



A G E N D A



**CITY OF IMPERIAL BEACH
CITY COUNCIL
PLANNING COMMISSION
PUBLIC FINANCING AUTHORITY
HOUSING AUTHORITY
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY**

DECEMBER 12, 2012

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

ADJOURNED CLOSED SESSION MEETING – 5:00 P.M.

ADJOURNED REGULAR MEETING – 6:00 P.M.

THE CITY COUNCIL ALSO SITS AS THE CITY OF IMPERIAL BEACH PLANNING COMMISSION, PUBLIC FINANCING AUTHORITY, HOUSING AUTHORITY AND IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY

The City of Imperial Beach is endeavoring to be in total compliance with the Americans with Disabilities Act (ADA). If you require assistance or auxiliary aids in order to participate at City Council meetings, please contact the City Clerk's Office at (619) 423-8301, as far in advance of the meeting as possible.

ADJOURNED CLOSED SESSION MEETING CALL TO ORDER

ROLL CALL BY CITY CLERK

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION (3 CASES)

Initiation of litigation pursuant to Govt. Code Section 54956.9(c)

RECONVENE AND ANNOUNCE ACTION (IF APPROPRIATE)

ADJOURNED REGULAR MEETING CALL TO ORDER

ROLL CALL BY CITY CLERK

PLEDGE OF ALLEGIANCE

AGENDA CHANGES

**MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/
REPORTS ON ASSIGNMENTS AND COMMITTEES**

COMMUNICATIONS FROM CITY STAFF

PUBLIC COMMENT - Each person wishing to address the City Council regarding items not on the posted agenda may do so at this time. In accordance with State law, Council may not take action on an item not scheduled on the agenda. If appropriate, the item will be referred to the City Manager or placed on a future agenda.

Any writings or documents provided to a majority of the City Council/Planning Commission/Public Financing Authority/Housing Authority/I.B. Redevelopment Agency Successor Agency regarding any item on this agenda will be made available for public inspection in the office of the City Clerk located at 825 Imperial Beach Blvd., Imperial Beach, CA 91932 during normal business hours.

PRESENTATIONS (1.1 -1.2)

1.1 RECYCLE ALL-STAR AWARD PRESENTATION. (0270-30)

City Manager's Recommendation: Present the Recycle All-Star award certificate, \$100 check, and other premiums to Americo Lopez.

1.2* PRESENTATION ON PORT DISTRICT ACTIVITIES FROM PORT COMMISSIONER MALCOLM. (0150-70)

* No Staff Report

CONSENT CALENDAR (2.1-2.2) - All matters listed under Consent Calendar are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items, unless a Councilmember or member of the public requests that particular item(s) be removed from the Consent Calendar and considered separately. Those items removed from the Consent Calendar will be discussed at the end of the Agenda.

2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)

City Manager's Recommendation: Ratify the following registers: Accounts Payable Numbers 81595 through 81632 for a total amount of \$1,757,422.75.

2.2 RESOLUTION NO. 2012-7285 AUTHORIZING THE CITY MANGER TO ACCEPT STATE HOMELAND SECURITY GRANT PROGRAM (SHSGP) FROM THE COUNTY OF SAN DIEGO OFFICE OF EMERGENCY SERVICES FOR FISCAL YEAR 2009/2010 AND TO EXPEND FUNDS AS DESCRIBED. (0390-86)

City Manager's Recommendation: Adopt resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING/ADOPTION/PUBLIC HEARING (4.1-4.2)

4.1 ORDINANCE NO. 2012-1133 REGARDING THE ADMINISTRATIVE SERVICES DIRECTOR POSITION. (0510-95)

City Manager's Recommendation:

1. Receive report;
2. Mayor calls for the second reading of Ordinance No. 2012-1133, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH ADDING SECTION 2.17.020, REPEALING SECTION 2.56.020, AND AMENDING VARIOUS SECTIONS OF THE MUNICIPAL CODE CONCERNING THE ADMINISTRATIVE SERVICES DIRECTOR";
3. City Clerk reads title of Ordinance No. 2012-1133; and
4. Motion to waive further reading and adopt Ordinance No. 2012-1133 by title only.

4.2 ORDINANCE NO. 2012-1134 ADDING CHAPTER 12.28.025 STREET PAVEMENT PRESERVATION ORDINANCE. (0720-95)

City Manager's Recommendation:

1. Receive report;
2. Consider the ordinance as written;
3. Mayor calls for the second reading of Ordinance No. 2012-1134, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA ADDING SECTION 12.28.025 TO THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO A STREET PAVEMENT PRESERVATION";
4. City Clerk reads title of Ordinance No. 2012-1134;
5. Motion to waive further reading and adopt Ordinance No. 2012-1134 by title only.
6. Approve Council Policy No. 615 in support of Ordinance.

PUBLIC HEARINGS (5)

None.

REPORTS (6.1-6.9)

6.1 RESOLUTION NO. 2012-7281 AWARDDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – ECO BIKEWAY 7TH AND SEACOAST (7TH STREET FROM BAYSHORE BIKEWAY TO PALM AVENUE AND PALM AVENUE FROM 3RD STREET TO 7TH STREET) – (S05-104). (0680-20)

City Manager's Recommendation:

1. Receive report;
2. Adopt Resolution No. 2012-7281;
3. Authorizing the use of TRANSNET funds as a City match as necessary for this project; and
4. Authorizing the City Manager to approve a purchase order for the amount of the bid price.

6.2 INTEGRAL COMMUNITIES (OWNER/APPLICANT); REQUESTING A PRELIMINARY REVIEW OF A PROJECT PROPOSING TO CONSTRUCT 216 RESIDENTIAL TOWNHOME CONDOMINIUM UNITS AT 500 HIGHWAY 75 IN THE C-1 (GENERAL COMMERCIAL) ZONE. MF 1100. (0600-20)

City Manager's Recommendation:

1. Receive report; and
2. Provide comments on the project proposal and preliminary project design.

6.3 DISCUSSION OF PROPOSED REVISIONS TO THE IMPERIAL BEACH SIGN CODE. (0670-95)

City Manager's Recommendation:

1. Receive report; and
2. Provide input and direction on the proposed sign code revisions.

6.4 JULY 4, 2013 BIG BAY BOOM. (1040-40)

City Manager's Recommendation: Consider participation in the Big Bay Boom within the context of a review of the 2013-2015 budgets which will commence around February and end in May or June 2013.

6.5 RESOLUTION NO. 2012-7283 AUTHORIZING THE INSTALLATION AND ENFORCEMENT OF NO PARKING ON 13TH STREET, EAST SIDE BETWEEN CALLA AVENUE AND CYPRESS AVENUE. (0760-95)

City Manager's Recommendation:

1. Receive report;
2. Discuss the merits or drawbacks of the No Parking restriction proposed; and
3. Adopt resolution.

6.6 COMMENTS ON THE NAVAL BASE CORONADO (NBC) INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN (INRMP). (0620-80)

City Manager's Recommendation: That the City Council Support the staff comments and offer any additional comments on the INRMP in the Comment Response Matrix (CRM) form.

6.7 ANNUAL CITY COUNCIL REPRESENTATION ASSIGNMENTS FOR 2013. (0410-50)

City Manager's Recommendation:

1. Mayor appoint/change City Council Representation Assignments for 2013 in accordance with Chapter 2.18.010.C of the I.B.M.C; and
2. City Council approve Mayor's appointments and changes to City Council Representation Assignments for 2013.

Continued on Next Page

REPORTS (Continued)

6.8 RESOLUTION NO. 2012-7284 APPROVING THE CALENDAR AND SETTING THE TIME FOR CITY COUNCIL MEETINGS AND WORKSHOPS FOR THE YEAR 2013. (0410-05)

City Manager's Recommendation:

1. Review and discuss the proposed 2013 City Council Meeting Calendar and the meeting times for City Council Meetings and Workshops;
2. Direct staff to make changes, if any, to the 2013 City Council Meeting Calendar and/or to the meeting times for City Council Meeting and Workshops; and
3. Adopt Resolution No. 2012-7284 approving the 2013 City Council Meeting Calendar and setting the time for City Council meetings and workshops for 2013.

6.9 SEACOAST DRIVE COMMERCIAL ZONE LIGHTING STUDY. (0720-60 & 0720-90)

City Manager's Recommendation: Discuss the Seacoast Drive commercial zone lighting study and provide direction to staff if necessary.

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (7.1)

7.1 DUE DILIGENCE REVIEW OF ALL FUND AND ACCOUNT BALANCES OTHER THAN THE LOW AND MODERATE INCOME HOUSING FUND ("NON-HOUSING DDR") PREPARED PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34179.5 AND CONVENE A PUBLIC COMMENT SESSION PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34179.6(B). (0418-50)

City Manager's Recommendation: Receive the update report on the Non-Housing Due Diligence Review.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

ADJOURNMENT

The Imperial Beach City Council welcomes you and encourages your continued interest and involvement in the City's decision-making process.

FOR YOUR CONVENIENCE, A COPY OF THE AGENDA AND COUNCIL MEETING PACKET MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK AT CITY HALL OR ON OUR WEBSITE AT

www.cityofib.com.

/s/
Jacqueline M. Hald, MMC
City Clerk



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER *GB*
MEETING DATE: December 12, 2012
ORIGINATING DEPT.: PUBLIC WORKS *HAL*
SUBJECT: RECYCLE ALL-STAR AWARD PRESENTATION

BACKGROUND:

The Recycle All-Star Program is designed to encourage residents to participate in weekly curbside collection of recyclables. Each month, a City inspector canvasses one randomly selected neighborhood on trash day in search of a Recycle All-Star – the residence with the greatest quantity of uncontaminated recyclables placed in its curbside-recycling bin. Winners receive a certificate from the City, a \$100 check from EDCO, and other premiums such as a travel mug, pens, pencils, note pads, and a 100% recycled-content tote bag. During inspection, information tags are placed on non-winning recycling bins to promote the Recycle All-Star Program, to remind residents of what materials are recyclable, and to point out contamination observed in the bins.

DISCUSSION:

On 11/27/2012, City inspectors canvassed the 1400 block of Adelfa CT. in search of a Recycle All-Star. The following resident was selected as the Recycle All-Star for the month of December: Americo Lopez.

The above resident has been notified of his/her award by telephone and invited to accept the Recycle All-Star award at the 12/12/2012 City Council meeting.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

None

DEPARTMENT RECOMMENDATION:

Mayor, in company with an EDCO representative, will present the Recycle All-Star award certificate, \$100 check, and other premiums listed above to Americo Lopez.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER *GB*
MEETING DATE: December 12, 2012
ORIGINATING DEPT.: Kathleen VonAchen *KV*
SUBJECT: ADMINISTRATIVE SERVICES DIRECTOR/CITY TREASURER
 RATIFICATION OF WARRANT REGISTER

BACKGROUND:

None

DISCUSSION:

As of April 7, 2004, all large warrants above \$100,000 will be separately highlighted and explained on the staff report.

Vendor	Check	Amount	Description
City of San Diego	81600	\$594,859.00	Metro Sewer Charge 2nd Qtr 2013
SD County Sheriff	81621	\$468,960.45	August 2012 Law Enforcement Services
SD County Sheriff	81622	\$452,408.54	September 2012 Law Enforcement Svcs
Southland Paving	81626	\$188,752.38	Street Improvement Phase 4 & 5

The following registers are submitted for Council ratification.

<u>WARRANT #</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>Accounts Payable</u>		
81595-81632	11/29/12	\$ 1,757,422.75
	Total	<u>\$ 1,757,422.75</u>

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA

FISCAL IMPACT:

Warrants are issued from budgeted funds.

DEPARTMENT RECOMMENDATION:

It is respectfully requested that the City Council ratify the warrant register.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

1. Warrant Registers

FROM 11/22/2012 TO 11/30/2012

BANK CODE 00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
11/29/2012	81595	ADAM WRAIGHT	2357			312.20	
101-3030-423.28-04	10/26/2012	REIMBURSE DIVER TRNG CERT	5019		05/2013	105.00	
101-3030-423.28-04	10/29/2012	REIMBURSE DIVER TRNG CERT	5041		05/2013	125.00	
101-3030-423.28-04	10/26/2012	REIMBURSE DIVER TRNG CERT	5014		05/2013	82.20	
11/29/2012	81596	SOUTHCOAST HEATING & A/C	1554			470.00	
101-1910-419.21-04	11/08/2012	OCT 12 PREVENTATIVE MAINT	C49779	130099	05/2013	470.00	
11/29/2012	81597	ARROWHEAD MOUNTAIN SPRING WATE	1340			37.70	
101-1010-411.30-02	10/23/2012	OCT 2012	02J0031149578	130073	04/2013	37.70	
11/29/2012	81598	AT&T DATACOMM, INC.	1854			850.00	
503-1923-419.20-06	10/26/2012	FIELD ENGINEER SVCS	329-065966	130449	04/2013	850.00	
11/29/2012	81599	CITY OF CHULA VISTA	823			783.28	
101-3050-425.20-06	11/05/2012	OCT 2012 A/C SVCS OT/CALL	OCT 2012	130130	05/2013	783.28	
11/29/2012	81600	CITY OF SAN DIEGO	896			594,859.00	
601-5060-436.21-04	10/26/2012	JUL-SEP 2012 METRO SEWER	1000065051		04/2013	594,859.00	
11/29/2012	81601	CLEAN HARBORS	913			1,346.00	
101-5040-434.21-04	11/05/2012	OCT 2012	6Y1251845	130029	05/2013	1,346.00	
11/29/2012	81602	COAST RECREATION INC	935			743.80	
101-6040-454.30-02	10/25/2012	DUNES PARK TOT LOT EQUIP	9130		05/2013	743.80	
11/29/2012	81603	CORODATA MEDIA STORAGE, INC.	2334			137.51	
503-1923-419.20-06	10/31/2012	OCT 2012	DS1253659	130102	04/2013	137.51	
11/29/2012	81604	COX COMMUNICATIONS	1073			319.74	
601-5050-436.21-04	11/05/2012	11/04-12/03 3110091187001	11-24-2012	130126	05/2013	179.00	
101-6010-451.29-04	11/15/2012	11/13-12/12 3110015531401	12-04-2012	130126	05/2013	140.74	
11/29/2012	81605	CYNTHIA TITGEN	2340			1,760.00	
101-1130-412.20-06	11/11/2012	10/13/12-11/11/2012	11-11-2012	130075	05/2013	1,760.00	
11/29/2012	81606	DEPARTMENT OF JUSTICE	1154			147.00	
101-1130-412.21-04	11/06/2012	OCT 2012	938643	130078	05/2013	147.00	
11/29/2012	81607	DKC ASSOCIATES, INC.	2187			600.00	
101-1110-412.20-06	11/09/2012	10/05/12-11/09/12	261	130122	05/2013	600.00	
11/29/2012	81608	FEDERAL EXPRESS CORP.	911			171.92	
503-1923-419.28-09	11/09/2012	11/05/2012 CDW RETURNS	2-076-98366	130220	05/2013	171.92	
11/29/2012	81609	FIRE ETC	924			12.93	
101-3020-422.30-02	10/30/2012	SCREW	41503	130229	04/2013	12.93	
11/29/2012	81610	GOOGLE, INC.	2009			72.10	
503-1923-419.20-06	11/05/2012	OCT/NOV 2012	3874076	130104	05/2013	72.10	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
11/29/2012	81611	HINDERLITER DELLAMAS & ASSOCIA	111			1,412.72	
101-1110-412.29-04	10/26/2012	OCT-DEC 2012 SALES TAX/AU	0020018-IN	130195	04/2013	437.72	
101-1210-413.20-06	10/26/2012	OCT-DEC 2012 SALES TAX/AU	0020018-IN	130195	04/2013	975.00	
11/29/2012	81612	HUDSON SAFE-T LITE RENTALS	2382			14.68	
101-5010-431.21-23	10/31/2012	HYDRANT MARKERS	00012992	130071	04/2013	14.68	
11/29/2012	81613	IPMA/ SAN DIEGO CHAPTER	402			65.00	
101-1130-412.28-12	11/08/2012	FY12-13 CORTEZ,E-MEMBERSH	2012-2013	F13025	05/2013	65.00	
11/29/2012	81614	JANI-KING OF CALIFORNIA, INC.	2042			4,013.02	
101-1910-419.21-04	11/01/2012	NOV 2012	SD011120665	130119	05/2013	4,013.02	
11/29/2012	81615	KATHLEEN VONACHEN	2466			368.04	
101-1210-413.30-02	11/12/2012	REIMBURSE OFFICE SUPPLIES	5156		05/2013	368.04	
11/29/2012	81616	MCDUGAL LOVE ECKIS &	962			8,227.00	
101-1220-413.20-02	10/31/2012	OCT 2012 RETAINER	82793	130218	04/2013	8,227.00	
11/29/2012	81617	OFFICETEAM	1266			970.80	
101-1020-411.21-01	09/17/2012	ARMENDARIZ,E W/E 09/14/12	36339144	130127	03/2013	970.80	
11/29/2012	81618	PARMA	1			25.00	
502-1922-419.28-04	11/15/2012	VONACHEN,K-PARMA LUNCHEON	12-19-2012		05/2013	25.00	
11/29/2012	81619	PITNEY BOWES	1369			2,518.99	
101-1920-419.28-09	11/06/2012	POSTAGE METER REFILL	2012311	130121	05/2013	2,518.99	
11/29/2012	81620	RICOH USA, INC.	2392			1,930.89	
101-1110-412.28-01	11/02/2012	NOV 2012	87968390	130133	05/2013	275.84	
101-1210-413.28-01	11/02/2012	NOV 2012	87968390	130133	05/2013	275.84	
101-1230-413.28-01	11/02/2012	NOV 2012	87968390	130133	05/2013	275.84	
101-3020-422.28-01	11/02/2012	NOV 2012	87968390	130133	05/2013	275.84	
101-3030-423.28-01	11/02/2012	NOV 2012	87968390	130133	05/2013	275.84	
101-5020-432.28-01	11/02/2012	NOV 2012	87968390	130133	05/2013	275.84	
101-6010-451.28-01	11/02/2012	NOV 2012	87968390	130133	05/2013	275.85	
11/29/2012	81621	SAN DIEGO COUNTY SHERIFF	882			468,960.45	
101-3010-421.20-06	09/28/2012	AUG 2012 LAW ENF SVCS	09-28-2012		03/2013	470,278.20	
101-0000-338.60-03	09/28/2012	AUG 2012 TOW FEE CREDIT	09-28-2012		03/2013	1,317.75-	
11/29/2012	81622	SAN DIEGO COUNTY SHERIFF	882			452,408.54	
101-3010-421.20-06	10/26/2012	SEP 2012 LAW ENF SVCS	10-26-2012		03/2013	452,988.35	
101-0000-338.60-03	10/26/2012	SEP 2012 TOW FEE CREDIT	10-26-2012		03/2013	579.81-	
11/29/2012	81623	SAN DIEGO COUNTY SHERIFF	882			6,775.51	
213-3037-421.20-06	10/23/2012	JUL-SEP 2012 JAG GRANT	10-23-2012		05/2013	6,775.51	
11/29/2012	81624	SHIFT CALENDARS, INC.	394			198.98	
101-3020-422.30-02	09/14/2012	2013 SHIFT CALENDARS	17961		05/2013	198.98	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
11/29/2012	81625	SLOAN ELECTRIC COMPANY	417				1,996.34
601-5060-436.28-01	10/30/2012	2 FLOATS PW #11	0061256	130064	04/2013		192.99
601-5060-436.28-01	10/30/2012	ULTRASONIC TRANSDUCER	0061257	130064	04/2013		1,098.35
601-5060-436.21-04	11/12/2012	MACHINE STUFFING BOX PS#8	0061294	130064	05/2013		255.00
601-5060-436.21-04	11/12/2012	LABOR-FIELD SERVICE CALL	0061295	130064	05/2013		450.00
11/29/2012	81626	SOUTHLAND PAVING, INC.	2417				188,752.38
402-5000-532.20-06	09/30/2012	ST IMPRVMENTS RDA P4/5	R-1	120732	03/2013		188,752.38
11/29/2012	81627	SWRCB FEES	578				12,131.00
601-5050-436.28-13	10/23/2012	INDEX NO 177766-FY 12/13	WD-0081841	130444	04/2013		12,131.00
11/29/2012	81628	SWRCB FEES	578				1,521.00
601-5060-436.21-04	10/23/2012	INDEX NO 178043-FY 12/13	WD-0082118	130445	04/2013		1,521.00
11/29/2012	81629	TRANSWORLD SYSTEMS INC.	2160				400.00
101-1910-419.21-04	10/31/2012	OCT 2012 COLLECTIONS	593084		05/2013		400.00
11/29/2012	81630	VERONICA TAM AND ASSOCIATES LL	2398				992.00
245-1240-513.20-06	11/11/2012	OCT 2012	1446	120466	05/2013		992.00
11/29/2012	81631	WAGE WORKS INC.	2210				113.00
101-1920-419.21-04	11/16/2012	NOV 2012	125AI0202358	130115	05/2013		113.00
11/29/2012	81632	WAXIE SANITARY SUPPLY	802				1,004.23
101-6040-454.30-02	11/06/2012	JANITORIAL SUPPLIES	73597512	130016	05/2013		1,004.23
DATE RANGE TOTAL *							1,757,422.75 *



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER *GB*

MEETING DATE: December 12, 2012

ORIGINATING DEPT.: PUBLIC SAFETY *JK*

SUBJECT: ADOPTION OF RESOLUTION 2012-7285 AUTHORIZING THE CITY MANAGER TO ACCEPT STATE HOMELAND SECURITY GRANT PROGRAM (SHSGP) FROM THE COUNTY OF SAN DIEGO OFFICE OF EMERGENCY SERVICES FOR FISCAL YEAR 2009/2010, AND TO EXPEND FUNDS AS DESCRIBED

BACKGROUND:

The County of San Diego has been identified by the State Office of Emergency Services as the grantee and administrator of the State Homeland Security Grant Program. The program provides financial assistance to address the unique equipment, training, planning and exercise needs of large, high-threat urban areas, and to assist them in building an enhanced and sustainable capacity to prevent, respond to and recover from emergency situations.

The total discretionary funds allocated to the City of Imperial Beach for Fiscal Year 2009/2010 is \$50,143. The Public Safety Department is requesting this grant be used for needed fire-rescue equipment, including a filling station to fill tanks for breathing apparatus, and a thermal imaging camera which is used to locate hot spots in smoke filled buildings from a safe distance away.

DISCUSSION:

The City of Imperial Beach currently fills air tanks using an open compressor with no safety features. This older method of filling cylinders is dangerous and has resulted in serious injuries in other jurisdictions. For the safety of the crews, funds from this grant will be expended to purchase a modern fill station, with adequate safety features to protect the firefighters when tanks are filled. Additionally, funds will be utilized to begin equipping the new fire engine anticipated to arrive in 2013. A thermal imager will be purchased with remaining Fiscal Year 2010 SHSGP funds. This device reads heat waves and gives a spatial image that helps firefighters pinpoint where fire activity is occurring within smoke filled structures, allowing them to safely and more efficiently direct firefighting efforts.

ENVIRONMENTAL IMPACT:

Not a project as defined by CEQA.

FISCAL IMPACT:

There is no cost-share or match requirements for this grant. The City share of these grants for FY 10 is \$50,143, which will be received in the form of a reimbursement of the purchases outlined above.

DEPARTMENT RECOMMENDATION:

Staff recommends the City Council adopt Resolution No. 2012-7285 authorizing the City Manager to accept the SHSGP award of \$50,143 and to expend said funds for the purpose of fire-rescue equipment as outlined in this report.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

1. Resolution No. 2012-7285

RESOLUTION NO. 2012-7285

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO ACCEPT STATE HOMELAND SECURITY GRANT PROGRAM (SHSGP) FROM THE COUNTY OF SAN DIEGO OFFICE OF EMERGENCY SERVICES FOR FISCAL YEAR 2009-2010, AND TO EXPEND SAID FUNDS TO PURCHASE NEEDED FIRE-RESCUE EQUIPMENT.

The City Council of the City of Imperial Beach does hereby resolve as follows:

WHEREAS, the County of San Diego has been identified as the grantee and administrator of the State Homeland Security Grant Program (SHSGP), and

WHEREAS, the SHSGP grant is dedicated to providing cities approved equipment and training to strengthen emergency preparedness and public safety personnel safety; and

NOW, THEREFORE, BE IT RESOLVED that the City of Imperial Beach authorizes the City Manager to accept the Fiscal Year 2010 SHSGP grant funding of \$50,143 from the County of San Diego Officer of Emergency Services, and to expend said funds for fire-rescue equipment.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 15th day of February, 2012, by the following vote:

AYES:	COUNCILMEMBERS:
JANNEY	
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, MMC
CITY CLERK



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER *GB*
MEETING DATE: DECEMBER 12, 2012
ORIGINATING DEPT.: CITY MANAGER
SUBJECT: ADOPTION OF ORDINANCE NO. 2012-1133 REGARDING THE ADMINISTRATIVE SERVICES DIRECTOR POSITION

BACKGROUND:

The City recently hired a new Administrative Services Director, and in that process drafted an updated Position Description for the position. As a result of the changes to Position Description for Administrative Services Director, it is necessary to amend a number of sections of the Imperial Beach Municipal Code to accurately reflect the duties and title for the position. Additionally, the Position Description needs to be approved by the City Council, along with the compensation for the position, which must be set by ordinance or resolution based upon state law because it includes responsibility for the duties of the City Treasurer.

DISCUSSION:

The updated Position Description for the Administrative Services Director includes Finance, Treasury, Information Technology and Risk Management. This updated Position Description needs to be approved by the City Council, along with the compensation for the position, which pursuant to Government Code section 36517, must be established by ordinance or resolution, because the Administrative Services Director is responsible for the City Treasurer's duties. The attached Resolution is for the purpose of obtaining the City Council's approval of the Position Description and compensation for the position.

The attached Ordinance adds a new section 2.17.020 to the Imperial Beach Municipal Code, to clarify that the Administrative Service Director also serves as the City Treasurer, and to set forth the City Treasurer's duties. Because the Municipal Code contains a number of outdated references to "Finance Director," the Ordinance also amends these sections to reflect the more accurate position title of "Administrative Services Director," along with some other minor cleanup amendments. Finally, Section 2.56.020 of the Imperial Beach Municipal Code is being repealed because it is outdated and unnecessary since the City Council adopts the designated employees and conflict of interest code biannually pursuant to state law. There is no requirement that designated employees pursuant to the conflict of interest code be part of the City's municipal code.

The first reading of the ordinance took place at the regular meeting of December 5, 2012.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

None.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council:

1. Receive this report;
2. Mayor calls for the second reading of Ordinance No. 2012-1133, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH ADDING SECTION 2.17.020, REPEALING SECTION 2.56.020, AND AMENDING VARIOUS SECTIONS OF THE MUNICIPAL CODE CONCERNING THE ADMINISTRATIVE SERVICES DIRECTOR";
3. City Clerk reads title of Ordinance No. 2012-1133; and
4. Motion to waive further reading and adopt Ordinance No. 2012-1133 by title only.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

1. Ordinance No. 2012-1133

ORDINANCE NO. 2012-1133

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADDING SECTION 2.17.020, REPEALING SECTION 2.56.020, AND AMENDING VARIOUS SECTIONS OF THE IMPERIAL BEACH MUNICIPAL CODE, CONCERNING THE ADMINISTRATIVE SERVICES DIRECTOR

WHEREAS, the City has recently hired a new Administrative Services Director, and has updated the Position Description for the Administrative Services Director, to include Finance, Treasury, Information Technology and Risk Management;

WHEREAS, as a result of revisions to the Position Description for the Administrative Services Director, there is a need to revise various provisions of the Imperial Beach Municipal Code related to the Administrative Services Director, including to clarify that the Administrative Services Director is responsible for the duties of the City Treasurer; and

WHEREAS, there is also a need to update the Imperial Beach Municipal Code to eliminate the use of "Finance Director" and other outdated terms related to the Administrative Services Director position.

NOW, THEREFORE, the City Council of Imperial Beach hereby ordains as follows:

SECTION 1.

Chapter 2.17 of the Imperial Beach Municipal Code is hereby amended by adding Section 2.17.020, as follows:

"2.17.020 Duties of the City Treasurer – Administrative Services Director.

The City's Administrative Services Director shall be responsible for performing the duties of the City Treasurer, including, but not limited to: planning and execution of all investing, revenue receipts processing and collections; developing and implementing internal controls and investment policies to maintain the safety of the City's cash assets; monitoring cash flow and liquidity; issuance of municipal bonds; adhering to SEC annual and continuing disclosure requirements; the financial and accounting duties imposed upon the City Clerk by state law, and such additional duties of the City Treasurer as required by state law."

SECTION 2.

Section 2.56.020 of the Imperial Beach Municipal Code is hereby repealed.

SECTION 3.

Section 3.04.230(B) is hereby amended as follows:

“3.04.230 Change orders – General.

1. B. All requests for change orders shall be reviewed by the Finance Director- Administrative Services Director to verify that sufficient appropriations exist to fund the requested change order.”

SECTION 4.

