt related calculations or related information.
- The firm engaged as Municipal Advisor will not be permitted to participate as underwriter or provider of escrow securities for the City of Banning for the term of the contract, even if the Municipal Advisor resigns or is terminated during the term thereof.

4.4. Ballot Initiatives

Assist the City with any requested voter-approved revenue measures:

- Perform quantitative modeling and feasibility analysis that accounts for the distressed community designation that the City currently holds.
- Develop revenue strategies to meet operational, capital, and service needs.
- Analysis of tax types and ways to supplement through changes to parcel taxes, special taxes, general taxes, etc.
- Sales Tax Measures
- Utility Users Tax Measures
- Transfer Taxes
- Special Assessments
- Other measures
- Support services for management, elected officials, and community stakeholders, including but not limited to preparing tax filings, ballot arguments, community education, and reports to City Council.

4.5. Value Added Services Identified by the City

- Pension and Other Post-Employment Benefits (OPEB) services, such as Section 115 trusts, Unaccrued Actuarial Liability (UAL) restructuring, funding policies, risk assessment, forecasting and sensitivity analysis.
- Stakeholder education in areas of expertise.
- Continuing Disclosure Compliance.
- Vehicle lease versus buy analysis and budget management support services.
- Fiscal analysis and forecasting services including sensitivity and scenario analysis.
- Recession planning and efforts to provide early warning and planning for stability with the City's credit rating in mind.

JUSTIFICATION:

The City expects to issue debt for Wastewater, Water, and Electric in the next five (5) years. Financial modeling, evaluation, and assessment of financing needs or alternatives are needed citywide.

The City issued a Request for Proposals (RFP) for Municipal Advisory Services on March 6, 2024, which received two (2) proposals. NHA Advisors, LLC was selected for contract award through an evaluation process.

The evaluation scores are attached to this report.

FISCAL IMPACT:

This contract will be funded through task orders as defined in the Procurement Policy (B-30). Staff is

currently requesting approval of a $100,000 task order to evaluate and assess financing and other options for the Electric Department to increase liquidity and stabilize or improve its bond rating. The first task order will be appropriated and paid out of general ledger account 670-7000-473.33-11 for Professional Services.

ALTERNATIVES:

Do not approve Resolution and provide alternative direction.

BUDGETED?:

No

CONTRACT/AGREEMENT:

Yes

ATTACHMENTS:

1. Resolution 2024-71, NHA Advisors LLC.docx
2. C01021 PSA - Municipal Advisory Services
3. Municipal Advisory Services Evaluation Tabulation

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Lincoln Bogard, Administrative Services Director** **Lincoln Bogard, Administrative Services Director**
MEETING DATE:	**August 27, 2024**
SUBJECT:	**Presentation and consideration of the Results of the Time Study and Associated Cost Analysis of the Itron Electric Meter Failures Due to Mesh Communication Issues that Resulted in Reprogramming and Replacing Impacted Electric Meters**

RECOMMENDATION:

Receive and file presentation and provide direction to staff regarding seeking reimbursement from Itron for meter reprogramming and exchange costs.

BACKGROUND:

The City undertook an Openway AMI Project to automate electric meter reads for all electric meters. Iron was selected as the vendor to provide the AMI "Smart" Meters. During the AMI rollout, there were several issues with the Itron meters. Initially, a large number of meters required replacement due to faulty batteries that resulted in Fatal 5 Errors if the batteries failed prior to connecting the meters to the automated reads from the collectors. After that, a significant percentage of meters failed due to a problem with the mesh network connection option. The meters could communicate with the collectors, but if they could not communicate with a collector, the default was for it to change over to the mesh network and communicate with another nearby meter. That process was supposed to allow the nearby meter to communicate both reads to the collector, but a programming issue resulted in both meters going offline and neither communicating to the collectors. This effect was "contagious" and ended up impact thousands of meters throughout the City.

Staff informed Council of the issues and has now performed a time study and cost analysis for the massive effort required to correct the situation. Itron has offered to work with the City to reimburse some or all of the costs of the meter reprogramming and exchanges.

JUSTIFICATION:

The initial warranty period for the meters was three (3) years from the date of shipment.

Additional Warranty Terms: Itron shall perform the repairs or updates with reasonable care and in a diligent and competent manner. Itron's sole obligation in connection with repair or update failures shall be, at its option, to correct or re -perform repairs/updates or refund to Customer the amount paid for the repairs/updates. Customer must report any deficiencies in repair work to Itron in writing within 90 days of shipment to receive the remedies described herein.

FISCAL IMPACT:

Potential recovery from Itron of City staffing costs of $627,428 to address and correct the issues with the

electric meters.

Work Order / Project	Amount per Meter
WF0254708	$ 4.91
WF0240168	$ 109.74
WF0271788	$ 30.99
EL2408	$ 11.16
UTILLBILL	$ 47.58
Total Per Meter	**$ 204.37**

Total Cost (3,070 Meters) $627,428

ALTERNATIVES:

Receive and file and direct staff not to seek reimbursement for expenses.

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Emery Papp, Senior Planner**
MEETING DATE:	**August 27, 2024**
SUBJECT:	**Overview and Presentation of Industrial Development Projects in the City of Banning**

RECOMMENDATION:

Receive, file, and discussion only

BACKGROUND:

City Council Member Flynn requested an overview of the industrial development projects currently under review by City staff to provide additional information to the public of the type and amount of development projects that are anticipated to be considered before the Planning Commission and the City Council in the future. The City Council should be mindful that this is a broad overview and presentation on the proposed projects. This item is not a public hearing on any of the proposed projects. Each of the of the proposed projects are seeking entitlements that will involve a quasi-adjudicatory proceeding before the Planning Commission and/or the City Council. For those projects, it is important that Council Members refrain from making comments that may indicate bias or a predetermination of the vote that will be cast.

The projects to be briefly introduced this evening that are currently under review include:

- 101 W. Lincoln
- Banning Point (Creation)
- Banning Commerce Center (Sansone)
- Banning 25 (Seefried)
- Charles Street Industrial Building (CDRE Holdings)
- Condon Johnson Heavy Equipment Yard
- First Hathaway Logistics
- First Lincoln Logistics
- Sunset Crossroads Specific Plan
- WEKA Industrial

Recently Approved Industrial Projects include:

- Brown Strauss Steel
- KCB Towers Equipment Yard
- KVL Tires
- Pallet Yard

Graphic images and summaries for each project can be found in the attached PowerPoint presentation.

JUSTIFICATION:

This is a City Council initiated request to present information pertaining to entitlement applications for industrial development projects currently being processed by the City of Banning. This exercise will provide additional information to the City Council, Planning Commission, and the general public regarding the proposed projects in addition to the project information available to the public on the City's website.

FISCAL IMPACT:

No Fiscal Impact, only staff time to prepare the presentation.

ALTERNATIVES:

None

BUDGETED?:

No

CONTRACT/AGREEMENT:

No