Section 4.04.030(C) is hereby amended as follows:

“4.04.030 Exemptions.

C. No business license fee shall be required by those engaged in interstate commerce, provided certification has been witnessed by the Finance Director Administrative Services Director on forms supplied by the Finance Director Administrative Services Director.”

SECTION 5.

Section 4.04.060 is hereby amended as follows:

“4.04.060 License – Application contents.

Before any license is issued to any person, such person shall make written application therefore to the Finance Director Administrative Services Director. Such application shall state the following:

- A. The firm name and the nature of the business or enterprise for which the license is required;
- B. The place where such business or enterprise will be transacted or carried on;
- C. The name of the owner of the business or enterprise; and
- D. The address of the owner of the business or enterprise.

SECTION 6.

Section 4.04.070 is hereby amended as follows:

“4.04.070 License – Form and contents.

All licenses issued under and by virtue of this chapter shall be printed in the blank form, signed by the Finance Director Administrative Services Director, and in which shall be set forth the name of the party to which the license is issued, the nature

of the business that he/she is licensed to pursue, the location of the place of business, the length of time for which the same is granted, the date of issuance, and the amount paid therefor.”

SECTION 7.

Section 4.04.080 is hereby amended as follows:

“4.04.080 License – Nontransferable – Change of location.

Each license granted or issued under the provisions of this chapter shall authorize the licensee to transact or carry on the business or calling therein designated and at no other place than as designated on the license. Except as provided in Chapter 4.56 for lawfully established smoke shops and businesses that are displaced due to redevelopment activities, a license issued pursuant to this chapter shall not be assigned or transferable. Additionally, a change of location shall be allowed to the owner of the license not regulated by Chapter 4.56 upon the payment to the ~~Finance Director~~ **Administrative Services Director** of the sum of one dollar and upon approval of the Chief of Police.”

SECTION 8.

Section 4.04.090 is hereby amended as follows:

“4.04.090 License – Duplicate – Fee.

The ~~Finance Director~~ **Administrative Services Director** shall make a charge of ten dollars for each duplicate of a license issued under the provisions of this chapter which has been lost or destroyed.”

SECTION 9.

Section 4.04.110 is hereby amended as follows:

“4.04.110 Issuance – Prerequisites and procedure generally.

Upon application therefor as provided in this chapter, it shall be the duty of the ~~Finance Director~~ **Administrative Services Director** to prepare and issue a license pursuant to this chapter; provided, however, that the ~~Finance Director~~ **Administrative Services Director** shall not issue any such license until it has been noted on the application therefor that the location of the proposed business has been reviewed by the community development department and has been approved or disapproved in accordance with the provisions of the building code and the zoning ordinance. In the event that the applicant is disapproved by said department, the ~~Finance Director~~ **Administrative Services Director** should issue the license as requested, noting upon the application the fact of the disapproval and that the license does not constitute

approval to operate in contravention of said code or ordinance; and, further, that the fee paid under any circumstance is nonrefundable.”

SECTION 10.

Section 4.04.130(B) is hereby amended as follows:

“4.04.130 Issuance restrictions – Prior compliance with other laws

B. Before any license is issued under this chapter, the applicant for a business license may be required to present to the ~~Finance Director~~ **Administrative Services Director** evidence of approval from the Building Department of the City that the applicant’s proposed business does not conflict with any building code provisions and meets all the requirements of existing codes for the City; evidence of approval from the Planning Department of the City that the applicant’s proposed business does not conflict with any zoning code provisions; and the applicant may likewise be required to present to the ~~Finance Director~~ **Administrative Services Director** evidence of a permit by the Chief of Police or the Chief of the Fire Department, or the City Council, when a permit is required by a provision of this code.”

SECTION 11.

Section 4.04.140 is hereby amended as follows:

“4.04.140 Issuance restrictions – Solicitors, peddlers, transient merchants.

The ~~Finance Director~~ **Administrative Services Director** shall issue all licenses, and licenses under Section 4.04.150 and 4.04.160 shall be issued only upon written approval of the Sheriff of the County, or the Chief of Police of the City.”

SECTION 12.

Section 4.04.190 is hereby amended as follows:

“4.04.190 Denial of license – Notification of applicant

The ~~Finance Director~~ **Administrative Services Director** shall notify the applicant of the denial of the license by delivering a notice of such denial to the applicant. Delivery of such notice may be made personally or by placing such notice in an envelope properly addressed to such applicant with postage prepaid, sealed and deposited in the United States Mail.”

SECTION 13.

Section 4.04.210(B) is hereby amended as follows:

“4.04.210 Fees – Collection and disposition by Clerk.

B. All moneys collected under this chapter shall be collected and deposited in the general fund of the City by the ~~Finance Director~~ **Administrative Services Director**.”

SECTION 14.

Section 4.04.280(B) is hereby amended as follows:

“4.04.280 Revocation of licenses.

B. The ~~Finance Director~~ **Administrative Services Director** shall deliver a notice in writing, either personally or by mail, to the person or business holding such license, stating that the ~~Finance Director~~ **Administrative Services Director** is recommending to the City Council the revocation of the license, and a brief summary of the reasons therefore. The notice shall contain the date, time, and place when each such recommendation shall be made to the City Council.”

SECTION 15.

Section 4.04.300(B) is hereby amended as follows:

“4.04.300 Effect of administrative errors.

B. In no event shall any mistake or error made by the ~~Finance Director~~ **Administrative Services Director** in stating the amount of the license provided for in this chapter prevent the collection by the City of an amount that shall be actually due from any person transacting or carrying on a business subject to a license under this chapter.”

SECTION 16.

Section 4.04.310 is hereby amended as follows:

“4.04.310 Enforcement authority.

- A. It shall be the duty of the ~~Finance Director~~ **Administrative Services Director** or authorized deputy to enforce each and all of the provisions of this chapter, and the Chief of Police shall render such assistance in the enforcement of this chapter as may from time to time be required by the ~~Finance Director~~ **Administrative Services Director** or the City Council.
- B. It shall be the duty of the ~~Finance Director~~ **Administrative Services Director** and each of the ~~Finance Director's~~ **Administrative Services Director's** assistants to cause a complaint to be filed against any and all persons found to be violating any of the provisions of this chapter.”

SECTION 17.

Section 4.04.320 is hereby amended as follows:

“4.04.320 Right of entry for inspections

The ~~Finance Director~~, **Administrative Services Director**, in the exercise of duties imposed under this chapter and acting through deputies or duly authorized assistants, shall examine or cause to be examined all places of business in the City to ascertain whether the provisions of this chapter have been complied with. The ~~Finance Director~~ **Administrative Services Director**, and each and all of the ~~Finance Director’s~~ **Administrative Services Director’s** assistants, and any police officer, code enforcement officer, or firefighter shall have the power and authority to enter free of charge and at any reasonable time and place a business required to be licensed under this chapter and demand an exhibition of its license certificate.”

SECTION 18.

Section 4.04.340 is hereby amended as follows:

“4.04.340 Filing of financial statements.

The City Treasurer may require at any time that any retail business as defined in section 4.04.010E submit appropriate financial statements ~~to him~~ in order for the treasurer to determine whether such business is a secondhand dealer as defined in Section 4.32.010 of this code. Such reports shall be submitted to the City Treasurer within thirty days after a request for their production.”

SECTION 19.

Section 4.04.420(A) is hereby amended as follows:

“4.04.420 Fees based on number of employees – Records inspection.

A. In each and every instance where the amount of license fee to be paid by any person shall be based upon the number of employees, the licensee therein named shall and will on the request of the ~~Finance Director~~ **Administrative Services Director**, then and there submit for inspection to the ~~Finance Director~~ **Administrative Services Director** any and all books, papers, accounts, and records, including State and Federal income tax returns, social security returns, and California State sales tax returns pertaining to the business. The license, as required in this chapter, may be based upon the amounts indicated in said books, papers, accounts and records.”

SECTION 20.

Section 4.04.440 is hereby amended as follows:

“4.04.440 Fees based on number of vehicles operated by out-of-town businesses – Determination.

The City Treasurer, using such information as is readily available to him, shall determine the average number of vehicles used by a business located out of the city within the city each month and shall assess the required business license tax based upon such determination.”

SECTION 21.

Section 4.04.480 is hereby amended as follows:

“4.04.480 Appeal.

Any person aggrieved by the action of the Finance Director Administrative Services Director in collecting, approving, or disapproving the issuance of a license/permit or in revoking or suspending or refusing to revoke or suspend any license/permit may, within five days after such action, appeal to the City Manager by filing a written notice thereof with the City Clerk. The City Manager shall hold a hearing in the matter, and the City Manager’s decision therein shall be final and conclusive.”

SECTION 22.

Section 4.06.030(C) is hereby amended as follows:

“4.06.030 Regulations generally – License required – Application contents – Fee.

C. No more than two garage sales may be conducted by the same person or persons, or at the same place within the same calendar year. A garage sale license shall be limited to a period of five consecutive days per sale. All personalty and furnishings must be the property of those conducting the sale, and must be used goods. The license may be secured either at the office of the Finance Officer Administrative Services Director or by telephoning the Finance Officer Administrative Services Director, who will mail the appropriate form to the party so requesting, and who shall, in turn, mail the completed application back to the office of the Finance Officer Administrative Services Director.”

SECTION 23.

Section 4.08.020 is hereby amended as follows:

“4.08.020 Permit – Application.

- A. Any person, firm or corporation desiring a permit required by this chapter shall make application therefore to the ~~Finance Director~~ **Administrative Services Director**. The application shall be verified and shall set forth the following:
1. The name and address of the applicant;
 2. If the applicant is a corporation, the name and address of the corporate officers;
 3. The name and address of the proprietor and the persons to be in immediate charge of the place of amusement;
 4. The location at which it is proposed to conduct the place of amusement;
 5. A description of the place of amusement proposed to be conducted and method of operation.
- B. The ~~Finance Director~~ **Administrative Services Director** shall transmit the application to the City Manager for approval or disapproval.”

SECTION 24.

Section 4.08.040(B) is hereby amended as follows:

“4.08.040 Permit – Investigation – Issuance – Terms.

- B. If the City Manager approves the application, the ~~Finance Director~~ **Administrative Services Director** shall issue the permit.”

SECTION 25.

Section 4.10.030 is hereby amended as follows:

“4.10.030 License – Application

Application for the license required by Section 4.10.020 shall be filed with the ~~Finance Director~~ **Administrative Services Director** by the sponsor on behalf of the vendor(s). It is the intent of this chapter to license special event vendors through the sponsors of such shows. Any sponsoring individual or organization shall be licensed under the ordinary business license provisions of Title 4 of this code. This section and/or any other portion notwithstanding, sponsors claiming exemption under Section 4.04.030 of this code shall make application under the provisions of Chapter 4.04.”

SECTION 26.

Section 4.10.040 is hereby amended as follows:

“4.10.040 Licenses – Issuance.

Upon filing by the sponsor, there shall be issued by the ~~Finance Director~~ **Administrative Services Director** a coupon or series of coupons that shall be deemed to be the license(s) for such show. The fee for the issuance of such license(s) shall be

set by resolution. The sponsor will issue a license coupon to each vendor, except that any vendor qualifying for exemption under Section 4.04.030 of this code will not be liable for the license fee.

Each vendor license shall contain the following information:

- A. The name of the sponsor;
- B. The location at which the show is to be held;
- C. Name and signature of the individual vendor, certifying under penalty of perjury the correctness of the information;
- D. Date the show is to be held;
- E. Type of goods offered for sale;
- F. Whether exemption is claimed under Section 4.04.030.

The vendor shall keep the license prominently displayed at all times.”

SECTION 27.

Section 4.10.060 is hereby amended as follows:

“4.10.060 Termination procedures.

Within ten days of the closing of each show, the sponsor shall return to the Finance Director **Administrative Services Director** copies of the licenses that were issued to each vendor, and any unissued coupons for which a refund is requested.”

SECTION 28.

Section 4.16.070(A) is hereby amended as follows:

“4.16.070 Dances and dancehalls – License – Application – Investigation by Police Chief

- A. Immediately upon receipt of any application for a dance or dancehall license, other than a class C license, under the terms of this chapter, one copy of such application shall be delivered by the Finance Director **Administrative Services Director** to the Chief of Police, who shall proceed to investigate the truth of the matters set forth in the application, the character of the applicants, the character of the premises proposed to be licensed, the propriety of the use of such premises for the conduct of the business proposed to be licensed, and the general sentiment in the immediate vicinity of the premises proposed to be licensed.”

SECTION 29.

Section 4.16.100 is hereby amended as follows:

“4.16.100 Dances and dancehalls – License – Issuance and posting

If the City Manager allows the license applied for, the ~~Finance Director~~ **Administrative Services Director** shall issue the license as provided in this chapter. All licenses issued under this chapter shall be kept posted in a conspicuous place on the licensed premises.”

SECTION 30.

Section 4.16.130 is hereby amended as follows:

“4.16.130 Dances and dancehalls – Class C license – Special procedures

Applications for Class C licenses shall be made to and on forms provided by the Chief of Police and shall be accompanied by a deposit of the fee required for said license. The Chief of Police shall make the investigation provided for in Section 4.16.070 and shall allow or disallow the application. If the application is allowed, the Chief of Police shall forthwith transmit to the ~~Finance Director~~ **Administrative Services Director** a notice of the action granting the application, together with the deposit made at the time of filing the application, and the ~~Finance Director~~ **Administrative Services Director** shall issue the license as provided in this chapter. All licenses issued hereunder shall be kept posted in a conspicuous place on the licensed premises. If the application is denied, the Chief of Police shall forthwith inform the applicant of such denial and return to the applicant the deposit. In case of such denial, the applicant may, within ten days from the date of notification of denial, apply to the City Manager for a Class C license in the same manner and under the same procedures for other classes of licenses, except that the Chief of Police recommendation to the City Manager, as required by Section 4.16.070, shall be made within three days after receipt of such an application.”

SECTION 31.

Section 4.20.020(B) is hereby amended as follows:

“4.20.020 License – Required – Application procedure.

B. Applications for the license shall be made to and on forms provided by the ~~Finance Director~~ **Administrative Services Director**. The ~~Finance Director~~ **Administrative Services Director**, before issuing a license, shall determine that the application complies with all applicable ordinances of the City and shall submit the application to the Chief of Police for approval or disapproval. If the Chief of Police disapproves the application, the ~~Finance Director~~ **Administrative Services Director** shall not issue a license, but shall deliver the application to the City Council for final action.”

SECTION 32.

Section 4.28.030 is hereby amended as follows:

“4.28.030 Issuing authority and requirements.

The ~~Director of Finance~~ **Administrative Services Director** is the issuing authority for business licenses, massage establishment permits, and massage technician permits.”

SECTION 33.

Section 4.44.120 is hereby amended as follows:

“4.44.120 License stickers on cabs.

Every taxicab so licensed shall have attached thereto at a location upon the vehicle and in a manner approved by the City Manager a sticker or decal issued by the ~~Finance Director~~ **Administrative Services Director**. This sticker or decal must remain on the vehicle at all times and shall not be transferable.”

SECTION 34.

Section 4.48.020 is hereby amended as follows:

“4.48.020 Permit required.

No person shall operate, maintain, manage or conduct a picture arcade without a written permit from the ~~Finance Director~~ **Administrative Services Director**.”

SECTION 35.

Section 4.52.050(A) and (B) are hereby amended as follows:

“4.52.050 Application for alarm permit.

- A. Every applicant for an alarm permit shall file with the ~~Finance Director~~ **Administrative Services Director**, on forms provided by the City, a legibly written application stating:
1. The name, address and phone number of the applicant;
 2. A description of the property where it is proposed to use an alarm system;
 3. Its location, street and number;
 4. How many separate alarm systems will be used;
 5. A description of the type(s) of alarm system(s) to be used (i.e., burglary, robbery);
 6. The name of the person or company who will install the alarm system at the location;

7. The name, address and phone number of one person or the company who will be available to be contacted in the event of an alarm activation.

B. The applicant may provide the name of an additional person. In the event the name, mailing address or phone number of the person(s) to be contacted changes, the applicant shall supply corrected information to the Finance Director **Administrative Services Director** within five days of the change. If requested by the Police Department, the person(s) listed shall be required to be present at the alarm location within thirty minutes after being advised that the Police Department has received any signal or message of an alarm activation.”

SECTION 36.

Section 4.52.070 is hereby amended as follows:

“4.52.070 Suspension of alarm system permit.

A. Should the Finance Director **Administrative Services Director** be advised by the Chief of Police that the owner or lessee of an alarm system has violated any provisions of this chapter, rules or regulations made pursuant to this chapter, including, but not limited to, false alarms which exceed the numbers permitted pursuant to Section 4.52.090 of this chapter, the Finance Director **Administrative Services Director** may serve such owner or lessee with a written order of suspension, which shall state the reason(s) for such suspension. Such order shall be effective immediately if personally served, or seventy-two hours after the same has been deposited by certified mail in any branch of the United States Post Office, addressed to the owner or lessee of such alarm system at his **or her** address as set forth on the application, and shall contain the following notices:

1. “Any person who willfully continues to be in violation of any provision of the city’s Security Alarm Ordinance shall be guilty of an infraction and be subject to criminal prosecution.”
2. “If this order of suspension is disputed within 15 days of the date of the mailing of the order, it may be appealed to the City Manager in accordance with the provisions of Section 4.52.080 of the Imperial Beach Municipal Code, a copy of which is attached for reference.”

B. Immediately upon such an order becoming effective, such owner or lessee shall immediately discontinue the use of any alarm system.

C. Upon failure of the owner or lessee of an alarm system to pay the false alarm prevention payment provided for in Section 4.52.090, to cause the alarm system or alarm systems to be properly repaired, or to be properly used and operated, or to perfect an appeal to the City Manager, as provided for in Section 4.52.080, such owner or lessee shall immediately discontinue the use of any systems. The alarm system or systems shall not thereafter be used until such payment has been made, such repairs have been effected, or such owner or lessee satisfies the Finance Director **Administrative Services Director** that the system or systems shall be properly used in

the future; and the Finance Director **Administrative Services Director** shall authorize in writing the use of such system or systems.”

SECTION 37.

Section 4.52.080 is hereby amended as follows:

“4.52.080 Appeals.

A. If any action of the Chief of Police or the Finance Director **Administrative Services Director** is disputed, the appellant may appeal to the City Manager by filing with the City Clerk a statement addressed to the City Manager setting forth the facts and circumstances regarding the action of the Chief of Police and/or Finance Director **Administrative Services Director**. The City Clerk shall notify the appellant in writing of the time and place set for the hearing of the appeal. The City Manager or his **City Manager’s** designated representative, ten days from the date on which such appeal has been filed with the City Clerk, shall hear the appellant and the Finance Director **Administrative Services Director** and shall consider all relevant evidence and shall determine the merits of the appeal. The City Manager may affirm, overrule or modify the decision of the Finance Director **Administrative Services Director** and/or the Chief of Police, and the City Manager’s decision shall be final.

B. The right to appeal to the City Manager from an action of the Finance Director **Administrative Services Director** and/or the Chief of Police shall terminate fifteen days following the deposit of a certified letter in any branch of the United States Post Office, addressed to the owner or lessee of an alarm system at his **or her** above-mentioned mailing address, or personal service of such letter, advising the appellant of the order of suspension.”

SECTION 38.

Section 4.52.090(A) is hereby amended as follows:

“4.52.090 False alarm prevention payment.

A. When an audible alarm, message or signal is received by the Police Department that evidences a failure to comply with any of the requirements of this chapter, the Finance Director **Administrative Services Director** when advised by the Chief of Police is authorized to demand that the owner or lessee of the alarm system initiating such audible alarm, message or signal, or his **or her** representative disconnect the alarm system until it is made to comply with the requirements of this chapter.”

SECTION 39.

Section 12.33.060(D) is hereby amended as follows:

“12.33.060 Surety and insurance.

D. The finance director ~~Administrative Services Director~~ shall forward to the applicant, an accounting of city-incurred expenses in explanation of use of deposited funds and/or additional billing requests.”

SECTION 40.

Section 12.56.060(C) is hereby amended as follows:

“12.56.060 Sports Park – Group use and regulations.

C. At the conclusion of a group's use of a picnic shelter or ball field, a city representative shall inspect the area to determine that it has been cleaned and that no damage has occurred. Upon confirmation that the area is in satisfactory condition, the cleaning and security deposit shall be refunded. However, if the area has not been properly cleaned or damage to public property is noted, the city manager or designee will cause it to be cleaned or repaired with the actual costs of said work being deducted from the cleaning and security deposit. If the costs of cleaning or repair exceed the amount of the deposit, the group or organization reserving the shelter or ball field will be billed for the balance due. The Finance Director ~~Administrative Services Director~~ shall forward to the group an accounting of city-incurred expenses in explanation of use of deposited funds and/or additional billing requests. Interest shall accrue on all balances not paid within thirty days after the billing date at the rate of one-half of one percent per month or fraction thereof on the original balance due, from the date on which the remittance first became delinquent until paid.”

SECTION 41.

Section 15.48.060(E) is hereby amended as follows:

“15.48.060 Procedures for the levy, collection and disposition of fees.

E. Reports to SANDAG. The finance director ~~Administrative Services Director~~ or his/her designee, shall prepare and deliver to the executive director of SANDAG and to the independent taxpayer oversight committee (ITOC), periodic reports as will be established under Section 15.48.070 of this chapter.”

EFFECTIVE DATE: This Ordinance shall be effective thirty (30) days after its adoption.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, on the 5th day of December, 2012; and

THEREAFTER ADOPTED at an adjourned regular meeting of the City Council of the City of Imperial Beach, California, on 12th day of December, 2012, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

APPROVED AS TO FORM:

JENNIFER M. LYON
CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be an exact copy of Ordinance No. 2012-1133

CITY CLERK

DATE



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER *GB*

MEETING DATE: DECEMBER 12, 2012

ORIGINATING DEPT.: PUBLIC WORKS

SUBJECT: ADOPTION OF ORDINANCE NO. 2012-1134 ADDING CHAPTER 12.28.025 STREET PAVEMENT PRESERVATION ORDINANCE

BACKGROUND:

The City of Imperial Beach has invested several million dollars into street improvements in the past few years. When street improvements are made, it is always frustrating to find that the newly paved streets are cut open for underground utility service work. When street pavements are cut for utility work, the street integrity is compromised and the life of a street improvement is shortened by subsequent surface cracking and substructure failures. Street cut moratoriums are often used by municipalities to help retain the useful life of street infrastructure. To date, City staff has worked with the utility companies to reduce the effects of street cuts through quarterly coordination meetings and specific street cut requests, but these have been on an individual cut basis and without specific Council directed standards. This initiative to adopt a Council Ordinance and an associated Council Policy is designed to establish a standard that can be followed and understood by those requesting to perform street cuts, including all utility agencies working within the City of Imperial Beach.

DISCUSSION:

This ordinance if adopted will establish a 5-year moratorium on street cuts for newly paved streets and a 1-year moratorium on newly slurry sealed streets. It provides for exemptions to the moratorium under certain conditions as described in the attached City Council policy. Conditions that might trigger an exemption include:

- facilitation of development on adjacent properties,
- emergency repairs to subsurface facilities,
- underground service connections to adjacent properties,
- upgrading of underground facilities or
- compliance with applicable law

When exemptions are allowed, certain requirements must be followed with respect to cutting, including trench cuts, lateral cuts and longitudinal cuts. When the Public Works Director authorizes an exemption to the street cut moratorium, the following general rules will apply:

- A single lane that is impacted shall have full pavement restoration for the width of the lane.

- If multiple lanes are impacted, the full width of those lanes shall be restored. Given the location and the extent of the trench repair the Public Works Director may authorize repair only to the center of a lane(s).
- Impacted bike lanes will be restored in their entirety

Delays for final repaving may be permitted for certain weather conditions, utility construction conflicts or other timing or quality problems that may arise. More specificity of these rules are found in Attachment 2 (Council Policy)

City Council conducted the first reading of the ordinance at their meeting of December 5, 2012 and directed staff to return to City Council with a revised Street Pavement Preservation policy.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

This moratorium should contribute to the newly overlaid streets retaining a 20 – 25 year life cycle; thus reducing the maintenance cost of City streets.

DEPARTMENT RECOMMENDATION:

1. Receive report;
2. Consider the ordinance as written;
3. Mayor calls for the second reading of Ordinance No. 2012-1134, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA ADDING SECTION 12.28.025 TO THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO A STREET PAVEMENT PRESERVATION";
4. City Clerk reads title of Ordinance No. 2012-1134;
5. Motion to waive further reading and adopt Ordinance No. 2012-1134 by title only; and
6. Approve Council Policy No. 615 in support of the ordinance.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

1. Ordinance No. 2012-1134
2. Council Policy 615 (to be provided at or prior to the City Council meeting)

ORDINANCE NO. 2012-1134

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA ADDING SECTION 12.28.025 TO THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO A STREET PAVEMENT PRESERVATION.

WHEREAS, the City of Imperial Beach ("City") has invested several million dollars into street improvements in the past few years; and

WHEREAS, the City often receives requests to cut open newly paved streets for underground utility service work or other projects; and

WHEREAS, when recently paved streets are cut for utility or other work, street integrity is compromised and the life of street improvements is shortened by subsequent surface cracking and substructure failures; and

WHEREAS, street cuts undertaken on recently paved streets results in increased costs for repair and maintenance for the City; and

WHEREAS, street cut moratoria are often used by municipalities to retain the useful life of street infrastructure; and

WHEREAS, the City Council finds that an ordinance for regulating street cuts is necessary to preserve street improvements in the City; to protect the time and financial investment in street improvements; and to establish standards to facilitate efficient and quality street improvement work; and

WHEREAS, Section 12.28.025 will establish a 5-year moratorium on street cuts for newly paved streets and a 1-year moratorium on newly slurry sealed streets, with certain exemptions, which will preserve the life of City street improvements, protect City time and financial investment in these improvements and establish standards to facilitate efficient and quality street improvements; and

WHEREAS, City staff has regularly consulted with utility companies to reduce the impacts of street cuts and increase the lifespan of street improvements, and also received feedback in drafting this Ordinance.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AS FOLLOWS:

Section 1: A new section 12.28.025 is hereby added to the Imperial Beach Municipal Code to read as follows:

12.28.025. Street Pavement Preservation

A. After any public highway, street or alley has been constructed, reconstructed, or paved by City forces, under City contract, or under permit, the pavement surface shall not thereafter be cut or opened for a period of five (5) years from completion of the construction, reconstruction or paving. For any public highway, street or alley that has been slurry sealed only (without any other construction, reconstruction or pavement work by City forces, under City

contract or under permit) the pavement surface shall not thereafter be cut or opened for a period of one (1) year from completion of the slurry sealing.

B. Pursuant to the terms of an adopted Council Policy, the Public Works Director may grant exemptions to these prohibitions, which may include the facilitation of development on adjacent properties, emergency repairs to subsurface facilities, underground service connections to adjacent properties, upgrading of underground utility facilities or compliance with applicable law.

C. When granting exemptions to this section, the Public Works Director may impose conditions determined appropriate to insure the rapid and complete restoration and the surface paving of the public highway, street or alley. Repaving may include surface grinding, base and sub-base repairs, or other related work as needed, and may include up to full-width surface paving of the public highway, street or alley.

D. When an exemption is granted, if the Public Works Director determines that final repaving of the public highway, street or alley is not appropriate at that particular time for reasons relating to weather or other short term problems, the Public Works Director may grant a delay until proper conditions allow for repaving.

Section 2: Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 3: The City Clerk is directed to prepare and have published a summary of this ordinance no less than five days prior to the consideration of its adoption and again within fifteen (15) days following adoption indicating votes cast.

EFFECTIVE DATE: This Ordinance shall be effective thirty (30) days after its adoption.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, on the 5th day of December 2012;

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Imperial Beach, California, on the 12th day of December 2012, by the following vote:

AYES:
NAYS:
ABSENT:

Jim Janney, Mayor

ATTEST:

Jacqueline Hald, City Clerk

APPROVED AS TO FORM:

Jennifer M. Lyon, City Attorney

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be an exact copy of Ordinance No. 2012-1134, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA ADDING SECTION 12.28.025 TO THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO A STREET CUT MORATORIUM."

JACQUELINE HALD, CITY CLERK

DATE _____



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER *MB*

MEETING DATE: DECEMBER 12, 2012

ORIGINATING DEPT.: PUBLIC WORKS *HAL*

SUBJECT: RESOLUTION NO. 2012-7281 AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – ECO BIKEWAY 7TH AND SEACOAST (7TH STREET FROM BAYSHORE BIKEWAY TO PALM AVENUE AND PALM AVENUE FROM 3RD STREET TO 7TH STREET – (S05-104)

BACKGROUND:

The Five-Year Capital Improvement Program (CIP) Projects Budget for Fiscal Years 2004-2005 through 2008-2009 appropriated funds for design, CEQA, and Bicycle Transportation Plan (BTP) of the Eco Bikeway 7th and Seacoast Drive (7th Street from Bayshore Bikeway to Palm Avenue and Palm Avenue from 3rd Street to 7th Street) project CIP S05-104. The design drawings, the CEQA and the BTP were completed in FY 2008/2009. Staff was directed to identify and apply for grant funds for the construction of this project. In FY 2009/2010 staff applied for a Bicycle Transportation Account (BTA) grant for \$1,800,000. In August 2010 the City was advised that this project was not selected for funding. On May 18, 2011 City Council directed staff to continue pursuing grant opportunities for the project. On June 20, 2012 City Council adopted Resolution No. 2012-7222 authorizing the City Manager to submit an application to SANDAG for Active Transportation Grant Program funding in the amount of \$1,500,000. Further, Resolution No. 2012-7222 committed to providing \$600,000 of TRANSNET matching funds towards project construction as authorized in April 4, 2012, City Council adopted Resolution 2012-7177. Resolution 2012-7177 adopted the TRANSNET Local Street Improvement Program of projects for Fiscal Years 2013 through 2017. This list of projects included Palm Avenue between 3rd Street and Delaware Street. On July 17, 2012 staff forwarded a grant application to SANDAG for the Active Transportation Grant requesting \$1,500,000 in grant funding.

In September 2012 SANDAG advised that the City would be awarded an Active Transportation Grant Program in the amount of \$1,500,000. On November 1, 2012 staff advertised a Request for Bids (RFB) in the Imperial Beach Eagle & Times and other sources starting November 1, 2012. Bid opening was Thursday, November 29, 2012.

DISCUSSION:

Bids were opened and evaluated in an advertised public meeting, at 2:30 p.m., November 29, 2012. Eight (8) bids were received, opened and evaluated. The lowest of the eight bids received was from Western Rim Constructors, Inc. at a bid price of \$1,415,498.35.

The eight contractors who submitted proposals are listed below along with their proposal amounts:

1. Western Rim Constructors, Inc.	\$1,415,498.35
2. HTA Engineering and Construction, Inc.	\$1,440,784.00
3. PAL General Engineering, Inc.	\$1,442,633.60
4. Portillo Concrete, Inc.	\$1,502,356.44
5. L.B. Civil Construction, Inc.	\$1,530,380.00
6. Southland Paving, Inc.	\$1,547,547.00
7. West Coast General	\$1,581,318.40
8. Moalej Builders, Inc.	\$1,704,800.00

The Engineer's Estimate was \$2,100,000.

ENVIRONMENTAL DETERMINATION:

Project is exempt from CEQA pursuant to CEQA Guidelines Section 15302(c): Replace or Reconstruction of Existing Utility Systems and Facilities. Not a project as defined by CEQA).

FISCAL IMPACT:

Revenue:	TRANSNET	\$ 600,000.00
	Active Transportation Account Grant	\$1,500,000.00
	<u>TOTAL FUNDS AVAILABLE</u>	<u>\$2,100,000.00</u>
Expenditure:	Construction Admin Consultant	\$ 30,000.00
	Public Works Admin	\$ 30,000.00
	Construction Contract	\$1,415,498.35
	TOTAL EXPENDITURES	\$1,475,498.35

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Adopt the attached resolution.
3. Authorize the use of TRANSNET funds as a City match as necessary for this project.
4. Authorize the City Manager to approve a purchase order for the amount of the bid price.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

1. Resolution No. 2012-7281

RESOLUTION NO. 2012-7281

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AWARDED A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – ECO BIKEWAY 7TH AND SEACOAST (7TH STREET FROM BAYSHORE BIKEWAY TO PALM AVENUE AND PALM AVENUE FROM 3RD STREET TO 7TH STREET – (S05-104)

WHEREAS, the Five-Year Capital Improvement Program (CIP) Projects Budget for Fiscal Years 2004-2005 through 2008-2009 appropriated funds for design, CEQA, and Bicycle Transportation Plan (BTP) of the Eco Bikeway 7th and Seacoast Drive (7th Street from Bayshore Bikeway to Palm Avenue and Palm Avenue from 3rd Street to 7th Street) project CIP S05-104; and

WHEREAS, the design drawings, the CEQA and the BTP were completed in FY 2008/2009; and

WHEREAS, staff was directed to identify and apply for grant funds for the construction of this project; and

WHEREAS, on June 20, 2012 City Council adopted Resolution No. 2012-7222 authorizing the City Manager to submit an application to SANDAG for Active Transportation Grant Program funding in the amount of \$1,500,000; and

WHEREAS, Resolution No. 2012-7222 committed to providing \$600,000 of TRANSNET matching funds towards project construction; and

WHEREAS, on April 4, 2012 City Council adopted Resolution 2012-7177 submitting the TRANSNET Local Street Improvement Program of projects for Fiscal Years 2013 through 2017 which included the project on Palm Avenue between 3rd Street and Delaware Street; and

WHEREAS, on July 17, 2012 staff forwarded a grant application to SANDAG for the Active Transportation Grant requesting \$1,500,000 in grant funding; and

WHEREAS, in September 2012 SANDAG advised that the City would be awarded an Active Transportation Grant Program in the amount of \$1,500,000; and

WHEREAS, on November 1, 2012 staff advertised a Request for Bids (RFB) in the Imperial Beach Eagle & Times and other sources starting November 1, 2012; and

WHEREAS, bids were opened and evaluated in an advertised public meeting, at 2:30 p.m., November 29, 2012; and

WHEREAS, the lowest of the eight bids received was from Western Rim Constructors, Inc. at a bid price of \$1,415,498.35; and

WHEREAS, the Engineer's Estimate was \$2,100,000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach as follows:

1. The above recitals are true and correct.
2. The legislative body hereby rejects all proposals for bids except that identified as the lowest responsible bid. The bid of the lowest, responsible qualified bidder will be on file with the transcript of these proceedings and open for public inspection in the City

Clerk Department on file as Contract No. _____.

- 3. The contractor shall not commence construction or order equipment until he has received a Notice to Proceed.
- 4. The works of improvement shall be constructed in the manner and form and in compliance with the requirements as set forth in the plans and specifications for the project.
- 5. The City Manager is authorized to sign a purchase order with the lowest responsible qualified bidder.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 12th day of December 2012, by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, MMC
CITY CLERK



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER *GB*

MEETING DATE: DECEMBER 12, 2012

ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, ASSISTANT CITY MANAGER/COMMUNITY DEVELOPMENT DIRECTOR *GW*
JIM NAKAGAWA, AICP, CITY PLANNER
TYLER FOLTZ, ASSOCIATE PLANNER *TF*

SUBJECT: REPORT: INTEGRAL COMMUNITIES (OWNER/APPLICANT);
REQUESTING A PRELIMINARY REVIEW OF A PROJECT
PROPOSING TO CONSTRUCT 216 RESIDENTIAL
TOWNHOME CONDOMINIUM UNITS AT 500 HIGHWAY 75 IN
THE C-1 (GENERAL COMMERCIAL) ZONE. MF 1100.

PROJECT DESCRIPTION/DISCUSSION:

An application (MF 1100) is being prepared for submittal that proposes 216 three-story residential townhome condominium units with no commercial component located on an 8.83-acre (384,635 square feet) project site on the north side of State Route 75 (APNs 625-140-20-00). As a project and community amenity, the project is also considering a bike path connection between the Bayshore Bikeway along the northern portion of the City and Highway 75 through a portion of the parcel west of existing residences on 7th Street and east of Pond 10A of the South San Diego Unit of the San Diego Bay National Wildlife Refuge (APN 626-010-18-00; see Attachments 3 and 4). The primary parcel is designated C-1 (General Commercial) by the City's General Plan and Zoning Code, and parcel 626-010-18-00 proposed for the bike path is designated UR (Urban Reserve). The applicant has requested that the City Council provide preliminary comments on the project prior to proceeding with the complete submittal and processing of the project.

Project Features

The project proposes 216 three-story residential condominium units with no commercial component. The project proposes a beach bungalow architectural design, and would provide four different floor plans with a variety of elevations and exterior finishes and colors. The units would range in size from 1,100 – 1,750 square feet in floor area, and provide two or three bedrooms. Each unit would provide two-car garages, though some garages would be tandem. Additional open parking spaces would be provided throughout the site, a majority of which would locate along the eastern property line.

Ingress and egress to and from the site would be provided through one gated entry off of Highway 75 at the Rainbow Drive intersection. Landscaping would be provided as a buffer between Highway 75 and the project site, and additional landscaping would be provided throughout the site. The project would provide a 100-foot setback from the northern property line, which would include a 50-foot restricted environmental area, 8-foot bike path, and 42-foot passive recreation area. The bike path would connect from Highway 75 to the Bayshore Bikeway at the northern portion of the City through parcels 625-140-20-00 and 626-010-18-00 (see Attachment 3). The project would also provide a private recreation area that would include a pool and cabana building for the residents.



Project Issues

Various issues will need to be considered due to the project's location and proposed use, including the following:

- One half of the project site is located in the Appeal Jurisdiction of the California Coastal Commission, and one half of the project site is located in the Original State Permit Jurisdiction. As such, a coastal development permit would need to be obtained from the California Coastal Commission after the City of Imperial Beach takes action on the project.
- California Coastal Commission staff has advised the applicant that the project would eliminate a form of lower cost visitor accommodation (the existing RV Park).

- The property is adjacent to an environmentally sensitive land, which will require review by the U.S. Fish and Wildlife Service and the California Coastal Commission.
- The project proposes a bike path on parcel 626-010-18-00, which is located in the UR (Urban Reserve) Zone and is adjacent to an environmentally sensitive land and residential properties (See Attachments 3 and 4).
- The project proposes 100% residential and would rely on the new commercial zoning amendments that are pending certification by the California Coastal Commission.
- The property proposes a new entry, landscaping, and a portion of bike path within the Highway 75 CalTrans right-of-way.
- Staff has encouraged the property owner to explore the opportunity of purchasing or partnering with the property to the south for a comprehensive project (El Camino site); however, the cost to purchase that property is excessive.
- Property has the potential to be placed in the 100 year flood plain, which could affect project design/development.



COMMUNITY BIKE PATH CONNECTION

General Plan/Zoning Consistency

Existing Zoning: The proposed development would be subject to C-1 (General Commercial) zoning requirements. The intent of the C-1 zone is to provide areas for business to meet the local demand for commercial goods and services. Imperial Beach Municipal Code (IBMC) Section 19.26.010 states that the dominant type of commercial activity in the C-1 zone should be community and neighborhood serving retail and office uses. The project would propose 216 residential dwelling units with no commercial component. IBMC Section 19.26.020.B.20 only allows for residential dwelling units above the first floor at a maximum density of one unit per one thousand square feet of lot area. Therefore, a project proposing residential dwelling units on the first floor would not be a permitted use. However, the applicant proposes to comply with the newly adopted commercial zoning, which is still awaiting certification by the California Coastal Commission.

Proposed Zoning (pending Coastal Commission certification): The proposed development would be subject to C/MU-1 (General Commercial and Mixed-Use) zoning requirements if the commercial zoning amendments are certified by the California Coastal Commission. The purpose of the C/MU-1 zone is to provide areas for mixed-use development, multiple-family dwellings, and for businesses to meet the local demand for commercial goods and services. It is intended that the dominant type of commercial activity in the C/MU-1 zone will be community and neighborhood serving retail and office uses. The C/MU-1 Zone allows for multiple-family dwelling units subject to IBMC Section 19.26.020.A.1, which allows for residential uses without a commercial component for properties that front Palm Avenue west of 7th Street and east of Florida Street, though the intent of the new C/MU-1 Zone is also to primarily support commercial uses. The property would be subject to a maximum density of one dwelling unit for every one thousand square feet of lot area, a second floor stepback of five feet and third floor stepback of ten feet from the residential zone to the east, all buildings would be limited to four stories or forty feet in height, all detached buildings would be required to maintain a five foot separation, and one and a half parking spaces per dwelling unit would be required. The applicant proposes to comply with all development standards of the C/MU-1 Zone.



IMPERIAL BEACH, CA

CONCEPTUAL ARCHITECTURE - BUNGALOW

THE SHORES AT SILVER STRAND
(AKA BERNARDO SHORES)

Surrounding Land Use and Zoning

	Existing Surrounding Zoning	Proposed Surrounding Zoning (Zoning Amendment)	Surrounding Land Use
North	UR	UR	Wildlife Refuge
South	C-1	C/MU-1	Commercial
East	R-3000-D	R-3000-D	Residential
West	UR/R-1-6000	UR/R-1-6000	Refuge/Residential

Storm Water/Landscaping/Open Space

The City requires new development to conform to the state water quality/urban runoff requirements. The proposed project would be considered a priority project subject to Standard Urban Stormwater Mitigation Plan (SUSMP) regulations because the property is directly adjacent to an environmentally sensitive area, proposes ten or more dwelling units, and proposes paved surfaces that exceed 5,000 square feet (IBMC Section 8.32.040).

ENVIRONMENTAL IMPACT:

The applicant would need to comply with the requirements of the California Environmental Quality (CEQA). This would include preparation of an Environmental Initial Assessment and Negative Declaration or Environmental Impact Report depending on potential impacts to the environment. The following potentially significant environmental impacts would be analyzed: Aesthetics, Air Quality, Biological Resources, Climate Change/Sea Level Rise, Cultural Resources, Drainage, Geology and Soils, Hydrology/Water Quality, Noise, and Transportation/Traffic.

COASTAL JURISDICTION:

One half of the project site is located in the Appeal Jurisdiction of the California Coastal Commission, and one half of the project site is located in the Original State Permit Jurisdiction as indicated on the Local Coastal Program Post Certification and Appeal Jurisdiction Map. As such, a coastal development permit, or consolidated coastal permit, would have to be obtained from the California Coastal Commission once the City's permitting process is complete.

FISCAL ANALYSIS:

The applicant would be required to deposit approximately \$10,500.00 to fund processing of the application. Discretionary permits that would need to be obtained would include a Conditional Use Permit, Design Review Case, Site Plan Review, Tentative Map, and Environmental Initial Assessment.

DESIGN REVIEW BOARD:

The project would be subject to design review by the Design Review Board because it proposes development adjacent to the Highway 75 design corridor. The Design Review Board would provide recommendations to the applicant, City staff, and the City Council related to the project's design.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council:

1. Receive report;
2. Provide comments on the project proposal and preliminary project design.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

1. Preliminary Project Details
 2. Preliminary Plans
 3. Wetland Buffer
 4. Bike Path Connection
- c: file MF 1100
Greg Wade, Community Development Director
Jim Nakagawa, City Planner
Jacque Hald, City Clerk

The Shores at Silver Strand

(Bernardo Shores)

Project Features

The proposed project consists of 216 three-story townhomes condominiums designed in accordance with the newly adopted C/MU-1 zoning. These are intended to be for-sale condominiums.

The 8.83 acre site is located at 500 Highway 75, Imperial Beach, CA.
APN's 625-140-20-00 & 626-010-18-00

The Shores density is 24 du/acre and the height is approximately 35 feet.

100' wetland buffer

Bike trail connection from Highway 75 to the existing bike trail is proposed

Active recreation area with pool and cabana building

Decorative Concrete Pavers at the Gated Entry

Architecture

Beach Bungalow

Four different floor plans, with multiple different elevations and multiple color exterior finishes

Three -story house plans range in size from approximately 1,100 – 1,750 square feet, 2 – 3 bedrooms, all with attached, direct access two-car garages. Some of the floor plans have tandem garage parking, however the tandem space was not used in calculating the required parking.

PROJECT SUMMARY

UNITS 216 HOMES
 AREA 8.9 AC
 DENSITY 24 DU/AC
 PARKING 432 SP (2 SP/DU)

EXTRA 112 TANDEM SPACES
 NOT COUNTED TOWARD TOTAL

PRODUCT TYPE:

3-STORY TOWNHOMES

54 1,100 SF 2B/2.5B
 54 1,250 SF 2B/2.5B
 54 1,450 SF 3B/3B
 54 1,750 SF 3B/3.5B

216 TOTAL



IMPERIAL BEACH, CA

CONCEPTUAL SITE PLAN

THE SHORES AT SILVER STRAND
 (AKA BERNARDO SHORES)

INTEGRAL COMMUNITIES
 2235 Encinitas Blvd., Suite 216
 Encinitas, CA 92024
 (760) 419-5432

Scale 0 30 60 90
 SEPTEMBER 18, 2012

SUMMA
 ARCHITECTURE

5256 S. Mission Road, Ste 306
 Bonsall, CA 92003
 619.733.5802



IMPERIAL BEACH, CA

CONCEPTUAL ARCHITECTURE - BUNGALOW

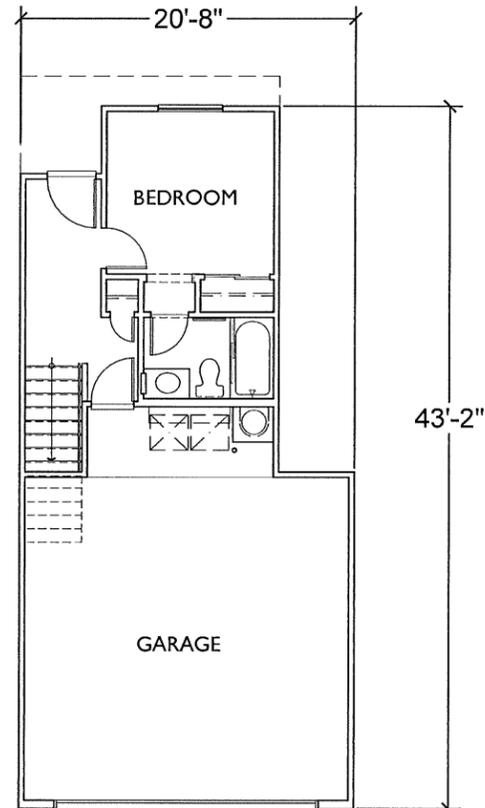
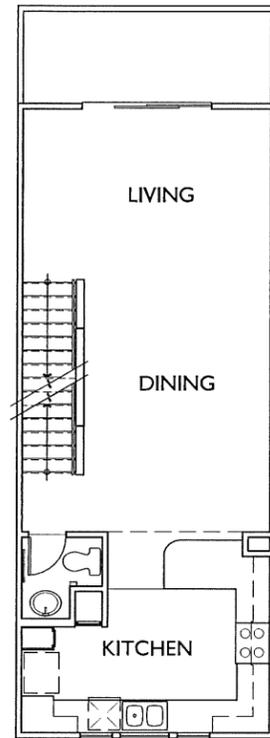
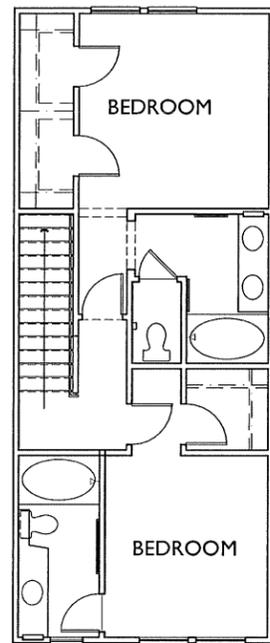
THE SHORES AT SILVER STRAND
(AKA BERNARDO SHORES)

INTEGRAL COMMUNITIES
2235 Encinitas Blvd., Suite 216
Encinitas, CA 92024
(760) 419-5432

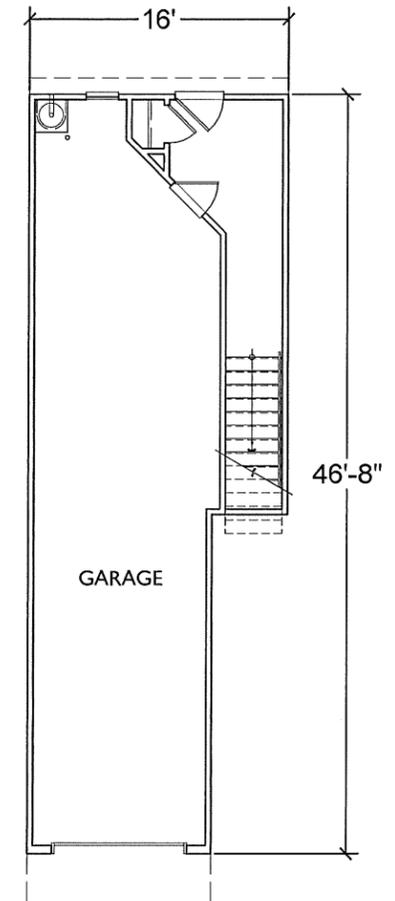
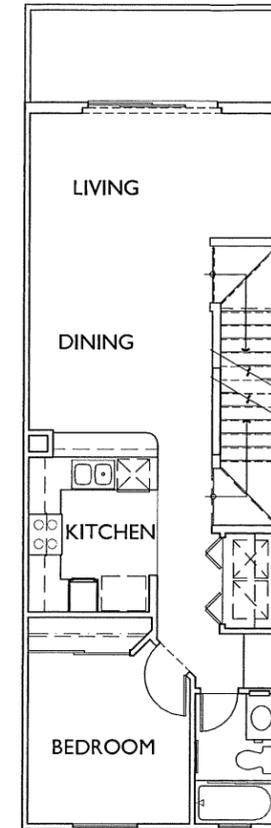
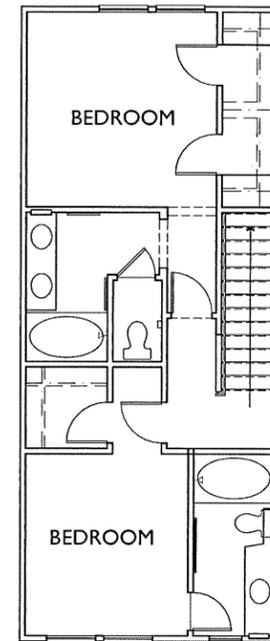
SEPTEMBER 18, 2012



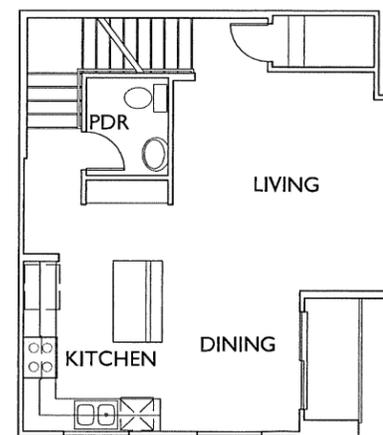
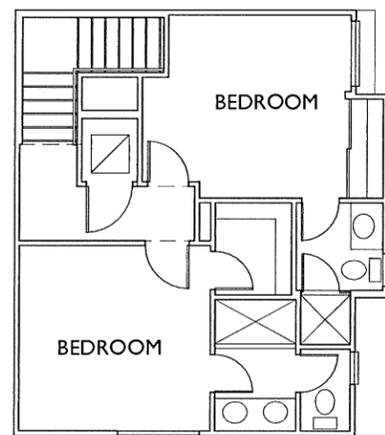
5256 S. Mission Road, Ste 306
Bonsall, CA 92003
619.733.5802



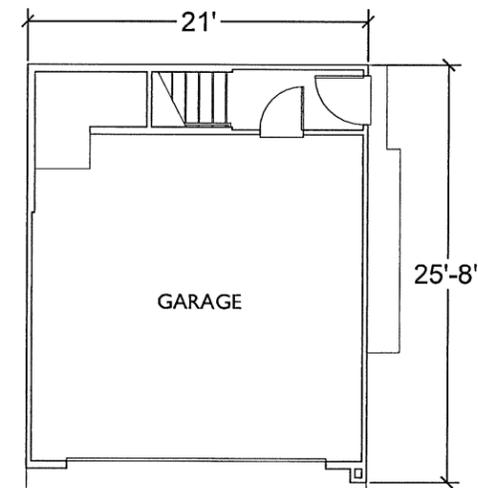
PLAN 3 - 3 BED / 3.5 BA
1,750 SF



PLAN 2 - 3 BED / 3 BA
1,450 SF



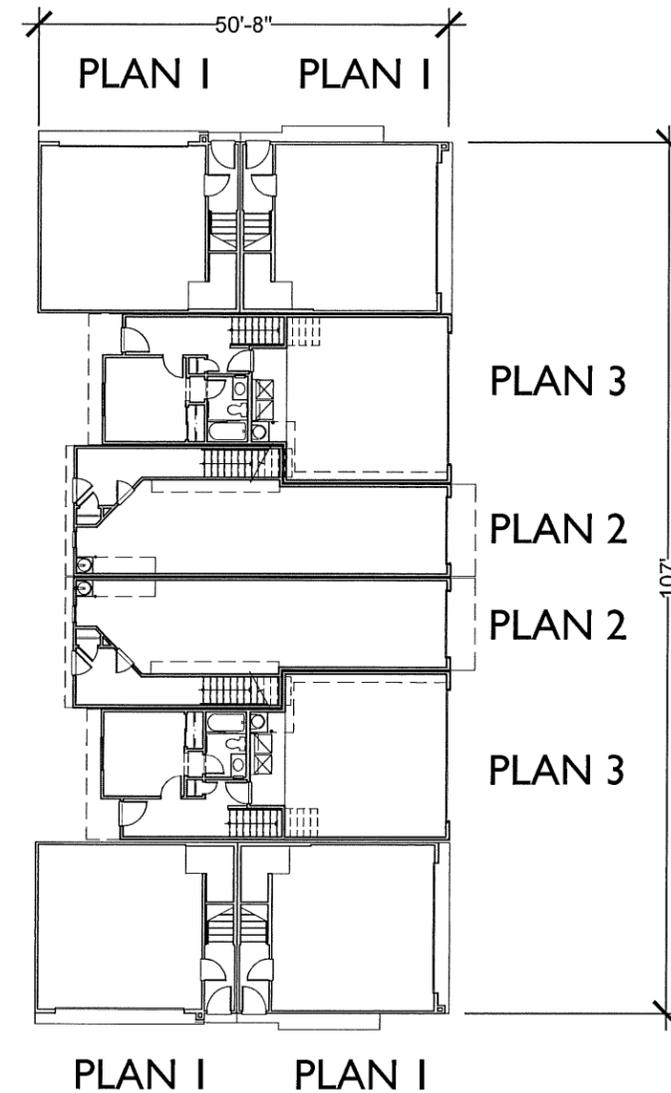
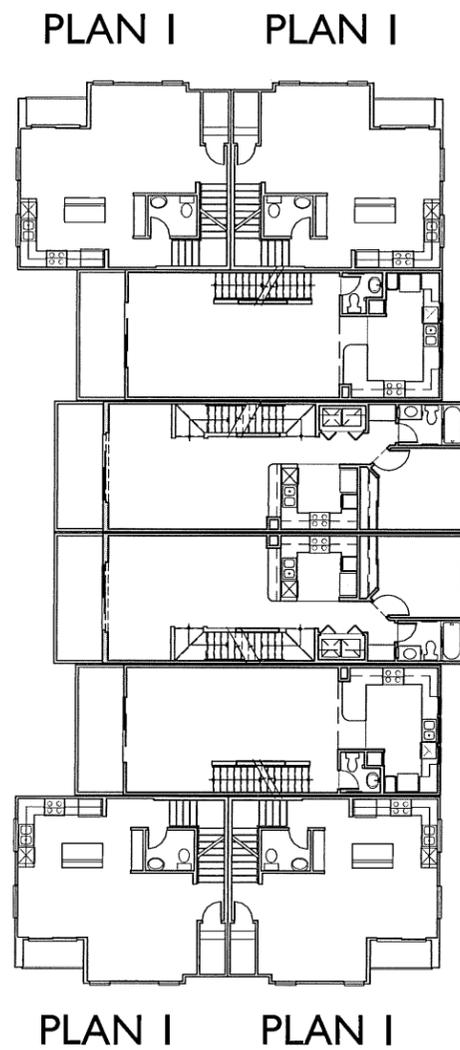
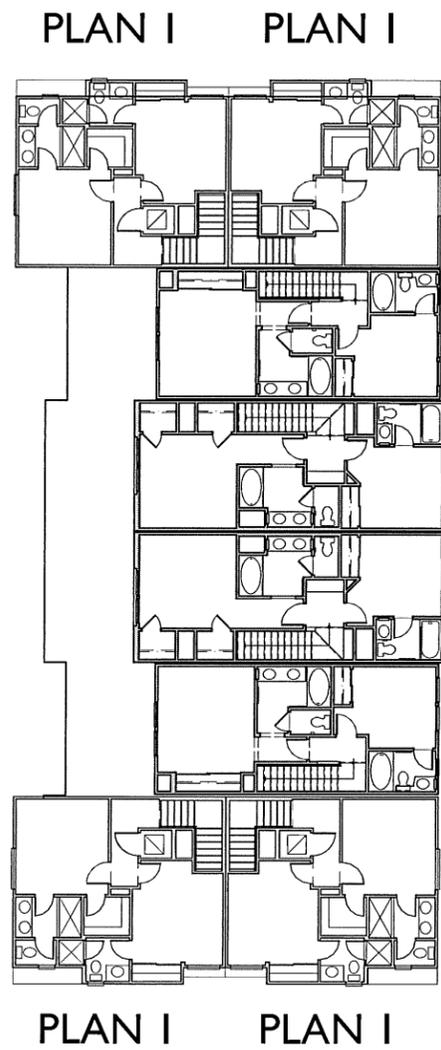
PLAN 1 - 2 BED / 2.5 BA
1,100 SF



IMPERIAL BEACH, CA

CONCEPTUAL FLOOR PLANS

THE SHORES AT SILVER STRAND
(AKA BERNARDO SHORES)



IMPERIAL BEACH, CA

CONCEPTUAL BUILDING COMPOSITE

THE SHORES AT SILVER STRAND
(AKA BERNARDO SHORES)

INTEGRAL COMMUNITIES
2235 Encinitas Blvd., Suite 216
Encinitas, CA 92024
(760) 419-5432

Scale 0 8 16 24
SEPTEMBER 12, 2012

SUMMA
ARCHITECTURE

5256 S. Mission Road, Ste 306
Bonsall, CA 92003
619.733.5802



Parcels
Wetland Buffer 100'
Area: 61,297 sq. ft.
(1.4071 Acres)

Preliminary 100' Wetland Buffer

BERNARDO SHORES



IMPERIAL BEACH, CA

COMMUNITY BIKE PATH CONNECTION

THE SHORES AT SILVER STRAND
(AKA - BERNARDO SHORES)

INTEGRAL COMMUNITIES
2235 Encinitas Blvd., Suite 216
Encinitas, CA 92024
(760) 419-5432

OCTOBER 18, 2012

SUMMA
ARCHITECTURE

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AGENDA ITEM NOS. 6.3

**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER *GB*

MEETING DATE: DECEMBER 12, 2012

ORIGINATING DEPT.: GREG WADE, ASSISTANT CITY MANAGER/COMMUNITY DEVELOPMENT DIRECTOR *GW*
JENNIFER M. LYON, CITY ATTORNEY

SUBJECT: DISCUSSION OF PROPOSED REVISIONS TO THE IMPERIAL BEACH SIGN CODE

BACKGROUND:

The City Attorney's Office and the Community Development Department were asked to review and update Chapters 19.52 and 12.44 of the Imperial Beach Municipal Code (the "Sign Code"). Generally speaking, Chapter 19.52 contains the zoning regulations applicable to signage on private property and Chapter 12.44 regulates signage located within the public right-of-way. The objective of the Sign Code revision is to update the regulations for signs in the City of Imperial Beach ("City") based on constitutional standards as set out and interpreted in recent statutes and case law decisions regarding signs.

There are significant differences between the City's existing sign code and the proposed amendments to Chapters 19.52 and 12.44 that are discussed below, as well some clean-up amendments to other chapters of the code that are recommended to ensure consistency with the revisions to Chapters 19.52 and 12.44.

DISCUSSION:

Proposed Changes to Sign Code

A. Current Sign Code

The City's current sign code, Chapter 19.52 regulating signs on private property, was enacted in 1994 and, except for Section 19.52.240, the permit procedures section, updated in 2002; it has not been updated since. Chapter 12.44, regulating signs on public property was updated in 1978 and has not been updated or amended since that time. Sign law implicates First Amendment speech, and the law in the field of sign regulation has changed considerably in the past decade. There is a need to update certain provisions in the Imperial Beach Municipal Code and add others to ensure consistency with current constitutional standards so that the City's sign code can be more effectively enforced.

B. Purpose of the Proposed Amendments

The proposed amendments and additions will support bringing the City's sign code into compliance with current constitutional guidelines, while allowing the City to tailor its sign code to its particular local needs and goals for signage.

C. Recommendation

Staff recommends that Chapters 19.52 and 12.44 and certain other sections of the Imperial Beach Municipal Code be amended, revised and added to in order to accomplish the City's goals as summarized below:

1. Chapter 19.52 – Signs

19.52.020 Purpose and intent

The purpose and intent section has been expanded to include a more detailed discussion of the interests to be served by the sign code. When the provisions of sign codes are challenged, the courts will often look to the purpose and intent language as a part of the constitutional analysis. Therefore it is important to make this section as detailed and comprehensive as possible. The revision of this section does not add anything substantive to the code.

19.52.040 General Provisions and Policies

This is a new section added to the sign code that includes interpretation guidelines that apply to all of the provisions of the sign code. This section adds, among other things, a "message substitution policy" to the code that is not in the current code. A message substitution policy clarifies that any time a commercial message is permitted by the code, a noncommercial message of any type may be substituted, provided that the physical characteristics of the sign are legal. Having this policy in the code is important to ensure that the code complies with court rulings regarding treatment of different types of speech. The message substitution policy is intended to avoid favoring commercial speech over noncommercial speech. For example, if a business owner wanted to add a political message to his sign, "Vote for Smith," as long as the message is otherwise compliant with the law, he could do so. A business owner could also replace the commercial message entirely with a noncommercial message, such as "Congratulations Graduate!"

Other provisions of this new section include: 1) statement of the City's policy that its sign regulations are to be interpreted in a manner that is "content neutral" for consistency with constitutional principles; 2) clarification of the City's policy to prohibit billboards to the fullest extent legally possible; 3) prohibition on the display of any sign without the consent of the property owner; and other similar interpretational guidelines that apply throughout the code.

19.52.050 Sign definitions

The code revision includes additional defined terms. Specificity of the language used in the sign code is important to ensure that the code is not vulnerable to a challenge on the basis of vagueness and to ensure that the code cannot be applied in a way that would allow staff too much discretion in the approval process.

More detail was added regarding definitions of types of signs, most notably distinguishing pole signs from freestanding signs; refining the definitions of monument signs, projecting signs, awning signs, and marquee signs; and separating the definition of canopy signs from the definition of awning signs.

Additionally, the definition of the word "sign" was expanded in the proposed ordinance to address a number of items that are not going to be defined as signs, including address numbers, interior graphics or signs (such as a product sign in a hair salon that is not visible from outside the establishment), images on transit vehicles, news racks, etc.

However, even though such items will not be considered signs, they still must comply with federal, state, or local regulations that impose standards regarding structural soundness, public safety and aesthetic values. The current sign code does not address non-sign items.

Although the City's current code exempts works of art and murals from regulation, the new proposed ordinance will not exempt works of art and murals due to the recent trend in sign regulations of other jurisdictions that treat works of art, especially murals, the same as signs. This means that works of art and murals will be subject to the same time, place and manner regulations that other signs are governed by. If Council agrees with this proposed change, new murals would be regulated by the proposed new sign ordinance and would fall under the same regulations as would a sign.

19.52.060 Sign area computations

The method used for calculating the sign copy area for irregularly shaped sign copy and graphics is a technique called "boxing." This type of area calculation is applied to the lettering and graphics on a sign, not the background or sign face area itself which is addressed elsewhere.

Boxing is a way of calculating sign copy area by drawing a series of parallel lines around the lettering/graphics and enclosing them, then taking the cumulative calculated area of the enclosed parallel lines to calculate the sign element area. Boxing only refers to sign copy, such as in the case when the letters attached to a building comprise the entire sign, rather than letters on a board attached to a building.

Another sign method area calculation method that staff is considering to change is the factor by which sign area is calculated. Specifically, the current the maximum allowable sign area corresponds directly to the linear frontage of a business (i.e., 1 square foot of sign area per 1 linear foot of frontage). Staff is considering increasing this to 1.5 square feet of sign area for 1 linear foot of frontage. This approach is being considered as the

current regulations frequently result in less amount of signage than might be reasonable, particularly for smaller businesses.

Other size computations have been added or amended as well.

19.52.070 Illumination

This new section was added as 19.52.070 to clarify the types of illumination that may be used for signs.

19.52.080 Sign permits

This section has been expanded significantly to include more detail about the permit application process, what information must be included in permit applications, application format and fees, requirement to provide written evidence of property owner consent, etc.

19.52.090 Sign regulations - Permit exemptions

A number of categories of signs have been added to this section exempting certain signs from the permit requirement. The following are examples of the types of signs that have been added to the permit exemption section:

- construction signs (up to two per site)
- developing property signs
- directional or convenience signs
- flags
- safety signs
- real estate and open house signs (if meeting certain state law requirements)
- name plates, etc.

Although these signs are exempt from permit requirements, they remain subject to the same safety and aesthetic standards and the neutral time, place, and manner restrictions as any other sign under the code. For instance, people are free to place political yard signs wherever they want to as long as the signs do not obstruct lines of traffic vision (to avoid creating "blind spots"); create some other safety hazard, inhibit pedestrian travel; are not lit, if lit signs of any kind are not permitted in the zone; create a nuisance; or otherwise violate federal, state, or local laws regulating signs as to public health, welfare, and safety matters.

In the existing code, holiday and seasonal decorations are listed as exempt from permitting if they have no commercial message, and if they are displayed between November 15 and January 15. In the revised code, we are proposing that "seasonal and holiday decorations" simply be excluded from the definition of "sign" altogether, in the definitions section, with no limitation as to dates. By doing this, holiday decorations will still be exempt from regulation, but there will be no potential problem with differential treatment for holidays that occur outside of the November 15 to January 15 time frame. As with other signs exempt from the permit process or items considered not to be signs,

seasonal decorations still must comply with federal, state, and local regulations related to advancing public health, safety, and welfare.

19.52.100 Prohibited signs

Pole Signs

Pole signs are prohibited in the current code, and have been prohibited in the revised code. However, the definitions of both pole signs and freestanding signs have been refined to give businesses more guidance in the types of signs allowed under the proposed code.

Electronic Message Displays and Digital Signs

Staff specifically seeks direction from the Council with respect to regulation or prohibition of digital signs. Current law allows electronic message displays and digital signs to be prohibited on safety and aesthetic grounds. However, given the advances in digital information systems and other information technology, the City may want to consider allowing electronic message displays/digital signs but regulating them as to time, place, and manner.

Technological advancements have made electronic message displays and digital signs among the most effective means of delivering commercial and noncommercial messages. These signs can have both positive and negative effects on communities.

One of the concerns connected with digital signs is that they can be potentially very distracting to drivers; digital signage is intended to divert drivers' attention from the road.

Even when digital signs are not facing traffic they can pose environmental problems; some digital signs are very bright and can be seen for a long distance. The light can potentially affect the overall commercial environment and affect nearby residential areas as well.

On the other hand, businesses want to have access to the most modern and effective means of attracting business and will tend locate in areas where they have this access. When well designed and regulated, electronic/digital signs can add to a city's ambiance and attractiveness.

If the Council is interested in allowing them, some of the most common regulatory provisions are as follows:

- Require that the sign display remain static for a minimum of 5-8 seconds and require instantaneous change of the display; i.e. no fading in/out of the message.
- Prohibit scrolling and animation outside of unique and mostly pedestrian oriented- locations.
- Limit brightness to 5,000 nits during daylight and 500 nits at night.

- Require automatic brightness control keyed to ambient light levels.
- Require display to go dark if there is a malfunction.
- Specify distancing requirements from areas zoned for residential use and/or prohibit orientation of a sign face towards an area zoned for residential use.
- The City can also include any considerations specific to Imperial Beach as a basis for further regulations.

Staff is seeking City Council input and further direction on whether or not the Council wants to allow digital signs in Imperial Beach so that Staff can work on appropriate regulations.

Sign Spinning/Commercial Mascots

As currently drafted, the proposed ordinance regarding signs on private property does not specifically prohibit sign spinners or commercial mascots on private property, such as sidewalks inside shopping malls. However, in the proposed Chapter 12.44 regarding signs on City property, these two types of signs are prohibited on City property or within the public right-of-way.

Staff feels that a prohibition on these types of signs on City property and in the public right-of-way would be easier to enforce and would target the larger problem posed by these types of signs.

Illegal Signs

Section 19.52.260 in the existing code entitled "Illegal Signs" has been consolidated with several sections in the revised code. Categories of signs that are in the existing "Illegal Signs" section are now within "Prohibited Signs," and the definition of "Illegal Signs," as well as other sections relating to sign permits, dangerous signs, and the onsite and offsite distinction. Illegal signs include abandoned signs, nuisance signs, unpermitted or unapproved signs, offsite signs, and signs that are safety or traffic hazards.

19.52.110 Construction, maintenance, and removal of signs

In the revised code, this section is more detailed than the construction and maintenance provisions in the current code, and contains specific provisions related to the determination that a sign in violation of the code is a public nuisance, and provides procedures for removal and abatement. This includes the authority to summarily remove a sign that is determined to pose an immediate threat to the public health, safety or welfare.

19.52.120-19.52.150 Sign plan - Comprehensive sign plan

These provisions relating to sign plans are substantially similar to the existing code; however, a more detailed procedure for submittal of the application has been included in section 19.52.150.

19.52.160 Temporary noncommercial signs

The existing code provides that the City can allow temporary signs not otherwise allowed for in the sign code for a period not to exceed 30 days. The temporary signs category includes signs such as political signs, which enjoy a high level of free speech protection.

The revised sign code provides a more detailed section regarding temporary noncommercial signs, which includes some suggested placement, size and height requirements that are the type of restrictions that can be enforced with regard to noncommercial signs. The City can enforce the maximum sign area of all temporary residential signs, but not the number of signs.

19.52.170 Special events

The revised code adds a new section for special events that would allow certain "attention-getting devices" such as balloons, pennants or inflatable signs, which are generally prohibited, to be used for limited-time special events such as grand openings or community events.

19.52.180 & 19.52.190 Signs permitted for Commercial Zones and Residential zones

These sections of the revised code provide number, height and other physical requirements and restrictions for signs in commercial areas, such as monument signs, wall or painted wall signs, and window signs. In the current code, the area, height and number of signs allowed or not allowed in certain zones are addressed in a chart by categories with each type sign in the category being treated the same. The size, height and number of signs allowed under the current code vary depending on the type of zone and category of sign instead on the individual type of sign, e.g. umbrella, wall, awning.

Under the proposed code, signs in both residential and commercial areas are addressed separately by zone and type, and in commercial zones the individual types of signs, such as marquee, canopy, or roof signs, are treated individually as to requirements relating to their physical characteristics. By treating the signs in commercial zones according to their types rather than categories, it is hoped that signs can be approved that further the City's interest in safety and aesthetics. The numbers and dimensions used are consistent with the restrictions found in other cities' codes.

Section 19.52.180 contains provisions for nonresidential signs in residential zones (such as signs for schools and churches).

19.52.200 Nonconforming signs

The provisions related to nonconforming signs have been expanded and revised to ensure that they comply with state law provisions related to amortization and removal of nonconforming signs. More specific provisions have been added that address the process for removal of billboards and offsite advertising structures, which conform to the

provisions of the state law applicable to these types of signs. In this section, the numerical requirements, such as the 15-year amortization period, are a matter of state law, and are not discretionary or subject to revision.

It is our understanding that Imperial Beach does not have any billboards at the present time. Regardless, it is important to cover the subject of billboards in the revised code in the event that the City discovered a newly erected billboard or receives an application for a new billboard.

19.52.210 Sign related decisions and appeals

This section adds a specific appeal process for sign-related decisions that does not exist in the current sign code. As provided in the revised regulations, appeals of sign related decisions made by the Community Development Director or designee, may be made to the City Manager. Appeals of the City Manager can be made to the City Council.

19.52.220 Enforcement

An enforcement section has been added to clarify the remedies available to the City in the event of violations of the sign code, and also to clarify that the code's provisions are applicable to any person who "causes or allows" a violation to occur, or to maintain a sign in violation of the code. This language allows the code to be enforced as to both tenants and property owners, in the event that a tenant installs a sign in violation of the code.

2. Chapter 12.44 – Signs in the Public Rights-of-Way

The existing sign code contains a section related to signs in the public rights-of-way (Section 19.52.190). This section, however, has been deleted, because we are recommending that all regulations related to signs in the public right-of-way be located in Chapter 12.44. Consolidation of all of the regulations for signs in the public right-of-way into one chapter will ensure that the Municipal Code does not contain any inconsistent provisions in the code on this subject.

Additionally, Chapter 12.44 has been expanded to include more detailed regulations for signs in the public rights-of-way. Here is a summary of some key provisions:

- Enforcement of signs in the public rights-of-way is delegated to the Public Works Director or designee.
- Definitions from Chapter 19.52 are incorporated into 12.44. Additionally, certain "special definitions" are provided for in Chapter 12.44, Section 12.44.040(B).
- The new chapter provides more detailed regulations for signs in "traditional public forums," such as parks and sidewalks. Free speech activities in these areas are highly protected under the law; therefore, these provisions have been drafted to ensure that they are reasonable "time, place and manner" regulations that can be enforced in traditional public forums. The public forum regulations

include, among other things, the requirement that signs in those areas be attended or held by a person; time limits on display of signs (sunrise to 30 minutes after sunset); size limitations for signs; and prohibitions on standing in traffic lanes or blocking sidewalks.

- Official City signs are exempt from the regulations.
- Restrictions on signs encroaching from private property to the public right of way are included in the new chapter.
- The chapter provides that signs on City property in violation of Chapter 12.44 can be removed and impounded without notice.

3. Sections 12.33.090, 9.80.020, 19.04.695, 19.04.697, 19.76.110(A), and 19.81.070(C).

These sections of the Imperial Beach Municipal Code contain references to signs and will be amended for consistency with the proposed sign ordinances.

Next Steps

Staff is seeking Council's policy direction and input on the proposed sign code revisions, including those regarding digital signs and other areas of change as indicated above. If the City Council is amenable to the changes outlined above, the City Attorney's Office will continue to work with City staff to analyze the draft ordinance and begin the Local Coastal Plan (LCP) amendment and public review process and will bring the matter back to Council for a first reading of the ordinances amending Titles 12 and 19.

FISCAL IMPACT:

None with this item.

DEPARTMENT RECOMMENDATION:

That the City Council receive this report and provide input and direction on the proposed sign code revisions.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: DECEMBER 12, 2012
ORIGINATING DEPT.: CITY MANAGER *GB*
SUBJECT: JULY 4, 2013 BIG BAY BOOM

BACKGROUND:

The City has participated in the Big Bay Boom 4th of July fireworks in 2011 and 2012. In 2012 the Business Improvement District/Chamber of Commerce and the City each contributed \$10,000 directly to the Big Bay Boom organization.

Mr. Purdon the Executive Producer of Big Bay Boom has asked if the City wishes to participate in the July 4, 2013 event and he needs to know before the Port Commissioners meeting of January 8th.

The City paid approximately \$30,000 for the 2012 event; \$20,000 in staff costs plus \$10,000 contribution to Big Bay Boom.

DISCUSSION:

The attached report shows that the 4th of July Big Bay Boom has positive economic impacts across the region. We don't know the specific quantitative impacts within Imperial Beach, but it probably has a positive impact for local merchants and provides publicity for the beach and city. The event also provides an enjoyable fireworks display for the people of Imperial Beach, South Bay residents as well as tourists from all over the globe.

On the other hand, I'm told that the Chamber of Commerce Board believed the fireworks did not have a positive economic impact, and the Business Improvement District decided not to contribute \$10,000 for 2013, but might contribute if the City decided to be part of Big Bay Boom.

Further, the City government did not see a positive up-tick in sales taxes in July compared to the approximate \$30,000 expenditure.

The City Council has not adopted budgets for the July 1, 2013 through June 30, 2015, and therefore can't place the costs of participation in the Big Bay Boom within the context of other budget needs. I believe the City will have to struggle with increased costs for health insurance, payments to CalPERS, public safety, utility costs, and uncertainties related to the dissolution of redevelopment combined with revenue growth that is almost flat. For example, during the next two fiscal years, July 1, 2013 through June 30, 2015, we estimate the general fund will need to pay the Sheriff \$265,000 more than today after taking into account projected payments from the Port. The city also faces challenges to maintain its buildings, parks, streets, sidewalks and other facilities which staff will review with Council during the first quarter of 2013.

Finally, though the approximate \$25,000 cost of participation isn't a major expense, it will make balancing next year's budget more difficult.

In conclusion, paying for the costs of July 4th fireworks is a matter of weighing the subjective benefits of fireworks, the costs, and the unquantified budget challenges the city will face starting in July, 2013.

ENVIRONMENTAL DETERMINATION:

The Big Bay Boom and the Port address environmental impacts.

FISCAL IMPACT:

\$25,000 for City services plus \$10,000 contribution to the Big Bay Boom.

DEPARTMENT RECOMMENDATION:

I recommend that the City Council consider participation in the Big Bay Boom within the context of a review of the 2013-2015 budgets which will commence around February and end in May or June 2013.

Attachments:

1. The Big Bay Boom: A Study of Its Economic Impact

The Big Bay Boom

A Study of Its Economic Impact

November 2012



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EXECUTIVE SUMMARY

- San Diego's Big Bay Boom fireworks show, conducted each July 4th, generates approximately \$6.0 million in incremental sales for the local area's hotels, restaurants, retail shops, tour operators, museums, charter cruise firms, boat rental companies, and other businesses.
- Adding the various ripple or multiplier effects produced through the supply chain and additional consumer spending, the fireworks event creates an additional \$4.2 million in revenues for the local economy. Including the estimated \$370,000 value of media exposure, the Big Bay Boom thus delivers a total gross economic value of \$10.6 million.
- Netting out the cost of the show's production and expenses incurred to provide public safety, security, and other services, the Big Bay Boom yields a net economic value of an estimated \$10.3 million.
- Staged each year since 2001, the Big Bay Boom has a live audience of about 500,000 at the event's five staging events of four barges around Shelter Island, Harbor Island, and the North and South Embarcadero Marina Parks as well as off the Imperial Beach Pier. Funds raised from the show are donated to the San Diego Armed Forces YMCA, which serves families of the military in the San Diego region. The fireworks provides the charity with over \$50,000 per year and is the organization's largest single fund-raising event.
- Local businesses report sales increases due to the event ranging from over 30% for hotels to more than a six-fold gain for operators of boat charters and rentals. Whereas many businesses see their additional sales concentrated on July 4th, hotels typically realize an impact over three days, while restaurants experience higher revenues for 2 to 2-1/2 days.
- To accommodate the increase in business, local firms hire about 260 additional workers for the time impacted by the event. Although these are temporary positions, permanent staff members typically receive significant overtime pay. Additional hiring due to multiplier effects, which takes place over time, yields a total impact of nearly 300 jobs.
- Hotels see an average occupancy rate of 97% during the time of the July 4th event, with many properties experiencing 100% occupancies. In comparison, occupancy rates average about 90% during other days during the summer season.
- Local businesses indicate that typically more than half of their sales during the July 4th holiday comes from outside the local area (defined as a 5-10 mile radius of the fireworks display).
- Local tax revenue generated by the July 4th event equal close to \$650,000. Hotel taxes represent the largest part of this total, with the remainder produced by sales taxes.

Impact of the Big Bay Boom July 4th Fireworks

Total Economic Benefits	\$10.6 mil
Direct Sales Impact	\$6.0 mil
Indirect Sales Effect	\$4.2 mil
Media Exposure	\$0.4 mil
Net Economic Value After Costs	\$10.3 mil
Taxes	\$645 thous
Jobs	290

Source: FBEI

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THE BIG BAY BOOM: A STUDY OF ITS ECONOMIC IMPACT

Background

Since 2001, San Diego has hosted the Big Bay Boom fireworks show each year on July 4th. Four barges launch pyrotechnics around Shelter Island, Harbor Island, and the North and South Embarcadero Marina Parks. Fireworks also are set off at the Imperial Beach Pier. Approximately 500,000 viewers attend the annual show.

Funds raised from the show are donated to the San Diego Armed Forces YMCA, which serves families of the military in the San Diego region. This charity offers about forty different programs for the families of young enlisted men and women in addition to wounded warriors at the Balboa Naval Hospital.

Approximately 70 companies and agencies plus hundreds of private contributors supply funding for the annual show. The Port of San Diego is the title sponsor. Many of the sponsors, including hotels, restaurants, retail stores, and marina facilities, are Port tenants. Non-port tenant sponsors include the San Diego Commission for Arts & Culture, San Diego County, the City of Imperial Beach, as well as various corporations not located on the tidelands. Private donations from individuals and trusts account for about 10% of the total contributions raised.

Study Purpose

After over a decade of gaining national and international prestige as one of the largest and logistically difficult pyrotechnics displays to stage, a computer malfunction caused the 2012 fireworks to explode prematurely and simultaneously. Although no one was hurt, questions have emerged as to the event's overall and net benefits. The Port of San Diego, for example, contributes significant funds to the effort as do other municipalities, agencies, businesses, and individuals.

This study attempts to provide an objective analysis of the net economic benefits in terms of sales, income, jobs, and tax receipts to the local San Diego area. Analysis is also made of the return on investment (ROI) for the Port of San Diego in particular.

The total economic benefits are analyzed not only in terms of the direct impact on sales activity of hotels, restaurants, and other businesses but also the various "ripple" or multiplier effects which accrue due to supply chain effects and additional consumer spending caused by increases in employment and income. The value of media exposure is also included. Costs of the show are calculated to include not only the cost of producing the fireworks themselves but also the expenses incurred for public safety as well as emergency and other services.

Methodology

The most difficult, but also important, aspect of analyzing the impact of various economic events (e.g., concerts or sports events) or venues (e.g., football stadiums or tourist attractions) is to understand how much is truly new, additional, or outside money to the region as opposed to a reshuffling or redistribution of expenditures among different businesses. For example, if there were no Big Bay Boom fireworks on July 4th in San Diego, would visitors find other activities in the local area and spend the same amount of dollars in hotels, restaurants, stores, and other venues?

To assess the impact of the Big Bay Boom, surveys were sent to a representative sample of hotels, restaurants, retail establishments, recreational facilities, tour operators, and marina businesses within the geographic scope of the fireworks displays. Surveys were also sent to various organizations, including the San Diego Convention & Visitors Bureau, the San Diego Port Tenants Association, and the Port of San Diego.

The questionnaires sent via e-mail are included in the Appendix. The survey was customized according to three segments: Hotels; restaurants, retail stores, and other businesses; and trade and other organizations.

The questionnaire was designed to gain information and insights on several different issues, including:

- › The number of days affected by the fireworks show
- › The increase in revenue or sales as a result of the event relative to a typical non-holiday day during the summer season
- › The share (percentage) of visitors estimated to come from outside of a 5-10 mile radius of the fireworks display
- › The impact on staffing or employment
- › The impact on hotel occupancy rates vis-à-vis a typical non-holiday summer day
- › Perspectives of the general impact of the Big Bay Boom on business and operations

To gauge the economic value of media exposure through TV, radio, the internet, and in newspapers and magazines, the services of Stitch Marketing Research were retained along with data based on Nielsen ratings and Quantcast tracking of web viewings.

Costs were calculated based on the production expenses of the five pyrotechnic displays together with the other services provided including public safety and security.

To analyze the incremental impact of the Big Bay Boom show, the geographic area was defined as encompassing a 5-10 mile radius of the July 4th event. The types of businesses analyzed were divided into several different categories: hotels; restaurants; grocery and food stores; clothing, jewelry, art, souvenir, and other retail shops; tour and transportation companies; museums and other venues; cruise and charter facilities; and boat rental operations.

For each type of business, an estimate was made of the total sales taking place over the period impacted by the July 4th event. This was based on the data received from survey respondents on sales and the number of days affected by the Big Bay Boom celebration. An estimate of the total market for each category was then calculated based on an assessment of the market share represented by the survey sample.

For each business category, estimates were then made of how much of the sales indicated as emanating from outside the area (defined in the survey within a radius of 5-10 miles) would not take place if there were no major fireworks in San Diego. In most cases, all of these revenues were assumed to be lost to other venues, such as in La Jolla.

For the revenues generated on the July 4th holiday from residents in the local area, calculations were then derived for each class of spending of how much money would be still be spent locally, how much would leave the area, and how much would not be spent at all. These estimates were guided by the survey responses comparing sales with those on a typical day, comments from survey respondents, and other surveys conducted in the past.

For example, based on the current and previous surveys, 75% of hotel visitors were assumed to be in San Diego hotels for the fireworks display. This is an important finding since hotels and other venues would not have the revenues from business and convention travelers during a holiday period.

For restaurants, some survey respondents indicated they would not stay open if there were no major fireworks display. Some patrons might leave the area for other fireworks displays, while others might stay at home and watch fireworks from other sites around the country on TV or attend barbeques with family and friends. Including the loss of business from clients estimated by survey respondents to come from outside the area, a total of 80% of the local area's restaurant business is estimated to be linked to the fireworks activity on July 4th.

Estimates on the amount of revenues that can be ascribed primarily to the fireworks were calculated for the various retail groups, museums, tour operators, charter boats, transportation companies, and boat rental firms. These shares were generally around 95% since many of these remain open only to cater to July 4th fireworks attendees and/or report that the preponderance of their sales that day derive from those clients.

Research Model & Tools

The IMPLAN® Version 3.0 model was used to analyze the total economic impact of the fireworks event. This is a widely used model to evaluate the various ripple or multiplier effects of an increase in spending on a region's sales, output, income, and employment. These ripple effects encompass two stages: supply chain and consumer effects. The supply chain effects reflect the effect on other businesses when a local hotel or retailer has to purchase additional goods or services to support its own increase in sales or activity. The consumer effects refer to the increase in household outlays due to the gain in jobs and income created by the direct impact of the fireworks event as well the effects along the supply chain.

For the purpose of modeling, the incremental effect on sales due to the July 4th event was divided into various industry categories. These included hotels, restaurants, various retailers, grocery stores, transportation, and other relevant categories.

Adjustments were made to account for inflation and convert the results into current dollars. Simulations were then run to obtain the direct, indirect, and total impact of the Big Bay Boom on the area's jobs, income, and total revenue.

Sales taxes were calculated using the current tax rate in the City of San Diego of 7.75%. For hotels, total taxes were based on the current transient occupancy tax (TOT) rate of 10.5% plus the 2.0% tax (assessed on properties within the city with a minimum of 70 rooms) for the Tourism Marketing District (TMD).

Survey Results

Respondents to the survey indicate substantial increases in their business due to the fireworks. Relative to a typical day during the summer season (excluding holidays), sales increases range from a gain of 34% for hotels to over 400% for various attractions and tour operators. Charter and boat companies report a six-fold jump in their sales. (See Exhibit 1.)

Survey respondents suggest that the impact of the fireworks display primarily affects their business for July 4th. Hotels indicate a longer period, averaging about three days, including the "shoulder" days before and after the July 4th holiday itself. Restaurants report effects lasting 2 to 2-1/2 days. (See Exhibit 2.)

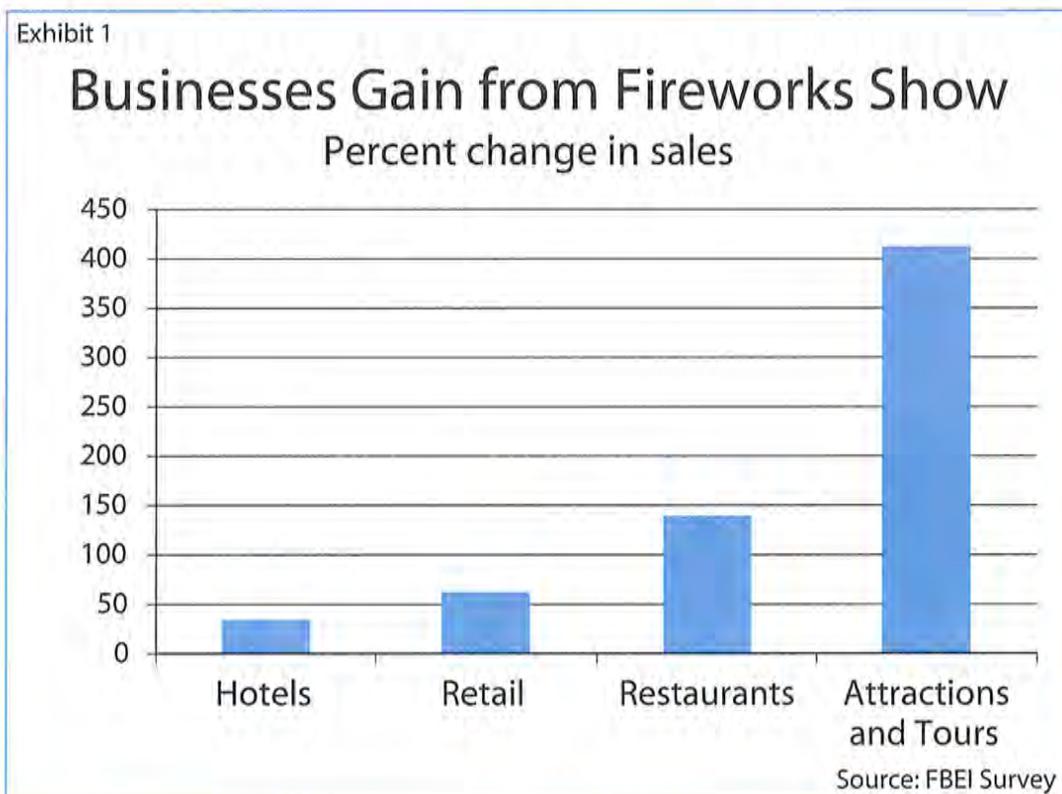
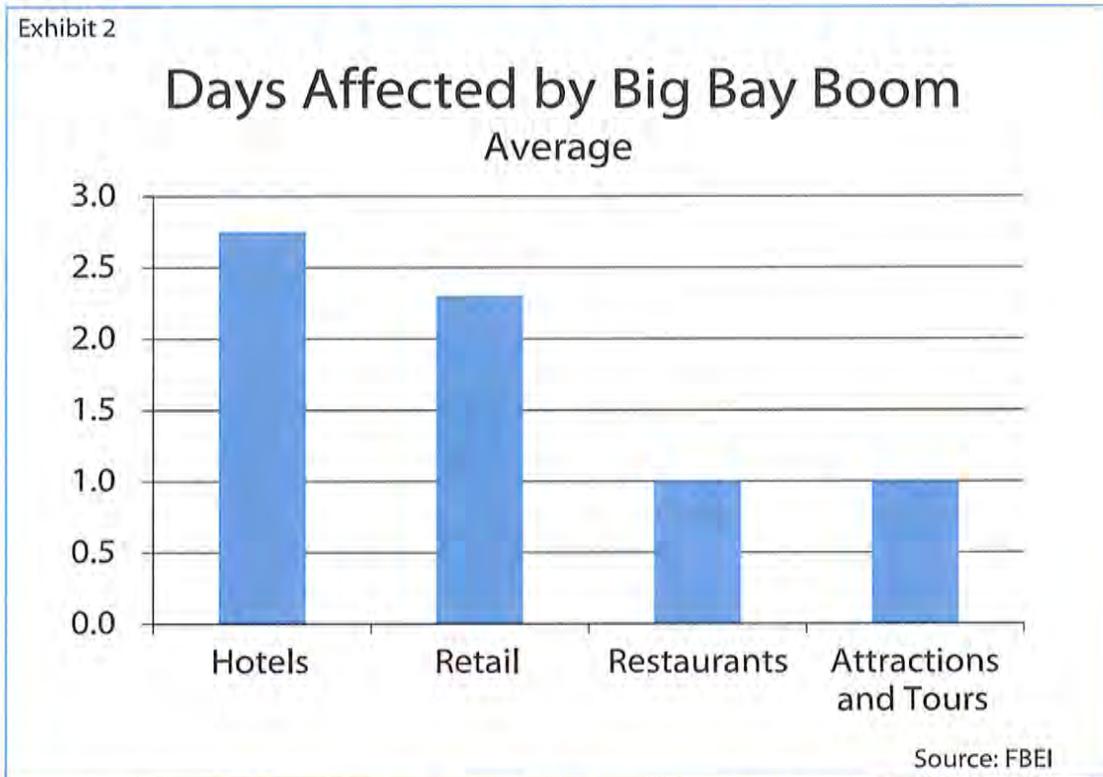


Exhibit 2



According to the survey, generally one half or more of the increase in sales during the July 4th holiday derives from outside the area (defined as beyond a 5-10 mile radius of the fireworks show). For hotels, the preponderance of guests, or 94% of them, come from outside the area. (See Exhibit 3.)

Hotels realize high rates of occupancy during the July 4th event. Survey respondents indicate an average occupancy rate of 97% during the time of the July 4th event, with many properties experiencing 100% occupancies. In comparison, occupancy rates average about 90% during other days during the summer season.

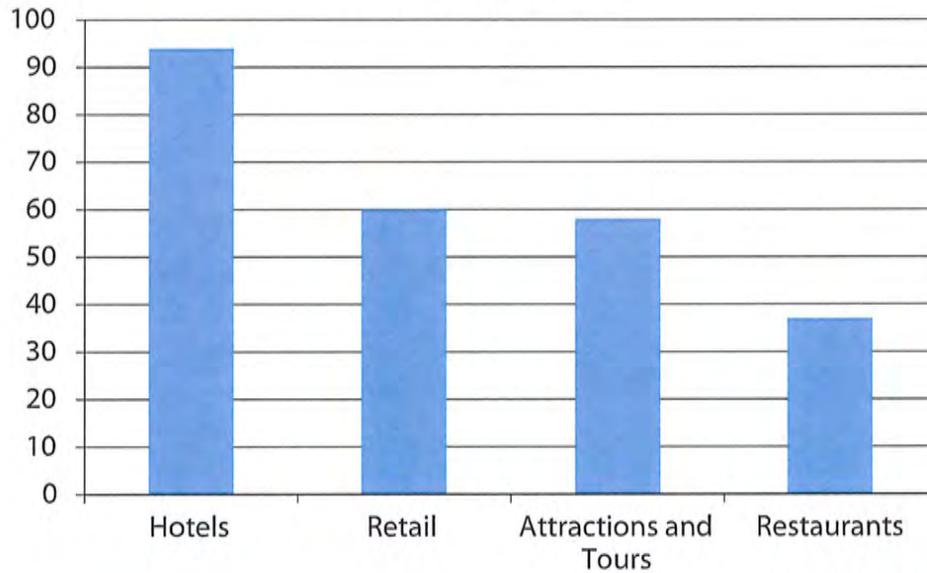
Economic Effects

Using the assumptions and inputs discussed in the Methodology section, the Big Bay Boom is estimated to generate \$6.0 million in revenues for the local area's hotels, restaurants, retail shops, tour operators, museums, charter cruise business, boat rental companies, and other businesses. (See Exhibit 4.)

Tracing through the ripple or multiplier effects yields an estimate of the indirect impact on sales at another \$4.2 million. Approximately one-half or \$2.15 million of this amount represents the impact on sales of various businesses along the supply chain as recipients of the dollars spent by customers acquire necessary goods and services. The other half or \$2.05 million reflects the additional spending of employees hired as a result of the business generated either directly because of the fireworks or because of the supply chain effects.

Exhibit 3

Most People Come from out of the Area Average, percent



Source: FBEl Survey

Exhibit 4

Business Sales due to Big Bay Boom Thousands

Business Type	Additional Revenue Generated
Hotels	\$4,782
Attractions and Tours	\$578
Retail	\$334
Restaurants	\$311
Total	\$6,005

Source: FBEl

The total impact on business sales linked either directly or indirectly to the July 4th fireworks event is thus estimated at \$10.2 million. (See Exhibit 5.) The part of this amount attributed to the direct effect of the event will be spent in the timeframe immediately surrounding the fireworks, whereas the indirect effects will be disbursed over a longer time. The implicit “multiplier” or the ratio of total to direct spending is about 1.7, which means that every dollar of sales generated directly by the event yields another 70 cents in spending along the supply chain or in “induced consumption”.

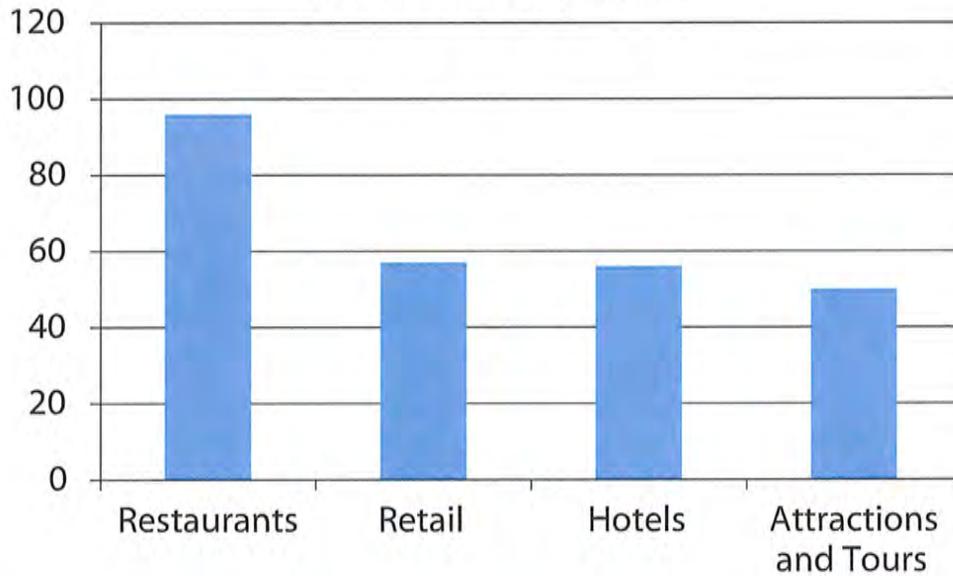


Based on the surveys conducted and modeling of the impacts of the increases in sales for the various types of businesses, local firms hire an estimated 259 additional workers for the time impacted by the July 4th event. Restaurants account for the largest share of the additional jobs. (See Exhibit 6.) Most of the positions added by different establishments will be short-term or temporary jobs. However, many regular or full-time employees receive extra pay for over-time because of the additional work during the holiday. Additional hiring due to multiplier effects, which takes place over time, yields a total impact of the Big Bay Boom of 290 or close to 300 jobs. (See Exhibit 7.)

Exhibit 6

Local Firms Hire More Staff

Additional employees

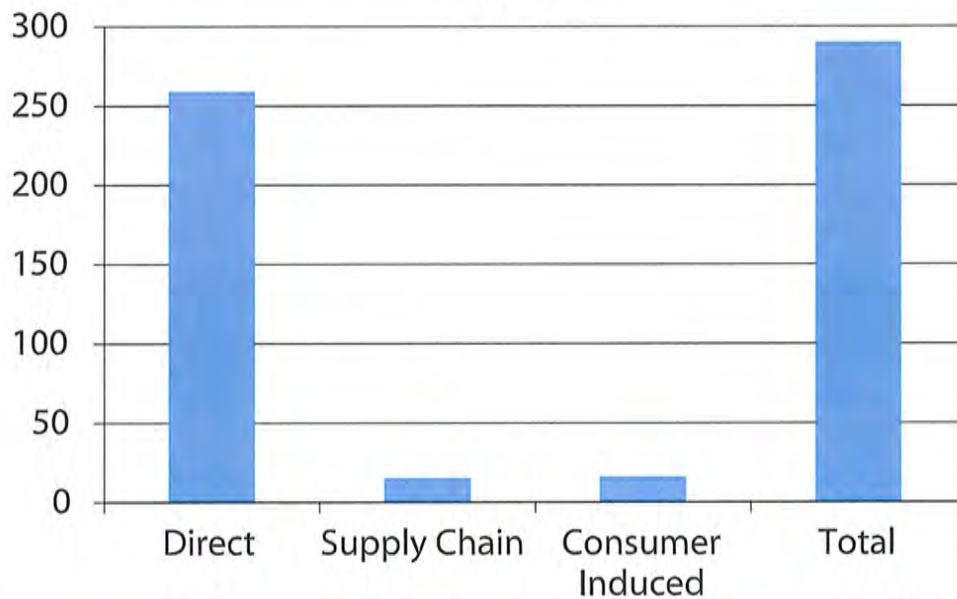


Source: FBEL

Exhibit 7

Big Bay Boom Creates New Jobs

Number



Source: FBEL

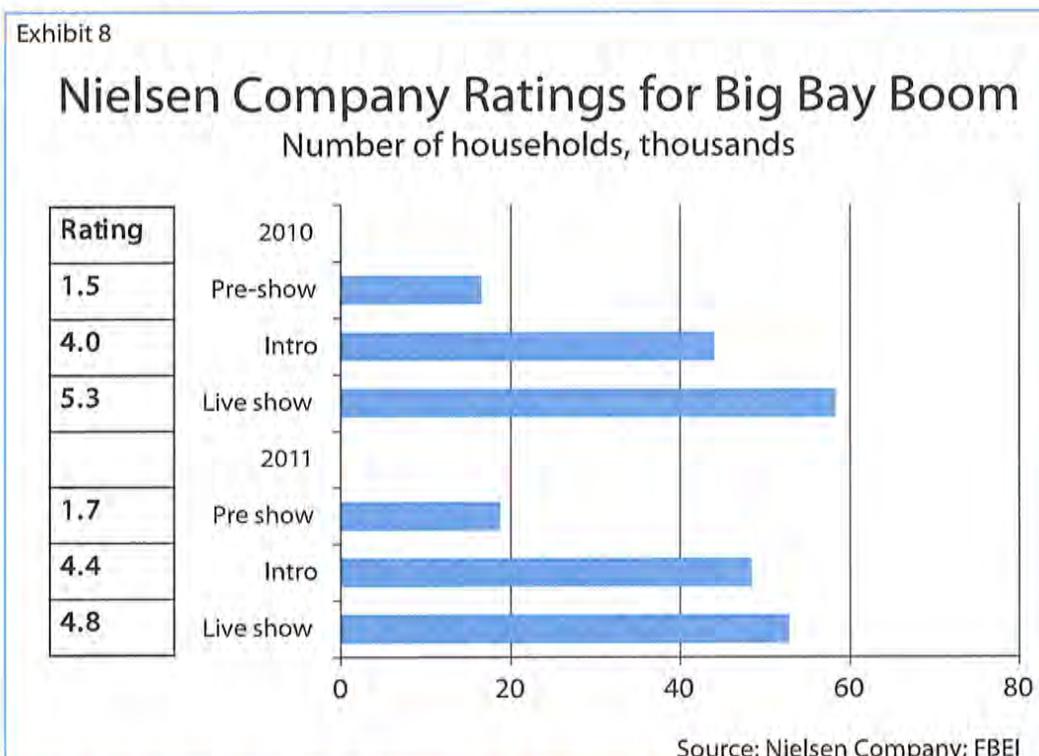
Media Impact¹

The Big Bay Boom generates significant media exposure on TV, radio, and the web as well as in various magazines and newspapers. The following data provides insights on some of the tangible and intangible effects.

Fox 5 San Diego has broadcast the Big Bay Boom for 60 minutes from 8:30 pm to 9:30 pm on July 4. Because the station does not sell the time for advertising, the only precise value that can be placed on the broadcast is the cost of production, which is approximately \$50,000.

However, the viewing by a large number of households (58,300 in 2010 and 52,800 in 2011) has considerable additional potential economic value. Sponsorships or advertising space could be sold to benefit from the exposure to a large audience, although the spot's value is constrained by the need to make a pronounced one-time positive impression. This is in contrast to the purchase of a series of spots on regular or recurring shows, such as a weekly series, where the advertising has the opportunity to build brand awareness over time. At the same time, the benefit of the association with and contribution to the Armed Forces YMCA would likely be substantial.

Nielsen ratings and typical cost figures of \$6,000 to \$10,000 for 17 minutes of 30-second advertising spots in prime time can be applied to obtain a theoretical estimate of what the economic value of the hour broadcast might be. (See Exhibit 8 for viewership and Nielsen ratings.) These calculations yield an estimate of about \$280,000, with a range of \$204,000 to \$340,000.



¹ Stitch Marketing Research assisted with some of the estimates and analysis of this section.

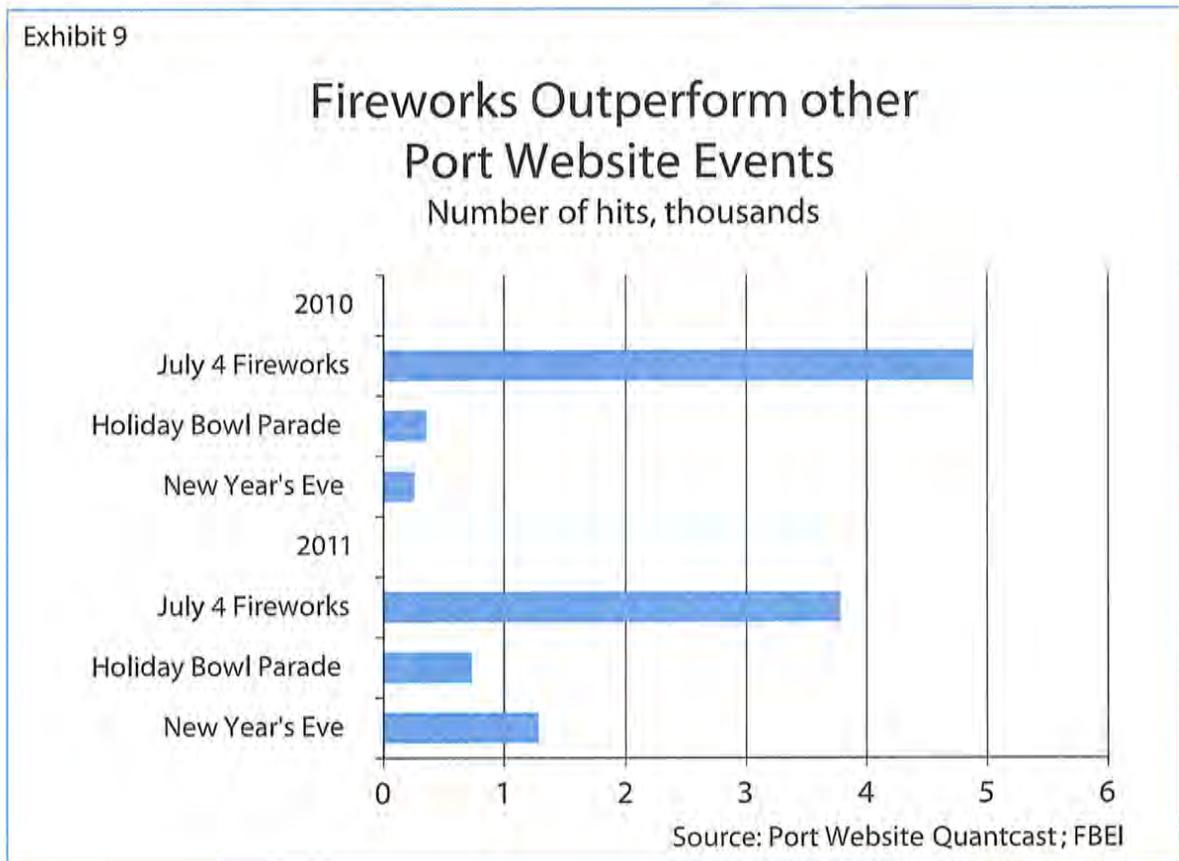
The value of high media exposure can also be gauged by the experience of other events around the country which typically benefit from TV, radio, and web broadcasts. For example, the Bank of America Memorial Day concert and fireworks celebration of 2012 offered inclusion in TV spots and radio announcements in its top \$50,000 sponsorship packages. The Seattle Gasworks Park South at Lake Union garnered pledges totaling \$500,000 for its 2011 July 4th fireworks, including \$125,000 from both Starbucks and Microsoft and \$50,000 from Nordstrom.

The \$305,000 in top level sponsorships (ranging from \$3,000 to \$145,000) for San Diego's 2012 fireworks reflect in part the value of media exposure. The partnership with the Broadcast Company of the Americas, which broadcasts into Mexico with sponsor mentions, is part of this value.

The Port Website also has a large volume of traffic associated with the Big Bay Boom. (See Exhibit 9.) According to Port Website Quantcast data, the July 4, 2010 fireworks saw nearly 4,900 hits, which compared with about 360 hits for the Holiday Parade that year and 255 hits for New Year's Eve. In 2011, the July 4, 2011 fireworks delivered approximately 3,800 hits compared with 730 hits for the Holiday Bowl Parade and 1,280 hits for New Year's Eve. The Big Bay Boom also continues to far surpass other events on the web, which achieved an average number of about 150 hits during 2010 and 2011.

To assess the media value of the Big Bay Boom, two approaches can therefore be used. The first, which is based on the hypothetical value of sales of spot time on TV plus an

Exhibit 9



estimated value of radio, web, and print exposure, is estimated at about \$380,000. The second takes the cost of the production cost of the TV and other broadcasts and adds the potential for sponsorships for a total value of about \$360,000. For the purpose of this study, the value of the media exposure is placed at \$370,000.

Total and Net Economic Benefits

The economic benefits of the Big Bay Boom are estimated based on the above analysis at \$10,570,000. This sum reflects direct sales for businesses due to the event, the multiplier or ripple effects, and the value of media exposure.

Costs are estimated at \$245,000. These represent the sum of producing the fireworks at the five sites including pyrotechnics, barges, and tugs (\$165,000) plus \$80,000 in service costs related to the event, including public safety and security. The Port of San Diego pays \$50,000 of these service costs, with the remainder borne by the City of Imperial Beach.

The net economic benefits thus amount to an estimated \$10,325,000. (See Exhibit 10.) The over \$10 million of net benefits thus represents a significant return on investment (ROI) for the Port of San Diego relative to an investment of \$195,000.

Exhibit 10

Economic Impact of Big Bay Boom Thousands of dollars

<u>Benefits</u>	
Direct sales gains	\$ 6,000
Multiplier effects	\$ 4,200
Media Exposure	\$ 370
Total Benefits	\$ 10,570
<u>Costs of Fireworks</u>	
Production	\$ 165
Services including public safety and security	\$ 80
Total Costs	\$ 245
<u>Net economic value</u>	<u>\$ 10,325</u>

Source: FBFI

Tax Effects

The Big Bay Boom generates a significant amount of tax receipts based on the analysis presented above. Sales taxes generated by restaurants and various retailers are estimated at about \$47,000 in the timeframe immediately surrounding the event. Additional taxes would also be produced over time depending on the spending patterns of employees hired as a result of business linked to the fireworks show.

Hotel taxes attributed to the Big Bay Boom are estimated at \$598,000. This amount is comprised of \$502,000 of the Transient Occupancy Tax (TOT) and \$96,000 for the Tourism Marketing District (TMD).

The total value of local tax receipts produced by the July 4th fireworks show thus amount to approximately \$645,000. (See Exhibit 11.)

Exhibit 11

Taxes Generated by the Big Bay Boom
Thousands of dollars

Sales Taxes	\$47
Hotel Transient Occupancy Tax	\$502
Tourism Marketing District	\$96
<u>Total Tax Receipts</u>	<u>\$645</u>

Source: FBEL

Conclusion

This study documents a significant incremental economic value of the fireworks event of \$10.3 million. This represents a significant rate of return (ROI) relative to the \$195,000 investment of the Port, the event's largest sponsor, as well as to other contributors. Loss of the fireworks would also deprive its primary beneficiary, the San Diego Armed Forces YMCA, of more than \$50,000 each year, which is the charity's single biggest fund-raising event.

APPENDIX A

Big Bay Boom Questionnaire: Restaurants, Retail, and other Businesses

1. How many days are affected by the fireworks show? _____ (July 4th plus shoulder days)
2. What is the average daily increase in revenue (sales) you expect to come from the event?
\$ _____/day
3. What is the average daily revenue (sales) on a typical non-holiday day during the summer season? \$ _____/day
4. What percentage of people are estimated to come from outside of a 5-10 mile radius to the fireworks show? _____%
5. How much is staffing increased for this event? _____ (number of people)
6. Are there any other comments or insights that you would like to provide? _____

APPENDIX B

Big Bay Boom Questionnaire: Hotels

1. How many days are affected by the fireworks show? _____ (July 4th plus shoulder days)
2. What is the average daily increase in revenue (sales) you expect to come from the event?
\$ _____/day
3. What is the average daily revenue (sales) on a typical non-holiday day during the summer season? \$ _____/day
4. What is the average occupancy rate during the July 4th event? _____%
5. What is the average occupancy rate on a typical non-holiday during the season? _____%
6. What percentage of people are estimated to come from outside of a 5-10 mile radius to the fireworks show? _____%
7. How much is staffing increased for this event? _____ (number of people)
8. Are there any other comments or insights that you would like to provide? _____

APPENDIX C

Big Bay Boom Questionnaire: Other Establishments and Organizations

1. How many days are affected by the fireworks show? _____ (July 4th plus shoulder days)
2. What is the average daily increase in revenue (sales) you expect to come from the event? \$_____/day
3. What is the average daily revenue (sales) on a typical non-holiday day during the summer season? \$_____/day
4. What percentage of people are estimated to come from outside of a 5-10 mile radius to the fireworks show? _____%
5. How much is staffing increased for this event? _____ (number of people)
6. Does this event have a positive monetary effect on your business in any way? If so, how much? _____
7. Does this event positively effect businesses in your community? If so how? _____
8. Are there any other comments or insights that you would like to provide? _____



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**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER *AB*
MEETING DATE: DECEMBER 12, 2012
ORIGINATING DEPT.: PUBLIC WORKS *hwl*
SUBJECT: RESOLUTION NO. 2012-7283 AUTHORIZING THE
INSTALLATION AND ENFORCEMENT OF NO PARKING ON
13TH STREET, EAST SIDE BETWEEN CALLA AVENUE AND
CYPRESS AVENUE

BACKGROUND:

The east side of 13th Street between Calla Avenue and Cypress Avenue is frequently lined with trucks and other vehicles parked in the dirt area between the street asphalt edge and the property line. There is no improved curb and gutter in this block. See attachment (3) photos. This line of vehicles presents an unattractive element to this neighborhood and represents an added load on the City's Traffic Enforcement services. Because these vehicles often park there in excess of 72 hours, traffic enforcement services spend precious time working the 72 hour parking limit taking away from important time performing other priority duties within the City.

The following is taken from the Imperial Beach Municipal Code (I.B.M.C.)

"I.B.M.C. 10.36.020. Authority to designate and sign post parking prohibitions.

The City Traffic Engineer shall, at any place where he determines that it is necessary in order to eliminate dangerous traffic hazards, appropriately sign or mark and when so signed or marked, no person shall stop, stand or park a vehicle in any such places.

The commercial vehicle and motorhome parking on 13th Street between Calla Avenue and Cypress Avenue is more a parking enforcement issue for Public Safety than a dangerous traffic hazard. Thus it does not appear that the City Traffic Engineer can post No Parking signage unilaterally. This posting of signage will require City Council action.

California Vehicle Code section 22507 reads in part:

" Local authorities may, by ordinance or resolution, prohibit or restrict the stopping, parking, or standing of vehicles, including, but not limited to, vehicles that are six feet or more in height (including any load thereon) within 100 feet of any intersection, on certain streets or highways, or portions thereof, during all or certain hours of the day"

Since the area in question is a street or highway, the City may, by ordinance or resolution, enact a prohibition or restriction on parking of vehicles.

DISCUSSION:

This staff report is prepared to suggest City Council adopted a resolution prohibiting parking on the east side of 13th Street between Calla Avenue and Cypress Avenue. This No Parking restriction would remain in force until a future undetermined date improves the east side of 13th

Street between Calla Avenue and Cypress Avenue with curb, gutter, and designated street side parking.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

There would be a purchase cost for 4 to 6 new No Parking signs and posts of about \$600 plus the labor of an estimated 8 man-hours for purchase and installation. The funds for this purchase would be from the Street Division O&M budget.

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Discuss the merits or drawbacks of the No Parking restriction proposed.
3. Adopt attached resolution

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

1. Resolution No. 2012-7283
2. Photos of vehicles parked on 13th Street between Calla Avenue and Cypress Avenue

RESOLUTION NO. 2012-7283

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE INSTALLATION AND ENFORCEMENT OF NO PARKING ON 13TH STREET, EAST SIDE BETWEEN CALLA AVENUE AND CYPRESS AVENUE

WHEREAS, the east side of 13th Street between Calla Avenue and Cypress Avenue is frequently lined with trucks and other vehicles parked in the dirt area between the street asphalt edge and the property line; and

WHEREAS, there is no improved curb and gutter in this block; and

WHEREAS, this line of vehicles presents an unattractive element to this neighborhood and represents an added load on the City's Traffic Enforcement services; and

WHEREAS, Imperial Beach Municipal Code (I.B.M.C.) reads:

"I.B.M.C. 10.36.020. Authority to designate and sign post parking prohibitions.

The City Traffic Engineer shall, at any place where he determines that it is necessary in order to eliminate dangerous traffic hazards, appropriately sign or mark and when so signed or marked, no person shall stop, stand or park a vehicle in any such places; and

WHEREAS, since the vehicle parking on 13th Street between Calla Avenue and Cypress Avenue is more a parking enforcement issue, it does not appear that the City Traffic Engineer can post No Parking signage unilaterally; and

WHEREAS, California Vehicle Code section 22507 reads in part:

" Local authorities may, by ordinance or resolution, prohibit or restrict the stopping, parking, or standing of vehicles, including, but not limited to, vehicles that are six feet or more in height (including any load thereon) within 100 feet of any intersection, on certain streets or highways, or portions thereof, during all or certain hours of the day; and

WHEREAS, since the area in question is a street or highway, the City may, by ordinance or resolution, enact a prohibition or restriction on parking of vehicles; and

WHEREAS, it is suggest that City Council adopted a resolution prohibiting parking at all times on the east side of 13th Street between Calla Avenue and Cypress Avenue.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach as follows:

1. The above recitals are true and correct.
2. The Public Works Director / Traffic Engineer is authorized to post No Parking (at any time) signage on 13th Street, east side between Calla Avenue and Cypress Avenue.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 12th day of December 2012, by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

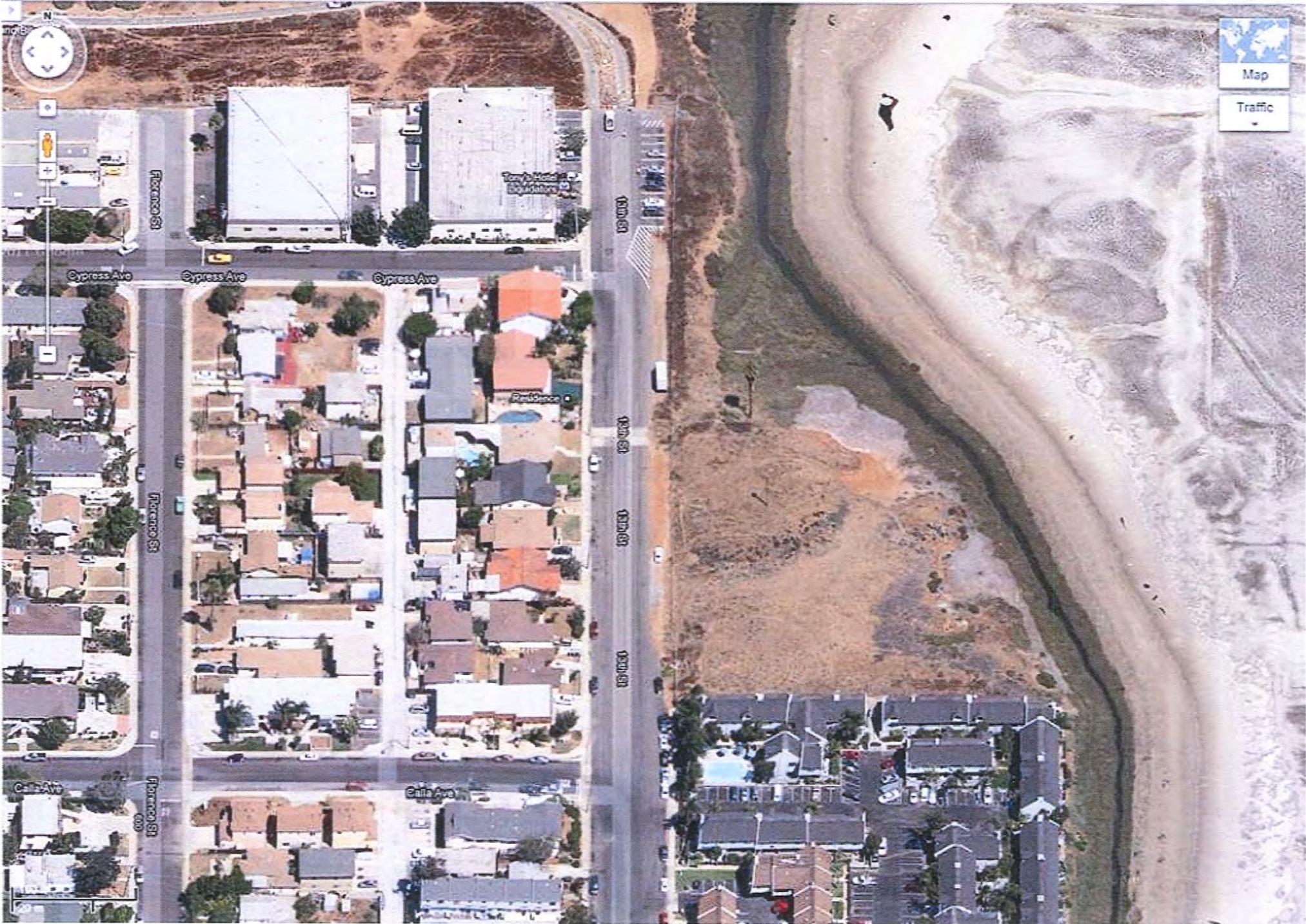
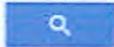
JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, MMC
CITY CLERK









AGENDA ITEM NO. 10.6

**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER *GB*

MEETING DATE: DECEMBER 12, 2012
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, ASSISTANT CITY MANAGER/ COMMUNITY DEVELOPMENT DIRECTOR *BW*
JIM NAKAGAWA, AICP, CITY PLANNER

SUBJECT: *JN* **REPORTS: COMMENTS ON THE NAVAL BASE CORONADO (NBC) INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN (INRMP)**

PROJECT DESCRIPTION/ BACKGROUND:

The U.S. Department of Defense (DoD), with the assistance of the U.S. Fish and Wildlife Service (FWS) and the states, is responsible under the Sikes Act (16 U.S.C. 670a-670f, as amended) for carrying out programs and implementing management strategies to conserve and protect biological resources on its lands. Because military lands and waters often are protected from human access and impact, they contain some of our nation's most significant remaining large tracts of land with valuable natural resources. Congress established the Sikes Act in 1960 to manage these lands for wildlife conservation and human access. The Sikes Act was amended in 1997 to develop and implement mutually agreed upon Integrated Natural Resource Management Plans (INRMPs) through voluntary cooperative agreements between the DoD installation, FWS, and the respective state fish and wildlife agencies. INRMPs are long term planning documents that allow DoD installations to implement landscape-level management of their natural resources while coordinating with various stakeholders. They are extremely important management tools that ensure military operations and natural resources conservation are integrated and consistent with stewardship and legal requirements.

The INRMP is to guide the installation commander in the management of natural resources to support the installation mission, while protecting and enhancing installation resources for multiple use, sustainable yield, and biological integrity. The primary purpose of the INRMP is to ensure that natural resources conservation measures and military operations on the installation are integrated and consistent with stewardship and legal requirements. This INRMP revision charts a course for natural resources management on Naval Base Coronado (NBC), which includes Naval Air Station North Island (NASNI), Naval Amphibious Base (NAB) Coronado and Silver Strand Training Complex (SSTC) North, SSTC South, Naval Outlying Landing Field Imperial Beach (NOLF IB), Camp Michael Monsoor, Camp Morena, Remote Training Site Warner Springs (RTSWS), and five Naval housing areas.

The USFWS, National Marine Fisheries Service (NMFS), and the California Department of Fish and Game (CDFG) have reviewed and signed this INRMP, indicating their mutual agreement with the Commanding Officer regarding natural resources management on Naval Base

Coronado (NBC). Natural resources are managed according to a multiple-use approach that allows for the presence of mission-oriented activities while efficiently managing the natural resources to conserve biodiversity and environmental quality. The NBC INRMP goal is to provide an adaptive ecosystem-based conservation program that will support the NBC mission and provide for the sustainability of natural resources. It is the intent of this NBC INRMP to preclude designation of critical habitat, when appropriate, by demonstrating special management of listed species. Special management or protection is a term that originates in the definition of occupied critical habitat in Section 3 of the Endangered Species Act (ESA). The ESA does not require additional special management/critical habitat designation if adequate management and protection is already in place. Adequate special management or protection is provided by a legally operative INRMP that addresses the maintenance and improvement of the primary constituent elements important to the species and manages the long-term conservation of the species. Three criteria are used to determine if such special management and protection are provided: (1) there is a conservation benefit, (2) there are assurances that the management plans will be implemented, and (3) there are assurances that the conservation efforts will be effective. These three criteria will be met through the strategies presented in this INRMP and are addressed for each Federal listed species in Appendix D (Benefits for Endangered Species); therefore, obviating the need for critical habitat designation on military lands managed under an INRMP.

PROJECT EVALUATION/ DISCUSSION:

The US Navy and the City of Imperial Beach both share in the mutual goal of protecting the natural environment. The Tijuana Estuary is an important destination for ecotourists who are important to the economy of Imperial Beach. Many of the concerns that are mentioned in the INRMP are familiar issues that both the Navy and the City have previously encountered (e.g. controlling feral cats, keeping dogs on leashes to protect endangered bird species, educating the public about the importance of protected species, etc.).

The scope of the City's evaluation of the draft INRMP will be confined to the two Naval facilities most proximate to Imperial Beach: Silver Strand Training Center – South (SSTC-S) and Naval Outlying Land Field – Imperial Beach (NOLF-IB). The US Fish and Wildlife Service and the California Fish and Game Department have already approved the INRMP and the City's comments would be relatively minor. The list of projects for SSTC-S and NOLF-IB provided in Tables C-4 (attachment 4) and C-5 (attachment 5) are characterized by technical and esoteric information that are beyond the basic biological knowledge of city staff. However, none of the measures appear to raise any significant issues.

On page 6-51, line 1, the document recommends enhancing Western Snowy Plover habitat through revegetation projects, presumably to stabilize beach sand from the threat of erosion due to sea level rise. Since the snowy plover appears to favor beach sand for its habitat, the City suggests an additional measure that the Navy participate with the City in regional sand replenishment projects. The City has participated in a number of beach sand replenishment programs over the past 12 years necessitated by the loss of historical sand sources with the construction of dams. These replenishment projects have had the benefit of not only restoring our beaches so that our recreational tourist economy is protected but it would mitigate for the potential loss of habitat for the Western Snowy Plover. With the specter of global warming and sea level rise in the distant horizon, the higher water levels and increased storm frequency and intensity will necessitate greater sand replenishment efforts and justify examining the use of other climate change adaptation strategies. The INRMP does not appear to specifically mention

sand replenishment measures but the City would recommend that the Navy participate in our regional replenishment efforts in order to assist in their environmental stewardship activities.

From: <http://www.fws.gov/arcata/es/birds/WSP/plover.html>

General Habitat Characteristics:

The Pacific coast population of the western snowy plover breeds primarily on coastal beaches from southern Washington to southern Baja California, Mexico. The population breeds above the high tide line on coastal beaches, sand spits, dune-backed beaches, sparsely-vegetated dunes, beaches at creek and river mouths, and salt pans at lagoons and estuaries (U.S. Fish and Wildlife Service 2001). Less common nesting habitat includes bluff-backed beaches, dredged material disposal sites, salt pond levees, dry salt ponds, and river bars (U.S. Fish and Wildlife Service 2001). Suitable nesting habitat is distributed throughout the listed range, but may be widely separated by areas of rocky shoreline.

Climate Change and Sea Level Rise are mentioned throughout the document as an issue of concern. We would advise the Navy that a number of sea level rise studies are being done by a variety of jurisdictions (including the Navy). The San Diego Port District is in the process of developing their Climate Mitigation and Adaptation Plan (CMAP) wherein some preliminary studies have indicated areas owned by the Navy would be subject to inundation in the future. Also, the National Oceanic and Atmospheric Administration (NOAA) had recently awarded a grant of \$100,000 a year for 3 years to the Tijuana River National Estuarine Research Reserve (TRNERR) to study the impact of sea level rise in the Tijuana Estuary. Peter Kennedy represents the Navy on the San Diego Regional Sea Level Rise Steering Committee. We would recommend that the Navy continue to participate and coordinate their studies with these jurisdictions.

The threat of invasive plant species on native habitat has been mentioned numerous times in the INRMP as an issue of concern. The Imperial Beach City Planner participates on the Technical Advisory Group for the Southwest Wetlands Interpretive Association's (SWIA) invasives eradication program. The City would recommend that the Navy participate in SWIA's eradication program.

Comments on the NBC INRMP are due no later than Friday, December 21, 2012 to Michelle Cox (michelle.c.cox@navy.mil) using the blank comment matrix. The INRMP document and the comment form are posted on the City's website under the Public Notices tab of the Government pull-down menu (http://www.cityofib.com/index.asp?Type=B_BASIC&SEC={29511BB9-06F9-4547-BA2C-DEE671BB6DAD}). The Navy will be hosting a Stakeholder meeting for the NB Coronado INRMP on December 6th at 9:00am to 11:00am at the Naval Base Coronado Commanding Officer's Conference Room, Building 678 at Naval Base Coronado, NAS North Island. This meeting is intended to facilitate stakeholders' review of the document through a brief presentation on INRMP development and changes to the plan and to assist in resolving significant concerns or questions that stakeholders have through in person discussion. City staff will brief the City Council at its December 12th meeting on the results of the Stakeholders meeting.

ENVIRONMENTAL DETERMINATION:

This INRMP document will be an important tool for use in evaluating impacts during NEPA procedures for any future Navy projects within NBC.

FISCAL ANALYSIS:

There is no direct fiscal impact on the City with this Navy project other than staff time expended to prepare comments.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council support the staff comments and offer any additional comments on the INRMP in the Comment Response Matrix (CRM) form, the links for which may be found at http://www.cityofib.com/index.asp?Type=B_BASIC&SEC={29511BB9-06F9-4547-BA2C-DEE671BB6DAD} .

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

1. Comments on the draft NBC INRMP
2. Map of Silver Strand Training Center – South (SSTC-S)
3. Map of Naval Outlying Land Field – Imperial Beach (NOLF-IB)
4. SSTC-S Projects Table C-4
5. NOLF-IB Projects Table C-5

C: file NBC INRMP

Carl (Bruce) Shaffer, AICP, Community Plans and Liaison, Naval Base Coronado, Building 3 (Public Works Office), PO Box 357040, Code N46C, San Diego, CA 92135-7040 carl.shaffer@navy.mil

Tiffany M. Shepherd, Wildlife Biologist, Naval Base Coronado, Box 357033, San Diego, CA 92135 tiffany.shepherd@navy.mil

Michelle Cox (michelle.c.cox@navy.mil)

Comment Matrix–Draft INRMP for Naval Base Coronado, California

#	Page	Line/ Para./ Sect.	Reviewer	Comment	Contractor Response
Ex	4	23	RR	Reviewers, please provide contact information per example at end of matrix	
1.	6-51	1	JN	Since the snowy plover appears to favor beach sand for its habitat, the City suggests an additional measure that the Navy participate with the City in regional sand replenishment projects.	
2.	Numerous pages		JN	Recommend that the Navy continue to participate and coordinate their sea level rise studies with the regional jurisdictions.	
3.	Numerous pages		JN	Recommend that the Navy participate in SWIA's invasives eradication program.	
4.	C-32	7.2.5.2	JN	Amend stormwater management plant to recognize nesting seasons of Belding's Savannah Sparrow and ensure clearing of outfalls adjacent to marsh areas occurs during nonbreeding season.	
5.					
6.					
7.					
8.					
9.					
10.					
11.					

JN – Jim Nakagawa, City of Imperial Beach; phone 619-628-1355; jnakagawa@cityofib.org

2
1

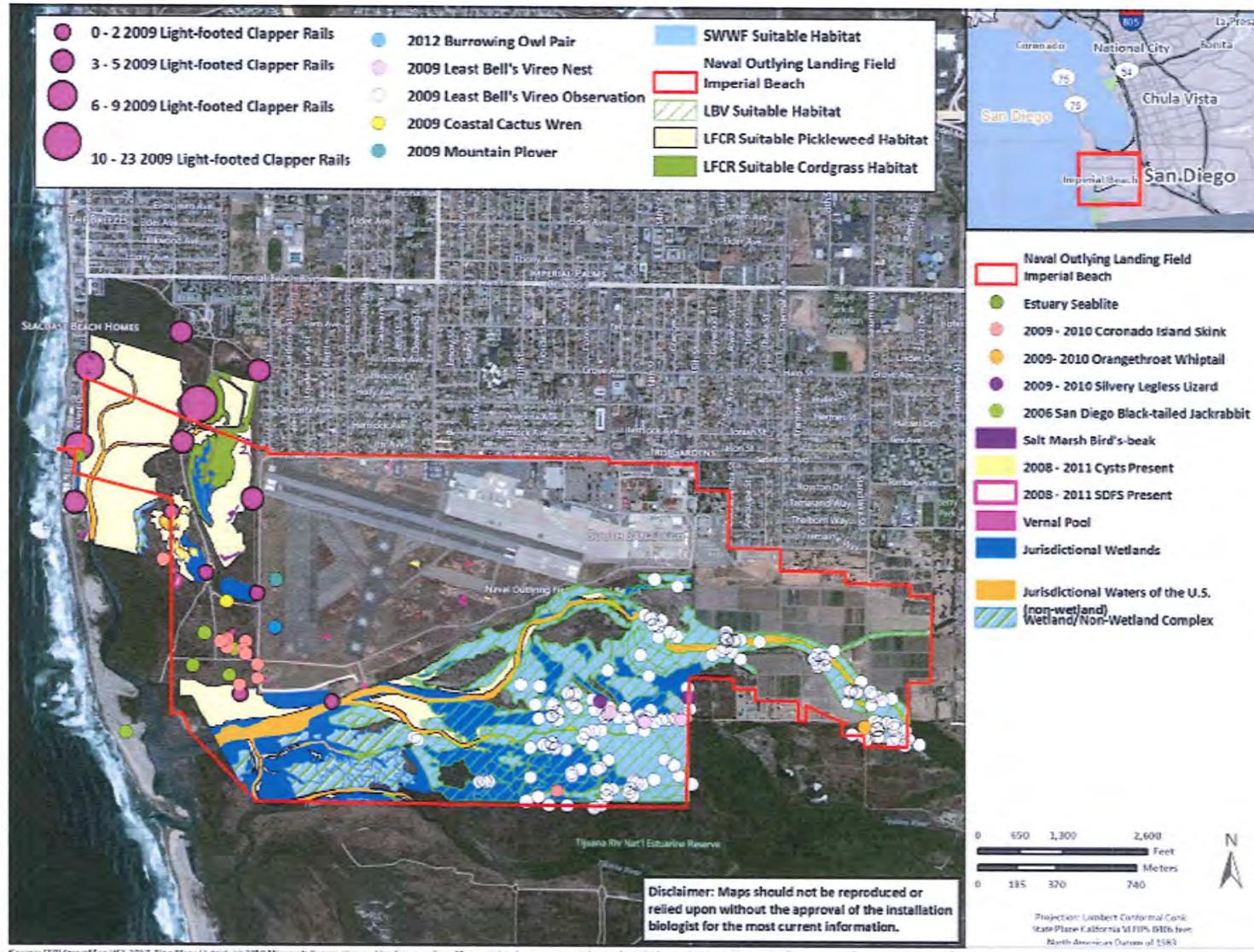
Figure D-6: Special Status Species on SSTC-S



Source: ESRI StreetMap USA 2007, Bing Maps, HazMat, (c) 2010 Microsoft Corporation and its data suppliers. Map contains the most current data to date which may change, and is compiled from a variety of references (See GIS Reference List).

D-10

Figure D-7: Special Status Species on NOLF IB



D-11

Table C-4: Silver Strand Training Complex South INRMP Projects and Implementation Table - September 2012

INRMP Section	Funding Source	EPR Project Code	Project Description	ERL Priority	Legal Driver	Implementation		Natural Resources Metrics Builder
						Frequency	Fiscal Year	
6.2.4.3	PACFLT	00246MAR01	Conduct grunion surveys	4	SA, CWA, CA Aquatic Resources, DoD Inst. 4715.03, OPNAVINST 5090.1C	once	2014	1, 5 and 6
NASNI, NAB, SSTC-N, and SSTC-S	CNIC	00242NR013	San Diego Bay Waterbird Survey; conduct survey in coordination with Port of San Diego every three years.	3	MBTA, EO 13186, SA	Tri-annual	2013	1, 2, 4, 5 and 6
6.2.5.2	CNIC	00246NR100	Conduct periodic monitoring (recommend at least every 5 years) to determine existing red sand verbena, Nuttall's Lotus, and Coast Woolly-heads population health.	3	SA, EO 13112, CA MIL, CA Native, DoD Inst. 4715.03, OPNAVINST 5090.1CSA	Every 5 years	2012	1, 5 and 6
6.2.5.1 6.2.5.2	CNIC	00246NR003	Perform a vulnerability assessment to assess threats to existing red sand verbena, Nuttall's Lotus, Coast Woolly-heads, Salt Marsh Bird's-beak populations.	4				1, 5 and 6
6.2.5.1 6.2.5.2	CNIC	00246NR003	Create a seed bank to increase red sand verbena, Salt Marsh Bird's-beak, Nuttall's Lotus, and Coast Woolly-heads plant stock in future years and ensure viable populations following drought or flood years.	4		Once	2012	1, 5 and 6

Table C-4: Silver Strand Training Complex South INRMP Projects and Implementation Table - September 2012

INRMP Section	Funding Source	EPR Project Code	Project Description	ERL Priority	Legal Driver	Implementation		Natural Resources Metrics Builder
						Frequency	Fiscal Year	
6.2.5.1	CNIC	00246NR003	Conduct periodic monitoring (recommend annually) to determine existing population of Salt Marsh Bird's-beak health.	4	SA, EO 13112, CA MIL, CA Native, DoD Inst. 4715.03, OPNAVINST 5090.1C	Once	2012	1, 5 and 6
6.2.5.1	CNIC	00246NR003	Complete a habitat evaluation to determine where Salt Marsh Bird's-beak populations can be expanded.	4	SA, EO 13112, CA MIL, CA Native, DoD Inst. 4715.03, OPNAVINST 5090.1C	Biennial	2012, 2014, 2016	1, 3, 4, 6 and 7
6.2.5.1	CNIC	00246NR003	Study pollinators to determine which species on SSTC-S are critical to Salt Marsh Bird's-beak reproduction.	4		Annually	All	1 and 6
6.2.5.2	O&MN Env.	00246NR100	Conduct periodic monitoring (at least biannually) to determine existing Variegated Dudleya population health.	3	SA, EO 13112, CA MIL, CA Native, DoD Inst. 4715.03, OPNAVINST 5090.1C	Once	2012	1, 5 and 6
6.2.5.2	CNIC	00246NR003	Perform a vulnerability assessment to assess threats to existing Variegated Dudleya populations.	4				1, 5 and 6
6.2.5.2	CNIC	00246NR003	Create a seed bank to increase Variegated Dudleya plant stock in future years and ensure viable populations following drought or flood years.	4		Once	2012	1, 5 and 6

Table C-4: Silver Strand Training Complex South INRMP Projects and Implementation Table - September 2012

INRMP Section	Funding Source	EPR Project Code	Project Description	ERL Priority	Legal Driver	Implementation		Natural Resources Metrics Builder
						Frequency	Fiscal Year	
	O&MN Env.	00246NR100	Conduct periodic monitoring to determine existing coast barrel cactus population health.	3	SA, EO 13112, CA MIL, CA Native, DoD Inst. 4715.03, OPNAVINST 5090.1C	Once	2012	1, 5 and 6
	CNIC	00246NR003	Perform a vulnerability assessment to assess threats to existing coast barrel cactus populations.	4				1, 5 and 6
6.2.5.2	O&MN Env.	00246NR100	Conduct periodic monitoring (recommend at least every 3 years) to determine existing Nuttall's Lotus population health.	3	SA, EO 13112, CA MIL, CA Native, DoD Inst. 4715.03, OPNAVINST 5090.1C	Once	2012	1, 5 and 6
6.2.5.2	CNIC	00246NR003	Create a seed bank to increase Nuttall's Lotus plant stock in future years and ensure viable populations following drought or flood years.	4		Once	2012	1, 5 and 6
6.2.5.2	O&MN Env.	00246NR100	Conduct periodic monitoring (recommend at least every 5 years) to determine existing Coast Woolly-heads population health.	3	SA, EO 13112, CA MIL, CA Native, DoD Inst. 4715.03, OPNAVINST 5090.1C	Once	2012	1, 5 and 6
6.2.5.1	CNIC	00246NR003	Develop and implement Long-term Habitat Enhancement Plan.	4	SA, ESA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Annually	All	1, 2, 3, 4, 6 and 7
6.2.5.1	O&MN Env.	00246NR024	Enhance Western Snowy Plover habitat through revegetation projects.	4	SA, ESA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Annually	All	1, 2, 3, 4, 6 and 7

Table C-4: Silver Strand Training Complex South INRMP Projects and Implementation Table - September 2012

INRMP Section	Funding Source	EPR Project Code	Project Description	ERL Priority	Legal Driver	Implementation		Natural Resources Metrics Builder
						Frequency	Fiscal Year	
6.2.5.1	O&MN Env.	00246NR026	Coordinate with USFWS and CDFG to ensure marsh habitat within SSTC-S is being monitored for Light-footed Clapper Rail on an annual basis.	4	SA, ESA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Annually	All	1, 2, 3, 4, 6 and 7
6.2.5.1	CNIC	00246NR101	Perform invasive species control in areas where Light-footed Clapper Rail habitat is known to exist.	4	SA, ESA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Annually	All	1, 2, 3, 4, 6 and 7
6.2.5.1	CNIC	00246NR003	Manage and monitor lease with City of Coronado for Biological Study Area to ensure appropriate management measures are in place.	4	SA, ESA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Annually	All	1, 2, 3, 4, 6 and 7
6.2.5.1	CNIC	00246NR003	Work with USFWS to investigate impacts from contaminants and determine appropriate management response.	4	SA, ESA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Annually	All	1, 2, 3, 4, 6 and 7
6.2.5.1	CNIC	00246NR101	Perform invasive species control in areas where vernal pools are known to exist.	4	SA, ESA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Annually	All	1, 2, 3, 4, 6 and 7
6.2.5.1		Research	Support genetic research of San Diego Fairy Shrimp					
6.2.5.1	CNIC & PACFLT O&MN Env.	00246NR117 & 00246NR031	Conduct periodic monitoring of habitat to include protocol San Diego Fairy Shrimp for conducting surveys (e.g., topography, water chemistry).	4	SA, ESA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Annually	All	1, 2, 3, 4, 6 and 7
6.2.5.1	CNIC O&MN Env.	00246NR117	Complete a vulnerability assessment to assess threats to existing populations.	4	SA, ESA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Annually	All	1, 2, 3, 4, 6 and 7

Table C-4: Silver Strand Training Complex South INRMP Projects and Implementation Table - September 2012

INRMP Section	Funding Source	EPR Project Code	Project Description	ERL Priority	Legal Driver	Implementation		Natural Resources Metrics Builder
						Frequency	Fiscal Year	
6.2.5.1	CNIC	In-house	Develop protocols to ensure personnel clean footwear and equipment used in pools (before and after) conducting activities in vernal pools.	4	SA, ESA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Annually	All	1, 3, 4, 6 and 7
6.2.4.3	O&MN Env.	00246MAR01	Develop and maintain GIS database, and share information collected from management of grunion with CDFG and other regional partners.	4	SA, CWA, CA Aquatic Resources, DoD Inst. 4715.03, OPNAVINST 5090.1C	Biennial	2012, 2014, 2016	1, 5 and 6
6.2.4.3	O&MN Env.	in-house	Develop and implement a strategy to reduce population impacts from oil spills and other hazardous waste in San Diego Bay.	4	SA, CWA, CA Aquatic Resources, DoD Inst. 4715.03, OPNAVINST 5090.1C	Once	2012	1, 5 and 6
SSTC-S	PACFLT	00246NR113	Delta Beach North and South Dune Restoration: Develop and implement a comprehensive management plan for vegetation at the Delta Beaches and SSTC training lanes. Plan will identify vegetation goals for different areas, develop strategies to attain those goals (including substrate enhancement, invasive non-native plant control, planting and/or seeding, maintenance and monitoring).	4	ESA, SA, EO 13112		2013	
6.2.4.7	CNIC	00246NR046	Install bird and bat boxes on SSTC-S.	1	SA, CA MIL, DoD Inst. 4715.03, OPNAVINST 5090.1C	Once	2013	1, 2, 4, 5 and 6

Table C-4: Silver Strand Training Complex South INRMP Projects and Implementation Table - September 2012

INRMP Section	Funding Source	EPR Project Code	Project Description	ERL Priority	Legal Driver	Implementation		Natural Resources Metrics Builder
						Frequency	Fiscal Year	
6.2.4.5	CNIC	00242NR020	Southwest metro area wildlife assist support in the pick and transportation of sick and injured wildlife to rehabilitation facilities.	4	SA, ESA, MBTA	Annual	FY13	2, 5 and 6
6.2.4.5	CNIC	00242NR033	Southwest metro area project wildlife rehabilitation support	4	SA, MBTA, ESA	Annually	FY13	1,5 and 6

Note: ¹ This is not a comprehensive list of applicable regulations, other regulations, policy, or guidance may apply. Please review Section 2.5.2 for a comprehensive list of laws, policies or guidance for management of natural resources.

Key Legal Driver:

- CA MIL = CA Mgmt of Fish and Wildlife on Military Lands (CA MIL)
- CESA = California Endangered Species Act
- ESA = Federal Endangered Species Act
- CA Native = CA Native Spp. Conservation and Enhancement
- CWA = Federal Clean Water Act
- MBTA = Federal Migratory Bird Treaty Act
- SA = Sikes Act as amended
- OPNAVINST = Chief of Naval Operational Instruction 5090.1C
- CNIC = Commander, Naval Installation Command
- PACFLT = Commander, U.S. Pacific Fleet

Key Metrics Builder:

1. INRMP Implementation
2. Partnerships/Cooperation and Effectiveness
3. Team Adequacy
4. Status of Federally Listed Species and Critical Habitat (CH)
5. Ecosystem Integrity
6. Fish and Wildlife Management and Public Use
7. INRMP Impact on the Installation Mission.

Table C-5: Naval Outlying Landing Field Imperial Beach INRMP Projects and Implementation Table - September 2012

INRMP Section	Funding Source	EPR Project Code	Project Description	ERL Priority	Legal Driver	Implementation		Natural Resources Metrics Builder
						Frequency	Fiscal Year	
7.2.5.2	CNIC	00246NR034	Develop a strategy to maintain an average of 12 pairs or active burrows, annually over a 3-year period, through maintaining healthy population of California ground squirrels, and monitoring grass growth around airfield to maintain a grass height of approximately 4 inches in coordination with installation BASH program.	4	SA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Annually	All	1, 2, 3, 5, 6 and 7
7.2.5.1	CNIC	00246NR030	Survey for focus management species noted below every two years. Surveys should include an assessment of population size, health, and habitat.	4	OPNAVINST 5090.1C	Biennial	2012, 2014, 2016	1, 3, 4, 5, 6 and 7
7.2.5.1	CNIC	00246NR003	Perform invasive species control around areas known to contain Salt Marsh Bird's-beak habitat.	4	SA, EO 13112, CA MIL, CA Native, DoD Inst. 4715.03, OPNAVINST 5090.1C	Once	2012	1, 5 and 6
7.2.5.1	CNIC	00246NR105	Conduct periodic monitoring of Salt Marsh Bird's-beak habitat (at least every 3 years) and ensure monitoring does not impact sensitive habitat occupied by the Light-footed Clapper Rail.	3	SA, EO 13112, CA MIL, CA Native, DoD Inst. 4715.03, OPNAVINST 5090.1C	Once	2012	1, 5 and 6
7.2.5.1	CNIC	00246NR003	Create a seed bank to increase Salt Marsh Bird's-beak plant stock in future years and ensure viable populations following drought or flood years.	4	2012	1, 5 and 6		
7.2.5.1	CNIC	00246NR105	Conduct a study of pollinators in the Salt Marsh Bird's-beak habitat to determine critical relationships between plant populations and pollinators.	2		Annually	All	1 and 6

Table C-5: Naval Outlying Landing Field Imperial Beach INRMP Projects and Implementation Table - September 2012

INRMP Section	Funding Source	EPR Project Code	Project Description	ERL Priority	Legal Driver	Implementation		Natural Resources Metrics Builder
						Frequency	Fiscal Year	
7.2.5.2	O&MN Env.	00246NR034	Finalize and implement the NBC Burrowing Owl Management Plan. Issue a command instruction from the NBC Commanding Officer supporting and identifying the management practices outlined in the final NBC Burrowing Owl Management Plan.	4	SA, DoD Inst. 4715.03, OPNAVINST 5090.1C			1, 2, 3, 5, 6 and 7
7.2.5.2	O&MN Env.	00246NR034	Educate NOLF IB workforce on Burrowing Owl management.					
7.2.5.2	O&MN Env.	00246NR034	Continue burrow monitoring through BASH program (weekly surveys during nesting season and twice monthly during non-nesting), quarterly base-wide surveys at NASNI/NOLF IB. Ensure that all owl chicks are banded.	4	SA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Varies	All	1, 2, 3, 5, 6 and 7
7.2.5.2	O&MN Env.	00246NR034	Reduce predator pressure by continuing BASH programs at NOLF IB.	4	SA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Annually	All	1, 2, 3, 5, 6 and 7
7.2.5.2	CNIC	00246NR003	Coordinate with USFWS and CDFG to ensure NOLF IB property within USFWS Refuge is being surveyed for Belding's Savannah Sparrow .	4	SA, ESA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Annually	All	1, 4 and 6
7.2.5.2	CNIC	00246NR003	Amend stormwater management plan to recognize nesting seasons of Belding's Savannah Sparrow and ensure clearing of outfalls adjacent to marsh areas occurs during non-breeding season.	4	SA, ESA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Annually	All	1, 2, 3, 4, 6 and 7

Table C-5: Naval Outlying Landing Field Imperial Beach INRMP Projects and Implementation Table - September 2012

INRMP Section	Funding Source	EPR Project Code	Project Description	ERL Priority	Legal Driver	Implementation		Natural Resources Metrics Builder
						Frequency	Fiscal Year	
7.2.5.2	CNIC	00246NR101	Perform invasive species control in areas where Belding's Savannah Sparrow habitat is known to exist.	4	SA, ESA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Annually	All	1, 2, 3, 4, 6 and 7
7.2.5.1	O&MN Env.	00246NR026	Coordinate with USFWS and CDFG to ensure NOLF IB property within USFWS Refuge is being surveyed for Light-footed Clapper Rail.	4	SA, ESA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Annually	All	1, 4 and 6
7.2.5.1	CNIC	00246NR003	Amend stormwater management plant to recognize nesting seasons of Light-footed Clapper Rail and ensure clearing of outfalls adjacent to marsh areas occurs during non-breeding season.	4	SA, ESA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Annually	All	1, 2, 3, 4, 6 and 7
7.2.5.1	CNIC	00246NR101	Perform invasive species control in areas where Light-footed Clapper Rail habitat is known to exist.	4	SA, ESA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Annually	All	1, 2, 3, 4, 6 and 7
7.2.5.2	CNIC	00246NR101	Perform invasive species control in areas where Belding's Savannah Sparrow habitat is known to exist.	4	SA, ESA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Annually	All	1, 2, 3, 4, 6 and 7
7.2.5.1	CNIC	00246NR028	Implement measures to reduce parasitism of Least Bell's Vireo by Brown-headed Cowbirds.	4	SA, ESA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Annually	All	1, 2, 3, 4, 6 and 7
7.2.5.1	CNIC	00246NR035	Survey population of Least Bell's Vireo and look for Southwestern Willow Flycatcher at least every 3 years using USFWS protocol. Include nest and territory monitoring, if feasible.	4	SA, ESA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Triennial	2012, 2015	1, 2, 4, 6 and 7

Table C-5: Naval Outlying Landing Field Imperial Beach INRMP Projects and Implementation Table - September 2012

INRMP Section	Funding Source	EPR Project Code	Project Description	ERL Priority	Legal Driver	Implementation		Natural Resources Metrics Builder
						Frequency	Fiscal Year	
7.2.5.1	CNIC	00246NR101	Conduct invasive species control.	4	SA, ESA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Annually	All	1, 2, 3, 4, 6 and 7
7.2.5.1	CNIC	00246NR117	Perform periodic monitoring using established protocols for San Diego Fairy Shrimp surveys.	4	SA, ESA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Annually	All	1, 2, 3, 4, 6 and 7
7.2.5.1	CNIC	00246NR117	Complete a vulnerability assessment to assess threats to existing populations.	4	SA, ESA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Annually	All	1, 2, 3, 4, 6 and 7
7.2.5.1	CNIC	In-house	Develop protocols to ensure personnel clean footwear and equipment used in pools (before and after) conducting activities in vernal pools.	4	SA, ESA, DoD Inst. 4715.03, OPNAVINST 5090.1C	Annually	All	1, 3, 4, 6 and 7
7.2.5.1	CNIC	In-house	Ensure personnel clean footwear and equipment used in pools (before and after) conducting activities in vernal pools.					
7.2.4.3 7.2.4.7	O&MN Env.	00246NR046	Install bird and bat boxes on NOLF IB.	1	SA, CA MIL, DoD Inst. 4715.03, OPNAVINST 5090.1C	Once	2013	1, 2, 4, 5 and 6
	CNIC O&MN Env.	00246NR023	NOLF Migratory Bird MAPS Monitoring Station					

Table C-5: Naval Outlying Landing Field Imperial Beach INRMP Projects and Implementation Table - September 2012

INRMP Section	Funding Source	EPR Project Code	Project Description	ERL Priority	Legal Driver	Implementation		Natural Resources Metrics Builder
						Frequency	Fiscal Year	
7.2.4.6	CNIC	00246NR003	<p>Manage habitat near the airfield to reduce attractiveness to wildlife, particularly birds. The following guidelines are contained in the BASH plan to reduce habitat attractiveness to wildlife through the following actions:</p> <ul style="list-style-type: none"> • Reducing “edges” between habitats that some birds, especially small passerines, use such as the edge between brush and a grassy area. • Replacing dirt (bare ground) with other materials such as gravel, asphalt or artificial turf to eliminate available grit sources that birds such as doves and pigeons need. Conducting surveys to determine if sensitive plant species occur in the vicinity of the airfield. • Managing grass or forbs to a height that reflects the particular species of interest. Grass next to the runway should be kept to a height of three to four inches to enable clear inspection of the area and also to ensure cutting before plants seed. • Managing weeds for the entire airfield on a regular basis year round because they can provide a food source and cover for small passerine birds and rodents. • Reducing, clearing, and/or thinning the number of trees or bushes that produce nesting, foraging, or roosting opportunities for birds around the entire airfield. • Ensuring water areas within the PSA are filled, drained or covered with netting or a wire grid system. Depressions on the runways that collect water should be repaired to eliminate standing water. 	4	SA, MBTA, DoD Inst. 4715.03, OPNAVINST 5090.1C, Navy MBTA Guidance	Annually	All	1, 2, 3, 4, 5, 6 and 7

Table C-5: Naval Outlying Landing Field Imperial Beach INRMP Projects and Implementation Table - September 2012

INRMP Section	Funding Source	EPR Project Code	Project Description	ERL Priority	Legal Driver	Implementation		Natural Resources Metrics Builder
						Frequency	Fiscal Year	
7.2.11	CNIC	00246NR003	Develop and distribute materials to educate personnel at the airfield about the NOLF IB natural resources program.	4	SA, MBTA, DoD Inst. 4715.03, OPNAVINST 5090.1C, Navy MBTA Guidance	Annually	All	1, 2, 3, 4, 5, 6 and 7
7.2.4.5	CNIC	00242NR020	Southwest metro area wildlife assist support in the pick and transportation of sick and injured wildlife to rehabilitation facilities.	4	SA, ESA, MBTA	Annual	FY13	2, 5 and 6
7.2.4.5	CNIC	00242NR033	Southwest metro area project wildlife rehabilitation support	4	SA, MBTA, ESA	Annually	FY13	1,5 and 6

Note: ¹ This is not a comprehensive list of applicable regulations, other regulations, policy, or guidance may apply. Please review Section 2.5.2 for a comprehensive list of laws, policies or guidance for management of natural resources.

Key Legal Driver:

CA MIL = CA Mgmt of Fish and Wildlife on Military Lands (CA MIL)
 CESA = California Endangered Species Act
 ESA = Federal Endangered Species Act
 CA Native = CA Native Spp. Conservation and Enhancement
 CWA = Federal Clean Water Act
 MBTA = Federal Migratory Bird Treaty Act
 SA = Sikes Act as amended
 OPNAVINST = Chief of Naval Operational Instruction 5090.1C
 CNIC = Commander, Naval Installation Command
 PACFLT = Commander, U.S. Pacific Fleet

Key Metrics Builder:

1. INRMP Implementation
2. Partnerships/Cooperation and Effectiveness
3. Team Adequacy
4. Status of Federally Listed Species and Critical Habitat (CH)
5. Ecosystem Integrity
6. Fish and Wildlife Management and Public Use
7. INRMP Impact on the Installation Mission.



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER *GB*
MEETING DATE: DECEMBER 12, 2012
ORIGINATING DEPT.: JACQUELINE M. HALD, CITY CLERK *JMH*
SUBJECT: ANNUAL CITY COUNCIL REPRESENTATION ASSIGNMENTS FOR 2013

BACKGROUND & DISCUSSION:

Pursuant to Section 2.18.010.C of the Imperial Beach Municipal Code (I.B.M.C.), appointments to all commissions, boards and committees, except the planning commission and the personnel board, shall be made by the Mayor, with the approval of the City Council.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Not a project as defined by CEQA.

FISCAL IMPACT:

None.

DEPARTMENT RECOMMENDATION:

1. Mayor appoint/change City Council Representation Assignments for 2013 in accordance with Chapter 2.18.010.C of the I.B.M.C.
2. City Council approve Mayor's appointments and changes to City Council Representation Assignments for 2013.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

1. Draft City Council Representation Assignment List for 2013 will be provided at or prior to the City Council meeting



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER *GB*
MEETING DATE: DECEMBER 5, 2012
ORIGINATING DEPT.: JACQUELINE M. HALD, CITY CLERK *JMH*
SUBJECT: RESOLUTION NO. 2012-7284 APPROVING THE CALENDAR AND SETTING THE TIME FOR CITY COUNCIL MEETINGS AND WORKSHOPS FOR THE YEAR 2013

BACKGROUND:

Historically, the City Council adopts the meeting calendar for the upcoming year after review of potential meeting schedule conflicts.

DISCUSSION:

After review of the holiday schedule and conferences scheduled for 2013, staff recommends the following:

- Schedule City Council Workshops on:
January 30, 2013
April 10, 2013
July 24, 2013
October 23, 2013
- Reschedule the January 16, 2013 City Council meeting for January 23, 2013 due to a conflict with the League of California Cities New Mayor & Council Academy scheduled for January 16-18, 2013.
- Cancel the February 6, 2013 City Council meeting due to a conflict with the SANDAG retreat.
- Cancel of the July 3, 2013 City Council meeting due to the Independence Day holiday.
- Consider cancellation of the September 18, 2013 City Council meeting due to a conflict with the League of California Cities Annual Conference scheduled for September 18-20, 2013 in Sacramento, California.

Staff further recommends cancellation of the January 1, 2014 City Council meeting due to the New Year's Day holiday.

Please note: The January 2, 2013 City Council meeting was cancelled by previous Council action on December 7, 2012.

Pursuant to Section 2.12.040.A of the Imperial Beach Municipal Code, "*Unless otherwise specified by resolution, the City Council must hold regular meetings on the first and third Wednesdays of each month at an hour to be set by resolution. Regular meetings will be held in the council chambers at City Hall, 825 Imperial Beach Boulevard, Imperial Beach, or at another place within the City limits to which the meeting may be adjourned.*" Therefore, the City Council needs to consider a resolution setting the time for the City Council meetings and workshops for 2013.

FISCAL IMPACT:

None related to this report.

DEPARTMENT RECOMMENDATION:

1. Review and discuss the proposed 2013 City Council Meeting Calendar and the meeting times for City Council Meetings and Workshops;
2. Direct staff to make changes, if any, to the 2013 City Council Meeting Calendar and/or to the meeting times for City Council Meeting and Workshops; and
3. Adopt Resolution No. 2012-7284 approving the 2013 City Council Meeting Calendar and setting the time for City Council meetings and workshops for 2013.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

1. Resolution No. 2012-7284
2. 2013 City Council Meeting Calendar
3. 2012 -2013 City of Imperial Beach Holiday Schedule & Alternative Friday Schedule

RESOLUTION NO. 2012-7284

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING THE CALENDAR AND SETTING THE TIME FOR CITY COUNCIL MEETINGS AND WORKSHOPS FOR THE YEAR 2013

WHEREAS, Section 2.12.040 A of the Imperial Beach Municipal Code states, Unless otherwise specified by resolution, the City Council must hold regular meetings on the first and third Wednesdays of each month at an hour to be set by resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach as follows:

1. That the 2013 City Council Meeting Calendar attached hereto as Exhibit "A", is hereby approved;
2. That all meetings on the calendar (other than workshops) will be considered as "regular" meetings;
3. That Regular City Council meetings shall begin at 6:00 p.m.; and
4. That City Council Workshops shall begin 6:00 p.m.; and

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 5th day of December 2012, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, MMC
CITY CLERK

2013

City of Imperial Beach
Council Meeting Calendar

2013

January						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

February						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

March						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

September						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

-  Council Meetings 6 PM
-  Council Workshops 6 PM
-  City Hall Closed
-  City Holiday / City Hall Closed



**City of Imperial Beach
Holiday & Alternate Friday Schedule
2012-2013**

2012 Holiday Schedule

Sunday, November 11	Veterans Day	Observed on Monday, November 12
Thursday, November 22	Thanksgiving Day	City Hall Offices Closed
Friday, November 23	Day After Thanksgiving	City Hall Offices Closed
Monday, December 24	Christmas Eve	City Hall Offices Closed
Tuesday, December 25	Christmas Day	City Hall Offices Closed
December 26-27	Furlough	City Hall Offices Closed for the Holidays
Monday, December 31	New Year's Eve	City Hall Offices Closed

2013 Holiday Schedule

Tuesday, January 1	New Year's Day	City Hall Offices Closed
Monday, January 21	Martin Luther King, Jr. Day	City Hall Offices Closed
Monday, February 18	President's Day	City Hall Offices Closed
Sunday, March 31	Cesar Chavez Day	Observed on Monday, April 1
Monday, May 27	Memorial Day	City Hall Offices Closed
Thursday, July 4	Independence Day	City Hall Offices Closed
Monday, September 2	Labor Day	City Hall Offices Closed
Monday, November 11	Veterans Day	City Hall Offices Closed
Thursday, November 28	Thanksgiving Day	City Hall Offices Closed
Friday, November 29	Day After Thanksgiving	Dark Friday – Holiday Bank
Tuesday, December 24	Christmas Eve	City Hall Offices Closed
Wednesday, December 25	Christmas Day	City Hall Offices Closed
December 26 & 30	Furlough	City Hall Offices Closed for the Holidays

2012 9/80 Alternative Friday Schedule

- October 5
- October 19

- November 2
- November 16
- November 30

- December 14
- December 28

2013 9/80 Alternative Friday Schedule

- | | |
|---------------|----------------|
| • January 11 | • July 12 |
| • January 25 | • July 26 |
| • February 8 | • August 9 |
| • February 22 | • August 23 |
| • March 8 | • September 6 |
| • March 22 | • September 20 |
| • April 5 | • October 4 |
| • April 19 | • October 18 |
| • May 3 | • November 1 |
| • May 17 | • November 15 |
| • May 31 | • November 29 |
| • June 14 | • December 13 |
| • June 28 | • December 27 |



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER *GB*
MEETING DATE: DECEMBER 12, 2012
ORIGINATING DEPT.: CITY MANAGER
SUBJECT: SEACOAST DRIVE COMMERCIAL ZONE LIGHTING STUDY

BACKGROUND:

On December 5 Council requested that you discuss a Seacoast Drive Commercial Zone lighting study at your December 12, 2012 meeting. Please see Councilmember Spriggs' email of November 30, 2012 for more details.

DISCUSSION:

I haven't had much time to discuss this topic with staff, but it is unlikely that a study can be defined and completed within 30 days.

Attached is Mr. Levien's March 21, 2012 staff report and PowerPoint which may help in your discussion.

Funding for additional street lights may not be available from Street Improvements Phases 3b (Seacoast Drive) and 4/5 because:

1. DOF may need to review the expenditure of redevelopment funds on "new" work. We'll need to discuss this with our redevelopment attorney.
2. Costs for Phase 4/5 work already under contract may exceed current estimates.

ENVIRONMENTAL DETERMINATION:

To discuss a lighting study has no environmental impact.

FISCAL IMPACT:

As of this writing we haven't estimated the cost of a lighting study.

DEPARTMENT RECOMMENDATION:

Please discuss the Seacoast Drive commercial zone lighting study and provide direction to staff if necessary.

Attachments:

1. December 5, 2012 Staff Report – Request by City Council to place item on Agenda
2. March 21, 2012 Staff Report – Options and costs for various Seacoast Drive Pedestrian-Scale Street Light Scenarios
3. March 21, 2012 Seacoast Drive Street Light Scenarios PowerPoint

AGENDA ITEM NO. 2

**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: CITY MANAGER *MB*

MEETING DATE: DECEMBER 5, 2012

ORIGINATING DEPT: CITY MANAGER

SUBJECT: REQUEST BY MEMBER OF THE CITY COUNCIL TO
PLACE AN ITEM ON A CITY COUNCIL AGENDA

BACKGROUND:

On January 18, 2012, City Council approved City Council Policy No. 116, which established guidelines for how a member of the City Council may place an item on a City Council agenda. City Council Policy 116 states:

"For any item to be placed on the agenda by any member of the City Council

- a. Submit a written request to the City Manager stating the matter to be discussed.*
- b. City Manager places the item on the City Council agenda to see if a majority of the City Council wishes to discuss the matter at a future meeting.*
- c. If a majority of the City Council wishes to discuss the matter at a future meeting, the City Manager will place it on a future agenda after staff work, if any, is completed."*

DISCUSSION:

On November 30, 2012, Councilmember Spriggs submitted a written request to the City Manager to have the City Council consider a Seacoast Drive Commercial zone lighting study (see attachment 1).

CITY MANAGER'S RECOMMENDATION:

It is recommended that the City Council:

1. Consider Councilmember Spriggs' request to place an item on a City Council agenda and
2. Decide if the City Manager should place the item on a future meeting agenda after staff work, if any, is completed.

Attachments:

1. E-mail correspondence from Councilmember Spriggs requesting Council agenda item
2. City Council Policy 116 – Request by Member of the City Council to Place an Item on a City Council Agenda

From: Edward Spriggs <ejspriggs@yahoo.com>
Subject: New Agenda Item
To: "Gary Brown" <gbrown@CityofIB.org>
Date: Friday, November 30, 2012, 5:13 PM

Hi Gary,
Please add the following agenda item to this coming Wednesday's agenda:

Seacoast Drive commercial zone lighting study: (a) that current lighting be reviewed by a pedestrian lighting expert to determine whether and what improvements or changes are needed within the Seacoast Drive Street Improvement project to enhance night time walkability and ambience in order to increase pedestrian night time traffic and that specific lighting options and cost estimates be submitted to Council within 30 days for Council consideration; (b) that the Seacoast Drive Street Improvement Project not be terminated nor additional Project funds in any amount added to the current contracts or reprogrammed to other projects or uses until Council has acted on the above recommendations.

Best regards,

Ed

CITY OF IMPERIAL BEACH COUNCIL POLICY		
SUBJECT: REQUEST BY MEMBER OF THE CITY COUNCIL TO PLACE AN ITEM ON A CITY COUNCIL AGENDA	POLICY NUMBER: 116	PAGE 1 OF 1
ADOPTED BY: Resolution No. 2012-7142	DATED: January 18, 2012	

PURPOSE

To provide guidelines on placing items on the City Council agenda by members of the City Council.

POLICY

1. Any member of the City Council may request that an item be placed on a future City Council agenda for discussion and possible action.
2. For any item to be placed on the agenda by any member of the City Council
 - a. Submit a written request to the City Manager stating the matter to be discussed.
 - b. City Manager places the item on the City Council agenda to see if a majority of the City Council wishes to discuss the matter at a future meeting.
 - c. If a majority of the City Council wishes to discuss the matter at a future meeting, the City Manager will place it on a future agenda after staff work, if any, is completed.

AGENDA ITEM NO. 6.3

**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: MARCH 21, 2012

ORIGINATING DEPT.: PUBLIC WORKS *HAL*

SUBJECT: OPTIONS AND COSTS FOR VARIOUS SEACOAST DRIVE
PEDESTRIAN-SCALE STREET LIGHT SCENARIOS

BACKGROUND: At the March 7, 2012 City Council meeting, staff was directed to prepare a presentation for the March 21, 2012 regular City Council meeting on options and costs for various Seacoast Drive pedestrian-scale street light scenarios. There is a sense by some within Council and the community that the street lighting designed into the Street Improvements RDA Phase 3A and 3B capital improvement program projects does not appropriately address pedestrian scale lighting along Seacoast Drive. The lighting design provided by the consultant for Seacoast Drive was an attempt to find a satisfactory compromise between adequate vehicle-oriented lighting and pedestrian oriented lighting. This staff report is prepared to provide material by which City Council can discuss this issue in more detail and potentially provide further direction to staff.

The street light design for the Seacoast Drive between Palm Avenue and Imperial Beach Blvd. have the following elements:

- New poles are 24 feet tall – 4-feet taller than that recommended in the Seacoast Drive Design Standards. (existing cobra head light poles are 30-feet tall)
- New poles are topped with a shepherds hook lamp fixture consistent with the Seacoast Drive Design Standards.
- Average spacing between light poles is 80-feet (although this varies depending upon the street intersection spacings). (existing cobra head lamps are spaced on average every 110-feet)
- The number of street lights has increased to 34 from the existing cobra head lamps of 22.
- The design illuminance is shown in Attachment 1.

The Seattle Department of Transportation defines Pedestrian Scale lights as that which:

- Improves walkable illumination;
- Increases pedestrian access;
- Enhances community safety;
- Improves business exposure; and
- Provides a sense of place.

The City of San Diego "Street Design Manual" states that pedestrian scale lighting shall conform to the following:

1. In commercial areas, the average maintained horizontal illuminance (FC) on sidewalk or walkway shall not be less than 0.9 foot-candles and shall not exceed illuminance uniformity (UR) of 4:1 (foot-candles average/foot candle minimum); and
2. In mixed-use areas, the average maintained horizontal illuminance on the sidewalk or walkway shall not be less than 0.6 foot-candles and shall not exceed UR of 4:1; and
3. In residential areas, the average maintained horizontal illuminance on the sidewalk or walkway shall not be less than 0.4 foot-candles and shall not exceed UR of 6:1; and
4. In commercial areas, contributions from other nearby storefront lighting, private lighting, sign lighting and / or reflections from structures on private property should not be considered as a reason for reducing the sidewalk or walkway illuminance levels indicated above.
5. Sidewalk or walkway lights shall have cutoff fixtures that keep light pollution, light trespass, and glare to drivers to a minimum, as approved by the City Engineer.

Note: *Illuminance is the measure of light that falls on a surface and is measured in foot-candles (fc) or lux (lx).*

Note: *Attachment 1 shows the illuminance on the sidewalk for the currently designed Seacoast Drive between Date Avenue and Elm Avenue. There are several locations where the illuminance is less than the 0.9 lux minimum for commercial areas and less than 0.6 lux minimum for mixed use areas. Likewise the UR for this block is 9:1 which exceeds both the 4:1 standard for commercial or mixed use as shown in the City of San Diego "Street Design Manual" above.*

In a Rutgers University Study, "Pedestrian Lighting in New Jersey – A means to improve Pedestrian Safety," January 2007 prepared by Ranjit Walia it was pointed out that lighting has limitations that should be considered when designing lighting plans. The study points out that "... merely increasing the output or number of luminaires does not necessarily produce improvements in lighting. Other impacts must be considered when designing a roadway or street lighting scheme. Engineers, planners, and citizens have become increasingly aware of the negative consequences associated with merely increasing the number of lighting fixtures and/or their luminous intensities. Exterior lighting installations that result in excessive luminous intensities create what is now known as light pollution. Simply put, light pollution with no "useful" purpose wastes energy. Light pollution takes several different forms. These include:

- Glare – an intense and blinding light that causes discomfort and results in a reduction in one's ability to see.... Glare has the effect of decreased visibility and visual performance....
- Light trespass – light that falls where it is not wanted or needed. Examples include light spilling into a yard or bedroom window from a nearby streetlight, business, or other residence.
- Visual Clutter and confusion – light pollution caused by light coming either from too many brightly lit signs or from too many lights that result in an individuals' difficulty in differentiating objects, such as directional signs or traffic signals.
- Artificial sky glow – the artificial brightening of the night sky due to inefficient lighting fixtures that project light upward. While the presence of these pollutants create a number of undesirable conditions, the problems associated with light pollution can, and do, have detrimental effects on pedestrian safety.
- Glare and visual clutter can contribute to motorists' inability to identify and to prevent pedestrian-vehicle collisions. These conditions are exacerbated during periods of fog, mist, snow, or rain, all of which increase light reflection and reduce contrast. Ironically, improperly designed lighting can potentially reduce safety instead of improving it. Hence, it is important that lighting be designed by knowledgeable professionals.

DISCUSSION: Given the guidelines noted above, it is staff's recommendation that any changes to the lighting installation along Seacoast Drive be drawn by a professional lighting engineer to avoid the pitfalls described above and to ensure that the appropriate lighting standards are attained. References have generally identified pedestrian scale lighting as lights mounted on 13-foot to 16-foot poles.

Staff has consulted with the Street Improvements RDA Phase 3B design consultant, Nasland Engineering, about modifying the current street illumination design to reflect a stronger pedestrian oriented illumination pattern. The following information is provided from that discussion:

1. Nasland Engineering is agreeable to preparing a street lighting plan that is more pedestrian oriented.
2. Nasland Engineering strongly suggests that the taller 24-foot pole currently designed into the project be retained at the street intersections. Street lighting for the safety and comfort of motorists should account for the illumination of intersections and designated crosswalks.
3. The inclusion of sufficient pedestrian oriented lighting between intersections could be designed and be ready for Council approval in about 5 weeks from which a notice to proceed with the redesign is given.
4. Additional pedestrian oriented street lighting will require an SDG&E review and approval to ensure that sufficient power is available and designed into the project and that there are no other interferences. SDG&E review typically takes 2 to 4 weeks.
5. The cost to design the additional pedestrian oriented lighting is estimated to be approximately \$30,000.
6. The construction cost to include the additional lighting is estimated at approximately \$270,000.

In discussions with the construction contractor, PAL General Engineering, Inc., the inclusion of additional lights and associated conduit within the project area will have the following effects:

1. Effectively stop work until the design is completed and the change order is approved by all parties.
2. Staff believes the stop work would be for a period of about 12 to 13 weeks or 3 to 3.5 months (5-weeks for design, 2-weeks for approval by City Council, 4-weeks review by SDG&E (and potentially other dry utilities) and 2 weeks to remobilize and resume work).
3. Additional costs for demobilizing and remobilizing of \$15,000 to \$20,000.
4. Extension of the effective construction completion date to late November 2012.
5. The currently ordered street lights will be in excess of the needed intersection street lights.
6. Trenching in the newly laid asphalt and the intersection decorative hardscape between Palm Avenue and Daisy Avenue. Damage the new look aesthetics of this previous work.

Staff understood City Council's direction to staff was to look at the impact of different options relative the possible locations and extent of the installation of the pedestrian oriented street lighting. Those options being:

1. Pedestrian oriented lighting installation along the entire distance of Seacoast Drive (Palm Avenue to and including Imperial Beach Blvd. intersections);
2. Pedestrian oriented lighting installation along Seacoast Drive between Daisy Avenue and Imperial Beach Blvd.;
3. Pedestrian oriented lighting installation along Seacoast Drive between Daisy Avenue and Elder Avenue;
4. Pedestrian oriented lighting installation along Seacoast Drive between Palm Avenue and Elder Avenue; and

5. Pedestrian oriented lighting installation along Old Palm Avenue and Seacoast Drive between Palm Avenue and Imperial Beach Blvd.
6. Installation of conduit and junction boxes only (light poles and lamps to be installed at a later date and as funds become available).
7. Installation of solar powered lighting for the pedestrian oriented street lighting. See Attachment 2 as an example a solar powered shepherds hook pedestrian oriented street light.

Staffs' comments regarding each of the above pedestrian oriented street lighting options (in the order shown above):

1. Seacoast Drive (Palm to Imperial Beach Blvd.):
 - a. Estimated design and construction cost of \$300,000.
 - b. Estimated construction delay costs of \$20,000.
 - c. Estimated construction completion delay of 3.5 months (November 2012 or later, depending upon the date stop work commences).
 - d. Approximately 12 extra 24 foot poles delivered based on the current order. *Note there is approximately a 3-month delivery time between order date and delivery date.* Each pole is bid at \$2,180.
 - e. Unknown costs from the SDG&E evaluation of the additional pole power requirements.
 - f. Increased risk that the State may choose to recall these former RDA funds.
 - g. Annual O&M electric cost of \$37.08 per light pole (assuming 4 additional lights per block - 40 new poles is \$1483.20).
2. Seacoast Drive (Daisy to Imperial Beach Blvd.):
 - a. Estimated design and construction cost of \$225,000
 - b. Estimated construction delay costs of \$20,000
 - c. Estimated construction completion delay of 3.5 months (November 2012 or later, depending upon the date stop work commences).
 - d. Approximately 7 extra 24 foot poles delivered based on the current order. *Note there is approximately a 3-month delivery time between order date and delivery date.* Each pole is bid at \$2,180.
 - e. Unknown costs from the SDG&E evaluation of the additional pole power requirements.
 - f. Increased risk that the State may choose to recall these former RDA funds.
 - g. Annual O&M electric cost of \$37.08 per light pole (assuming 4 additional lights per block - 28 new poles is \$1038.24).
3. Seacoast Drive (Daisy to Elder Avenue):
 - a. Estimated design and construction cost of \$150,000
 - b. Estimated construction delay costs of \$20,000
 - c. Estimated construction completion delay of 3.5 months (November 2012 or later, depending upon the date stop work commences).
 - d. Approximately 4 extra 24 foot poles delivered based on the current order. *Note there is approximately a 3-month delivery time between order date and delivery date.* Each pole is bid at \$2,180.
 - e. Unknown costs from the SDG&E evaluation of the additional pole power requirements.
 - f. Increased risk that the State may choose to recall these former RDA funds.
 - g. Annual O&M electric cost of \$37.08 per light pole (assuming 4 additional lights per block - 16 new poles is \$593.28).
4. Seacoast Drive (Palm Avenue to Elder Avenue)
 - a. Estimated design and construction cost of \$240,000.
 - b. Estimated construction delay costs of \$20,000.

- c. Estimated construction completion delay of 3.5 months (November 2012 or later, depending upon the date stop work commences).
 - d. Approximately 9 extra 24 foot poles delivered based on the current order. *Note there is approximately a 3-month delivery time between order date and delivery date.* Each pole is bid at \$2,180.
 - e. Unknown costs from the SDG&E evaluation of the additional pole power requirements.
 - f. Increased risk that the State may choose to recall these former RDA funds.
 - g. Annual O&M electric cost of \$37.08 per light pole (assuming 4 additional lights per block - 28 new poles is \$1038.24).
5. Old Palm plus Seacoast Drive between Palm Avenue and Imperial Beach Blvd.
- a. This option was declined by City Council during their discussions on March 7, 2012.
6. Installation of conduit and junction boxes only
- a. Estimated design cost of \$30,000.
 - b. Construction cost estimate of \$60,000
 - c. Estimated construction cost delays of \$20,000
 - d. Estimated construction delay of 3.5 months (November 2012 or later, depending upon the date stop work commences).
 - e. Unknown costs from the SDG&E evaluation of the additional pole power requirements.
 - f. Increased risk that the state may choose to recall these former RDA funds.
7. Installation of solar powered pedestrian oriented street lights
- a. Estimated design cost of \$15,000.
 - b. Construction cost estimate of \$2,000 per pole (assuming 40 new poles a cost of \$80,000)
 - c. No construction delay is anticipated.
 - d. No SDG&E review delay is anticipated.
 - e. No monthly electric bill. Battery replacement every 2 to 4 years at approximately \$100 per battery.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA. This project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15302(c): Replacement or Reconstruction of Existing Utility Systems and Facilities.

FISCAL IMPACT:

Possible fiscal impact is outlined in the above discussion sections. The impact is dependent on the Council's direction following their discussion.

The budget for this project is \$2,000,000.

To date, the estimated encumbered funds for this project total \$1,647,058.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council:

- 1. Receive this report.
- 2. That the pedestrian oriented lighting only be designed by a professional electrical lighting engineer.
- 3. That the pedestrian oriented lights, if installed, be consistent with the Seacoast Drive Design Guidelines – Shepherd's Hook shape
- 4. Discuss the options for modifying the Street Improvement RDA Phase 3B CIP project as laid out above, including an option to proceed with the contract as currently awarded.

5. Provide staff direction on how to proceed with this project.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. 25" Light Pole Illuminance statistic profile for Seacoast Drive between Date Avenue and Elm Avenue.
2. Example of a solar powered shepherds hook pedestrian oriented street light.



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- Solar Lawn Lights
- Wind & Solar Hybrid Lights
- Super Powerful Solar Lights
- Battery-on-the-top Solar Lights
- Battery-at-the-foot Solar Lights
- Solar Light Devices
- Solar Panels
- Solar Systems
- LED Lighting Fixtures
- Turtle Friendly Lights
- Solar Remote Control Light
- solar sign light

Just Go Beyond The Earth Hour
 Greenshine's Product Update Notification
 Don't Miss Out Greenshine's Super Economy Solar Lighting Solution
 The advantages of solar street light
 Solar Industry into the "era of post-service"

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Lita15

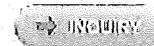
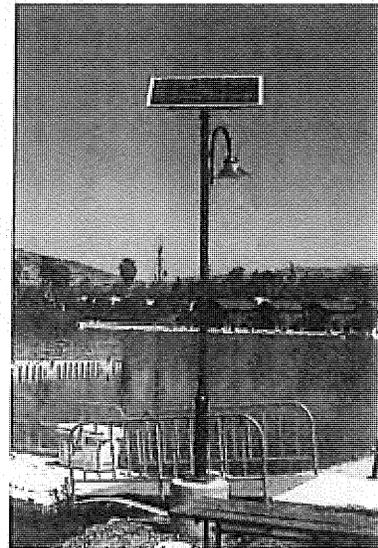
Lita15 has a light adjustable panel bracket which can be fixed at various positions. Its bugle light fixture can light up a large round area. So it is ideal for entrances, wide paths, parking lots, parks, pedestrian streets, bikeways, etc

Specifications

Solar Panel	80W, monocrystalline or polycrystalline, conversion efficiency: 13 ~ 15%
Light Power	15W CREE/Bridgelux LED lamp
Pole	13 feet high, made of steel
Controller	12V 10A solar charge controller
Battery	12V 50Ah gel cell deep cycle battery
Working Time	6 ~ 12 hours/day, 3 ~ 6 cloudy or rainy days backup
Wind Resistance	80mph (Please consult with us for higher wind resistant models.)

Options

Working Mode	Full Power	Dimming	Split Night	Dusk to Dawn
Backup Day	3 days	5 days	6 days	
Battery Position	Underground	Foot		
Color	Silver	Black	Brown	White
Pole Height	13 feet	16 feet	20 feet	



Light Fixture



GL33



GL12

Ideal for entrances, wide paths, parking lots, parks, pedestrian streets, bikeways, etc..

Wattage available:

15W

Applications

- | | | |
|-----------------------|--------------------------------|-------------------|
| Street Lighting | Jogging and Bike Path Lighting | Entrance Lighting |
| Parking Lot Lighting | Perimeter Security Lighting | Yard Lighting |
| Sidewalk Lighting | Farm & Ranch Lighting | Fence Lighting |
| Private Road Lighting | Park Lighting | Campus Lighting |



Seacoast Drive Street Light Scenarios

Presented March 21, 2012

Street Light Design



- New Poles are 24 feet tall (existing cobra head light poles are 30 feet tall)
- New poles are topped with a shepherds hook lamp fixture
- Average spacing between light poles is 80-feet (existing cobra head lamps are spaced every 110-feet)
- The number of street lights has increased to 34
- The design illuminance is shown in the staff report

Pedestrian Scale Lights



- Improves Walkable Illumination
- Increases Pedestrian Access
- Enhances Community Safety
- Improves Business Exposure
- Provides a Sense of Place

Lighting Limitations



Lighting has limitations that should be considered when designing lighting plans:

- Glare
- Light trespass
- Visual Clutter
- Artificial sky glow
- Glare and visual clutter

Pedestrian Scale Lighting Options:



1. Pedestrian oriented lighting installation along the entire distance of Seacoast Drive
2. Pedestrian oriented lighting installation along Seacoast Drive between Daisy Ave and IB Blvd.
3. Pedestrian oriented lighting installation along Seacoast Drive between Daisy Ave and Elder Ave
4. Pedestrian oriented lighting installation along Seacoast Drive between Palm Ave and Elder Ave

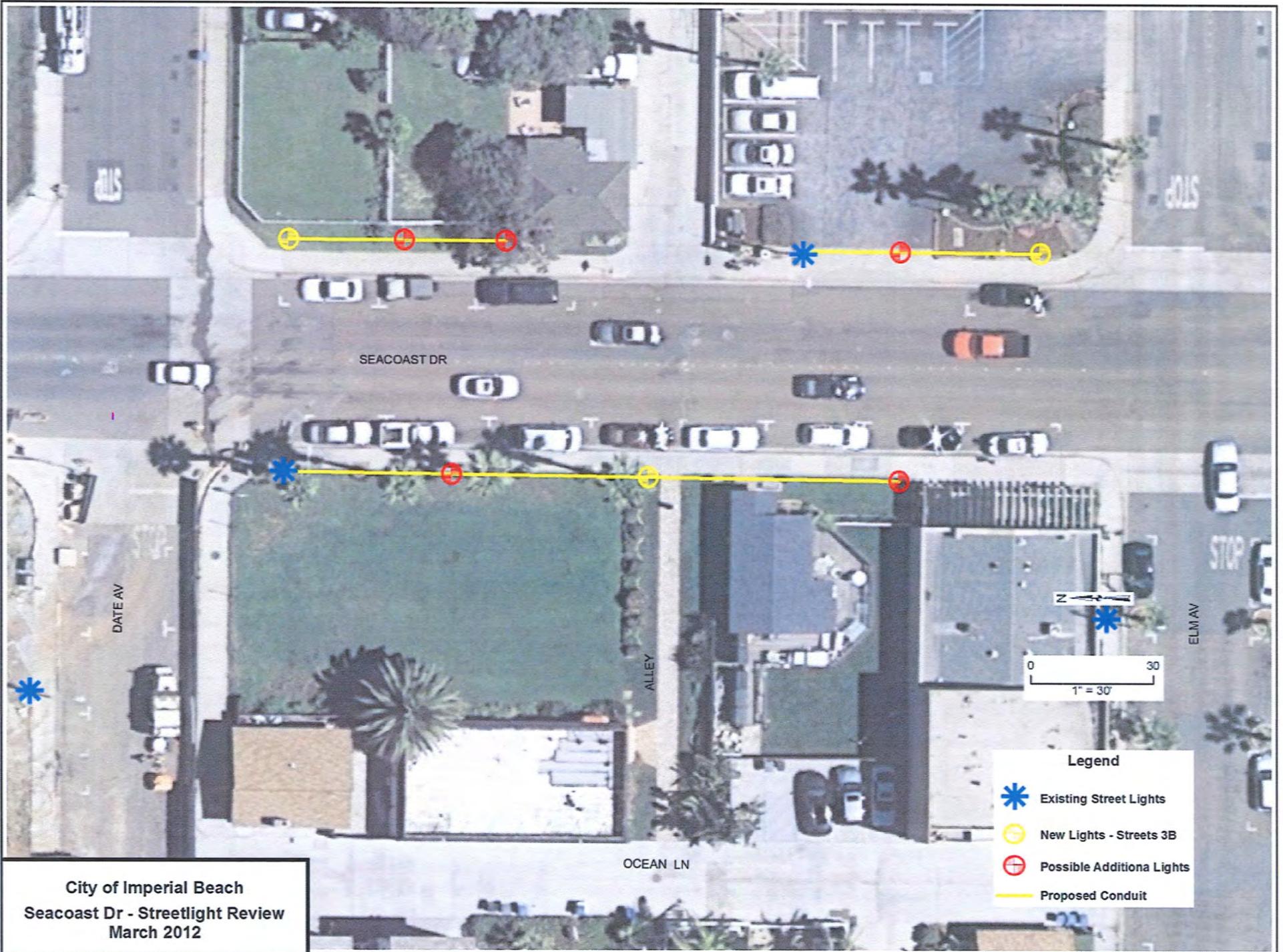
Pedestrian Scale Lighting Options: (Cont'd)



5. Pedestrian oriented lighting installation along Old Palm Ave and Seacoast Drive between Palm Ave and IB Blvd.
6. Installation of conduit and junction boxes only
7. Installation of solar powered lighting
8. Installation of behind sidewalk infrastructure only

Options: 1-6 have potential of up to 3.5 month delay in Street Improvement RDA Phase 3B Construction

Options: 7 & 8 may not effect construction schedule



City of Imperial Beach
 Seacoast Dr - Streetlight Review
 March 2012

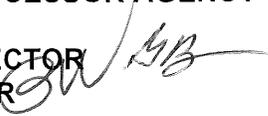


Seacoast Drive Street Light Scenarios

Presented March 21, 2012

**STAFF REPORT
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY**

TO: CHAIR AND MEMBERS OF THE IMPERIAL BEACH
REDEVELOPMENT AGENCY SUCCESSOR AGENCY

FROM: GARY BROWN, EXECUTIVE DIRECTOR 
GREG WADE, DEPUTY DIRECTOR 

MEETING DATE: DECEMBER 12, 2012

SUBJECT: DUE DILIGENCE REVIEW OF ALL FUND AND ACCOUNT
BALANCES OTHER THAN THE LOW AND MODERATE
INCOME HOUSING FUND (“NON-HOUSING DDR”) PREPARED
PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE
SECTION 34179.5 AND CONVENE A PUBLIC COMMENT
SESSION PURSUANT TO CALIFORNIA HEALTH AND SAFETY
CODE SECTION 34179.6(b).

BACKGROUND:

As required by Health and Safety Code Section 34179.5(a), the Imperial Beach Redevelopment Agency Successor Agency (“Successor Agency”) hired the licensed accountant firm of Lance Soll & Lunghard, LLP to conduct the Due Diligence Review to determine the unobligated balances available for transfer to taxing entities in furtherance of Health and Safety Code Section 34177(d). The Due Diligence Review for the Low and Moderate Income Housing Fund (LMIHF), completed on September 28, 2012, determined that there were no fund balances available for allocation to other affected taxing entities. The LMIHF Due Diligence Review was subsequently approved by the Oversight Board to the Imperial Beach Redevelopment Agency Successor Agency (“Oversight Board”) on October 11, 2012, and then forwarded to and effectively approved by the State Department of Finance (DOF) as indicated in a letter sent to the Successor Agency on November 7, 2012.

DISCUSSION:

The accountant firm of Lance Soll & Lunghard, LLP has now completed the Due Diligence Review of all other fund and account balances other than those of the LMIHF (the “Non-Housing DDR”). The Non-Housing DDR also determined that there are no fund and account balances, including cash and cash equivalents, available for allocation to other taxing entities. At this time, the Non-Housing DDR has been scheduled for the required Public Comment Session before the Oversight Board at their meeting on Wednesday, December 12, 2012. After this Public Comment Session, the Non-Housing DDR will, no fewer than five (5) business days following the Public Comment Session, be scheduled for an approval vote by the Oversight Board. It is anticipated that the approval vote of the Oversight Board will occur in early January. The deadline for approval and transmittal of the Non-Housing DDR to the DOF is January 15, 2013.

Successor Agency staff is providing this update on the Non-Housing DDR to keep the Successor Agency advised and to answer any questions that the Successor Agency may have

regarding the Non-Housing DDR. Attached to this staff report is the Oversight Board staff report for the Public Comment Session to be held on December 12, 2012. This staff report presents a more detailed discussion of the Due Diligence Review process and includes a copy of the Non-Housing DDR as well as other support documentation.

ENVIRONMENTAL DETERMINATION:

The activity is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because the activity is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the CEQA Guidelines.

FISCAL IMPACT:

There is no fiscal impact as a result of the activity.

DIRECTOR'S RECOMMENDATION:

Staff recommends that the Successor Agency receive the update report on the Non-Housing Due Diligence Review.

Attachments:

1. Staff Report to the Oversight Board on the Non-Housing Due Diligence Review

AGENDA ITEM NO. 1

**STAFF REPORT
OVERSIGHT BOARD
TO THE
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY**

TO: CHAIR AND MEMBERS OF THE OVERSIGHT BOARD TO THE
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR
AGENCY

FROM: GARY BROWN, EXECUTIVE DIRECTOR *GB*
GREG WADE, DEPUTY DIRECTOR

MEETING DATE: DECEMBER 12, 2012

SUBJECT: RECEIVE DUE DILIGENCE REVIEW (DDR) FOR ALL FUND
AND ACCOUNT BALANCES OTHER THAN THE LOW AND
MODERATE INCOME HOUSING FUND PREPARED
PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE
SECTION 34179.5 AND THE CONVENING OF A PUBLIC
COMMENT SESSION PURSUANT TO CALIFORNIA HEALTH
AND SAFETY CODE SECTION 34179.6(b).

BACKGROUND:

On June 28, 2011, Assembly Bill No. X1 26 ("AB 26" or "Dissolution Act") was signed into law by the Governor of California which called for the dissolution of redevelopment agencies throughout the State and established the procedures by which this was to be accomplished. On December 29, 2011, the California State Supreme Court largely upheld the Dissolution Act as constitutional and reformed and extended certain dates, by which certain dissolution actions were to occur under the Dissolution Act, by an additional four months. As a result of the Supreme Court's decision, on February 1, 2012, all California redevelopment agencies were dissolved, including the Imperial Beach Redevelopment Agency, and successor agencies to the former redevelopment agencies were established and were tasked with paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and expeditiously winding down the affairs of the former redevelopment agencies.

On June 27, 2012, the State Legislature passed and the Governor signed Assembly Bill No. 1484 ("AB 1484", Chapter 26, Statutes 2012) as a trailer bill for the Fiscal Year 2012-2013 State budget package. Although the primary purpose of AB 1484 was to make technical and substantive amendments to the Dissolution Act based on issues that have arisen in the implementation of the Dissolution Act, AB 1484 imposes additional statutory provisions relating to the activities and obligations of successor agencies and to the wind-down process of former redevelopment agencies (including the preparation of a due diligence review) (reference hereinafter to the Dissolution Act means AB 26 as amended by AB 1484).

Pursuant to the Dissolution Act at California Health and Safety Code ("Health and Safety Code") Section 34179.5(a), in furtherance of Health and Safety Code Section 34177(d), the Imperial Beach Redevelopment Agency Successor Agency ("Successor Agency") shall employ a

licensed accountant, approved by the San Diego County Auditor-Controller and with experience and expertise in local government accounting, to conduct a due diligence review ("Due Diligence Review") to determine the unobligated balances available for transfer to taxing entities. As an alternative, an audit provided by the San Diego County Auditor-Controller that provides the information required by Section 34179.5 may be used to comply with such Section with the concurrence of the Oversight Board ("Oversight Board") of the Successor Agency. The Successor Agency selected, and the County Auditor-Controller approved, the company of Lance, Soll, Lunghard, LLP to conduct the Due Diligence Review.

As required by the Dissolution Act at Health and Safety Code Section 34179.6(a), by October 1, 2012, the Successor Agency provided to the Oversight Board, the San Diego County Auditor-Controller, the State Controller, and the State Department of Finance (DOF) the results of the Due Diligence Review conducted pursuant to Section 34179.5 for the Low and Moderate Income Housing Fund ("LMIHF") which specifically identified the amount of cash and cash equivalents determined to be available for allocation to affected taxing entities. As indicated in the Due Diligence Review for the LMIHF, this amount was determined to be zero. On October 2, 2012, a Public Comment Session for the Due Diligence Review of the LMIHF (the "Housing DDR") was held by the Oversight Board as required by Health and Safety Code Section 34179.6(b). Subsequently, on October 11, 2012, pursuant to Health and Safety Code Section 34179.6(c), certain matters pertaining to the Housing DDR were approved by the Oversight Board, by Resolution No. OB-12-11 (see Attachment 3). On November 7, 2012, Successor Agency staff received a letter from the DOF stating that the DOF made no adjustments to the Housing DDR as approved by the Oversight Board and, therefore, determined, "that there are no unencumbered LMIHF balances available for distribution" (see Attachment 4).

Pursuant to the Dissolution Act at Health and Safety Code Section 34179.6(a), by December 15, 2012, the Successor Agency must provide to the Oversight Board, the San Diego County Auditor-Controller, the State Controller, and the DOF the results of the Due Diligence Review conducted pursuant to Section 34179.5 **for all of the other fund and account balances** (other than the LMIHF) and specifically the amount of cash and cash equivalents determined to be available for allocation to affected taxing entities. Similar to the Housing DDR, and pursuant to Health and Safety Code Section 34179.6(b) of the Dissolution Act, upon receipt of this Due Diligence Review (the "Non-Housing DDR"), the Oversight Board shall convene a public comment session to take place at least five business days before the Oversight Board holds the approval vote specified in Section 34179.6(c) of the Dissolution Act. The Oversight Board must also consider any opinions offered by the San Diego County Auditor-Controller on the Non-Housing DDR results submitted by the Successor Agency. Pursuant to the Health and Safety Code Section 34179.6(c) of the Dissolution Act, by January 15, 2013, the Oversight Board shall review, approve, and transmit to the DOF and the San Diego County Auditor-Controller the determination of the Non-Housing DDR and, specifically, the amount of cash and cash equivalents that are available for disbursement to affected taxing entities. The Oversight Board may adjust any amount provided in the Non-Housing DDR to reflect additional information and analysis. The review and approval by the Oversight Board must occur in public sessions.

DISCUSSION:

As noted above, the Successor Agency retained the services of a licensed accountant, Lance Soll & Lunghard, LLP, to conduct both the Housing DDR and Non-Housing DDR to determine the unobligated balances available for transfer to taxing entities in furtherance of Health and Safety Code Section 34177(d). As required by Health and Safety Code Section 34179.6(a), on December 7, 2012 (before the December 15, 2012 statutory deadline), the Successor Agency submitted electronically to the Oversight Board, the San Diego County Auditor-Controller, the State Controller, and the DOF the results of the Non-Housing DDR conducted pursuant to Health and Safety Code Section 34179.5 and specifically the amount of cash and cash

equivalents determined to be available for allocation to taxing entities (see Attachments 1 and 2). As indicated on Attachment B10 on Page 18 of the Non-Housing DDR, this amount is determined to be zero.

In accordance with Health and Safety Code Section 34179.6(b), this public meeting of the Oversight Board shall be deemed to constitute the Public Comment Session on the Non-Housing DDR conducted pursuant to Section 34179.5 and its results of the amount of cash and cash equivalents determined to be available for allocation to affected taxing entities. At this Oversight Board meeting at which the Public Comment Session will be convened, in addition to the receipt of any public comments received, the Oversight Board shall also consider any opinions offered by the San Diego County Auditor-Controller on the Non-Housing DDR results submitted by the Successor Agency. However, no specific action of the Oversight Board is requested at this particular meeting by the Successor Agency or statutorily required by the Dissolution Act.

At the second meeting of the Oversight Board, which shall occur no less than five business days after December 12, 2012, specific approvals will be requested by the Successor Agency as statutorily required by Health and Safety Code Section 34179.6(c). Specifically, and as stated above, the Oversight Board will be requested to review, approve, and transmit to the DOF and the San Diego County Auditor-Controller the determination of the amount of cash and cash equivalents that are available for disbursement to taxing entities as determined according to the method provided in Section 34179.5 in connection with the results of the Non-Housing DDR. The Oversight Board may adjust any amount provided in the Non-Housing DDR to reflect additional information and analysis. The Oversight Board may also request from the Successor Agency any materials it deems necessary to assist in its review and approval of their determination. Further, the Oversight Board shall be empowered to authorize the Successor Agency to retain certain assets or funds identified in the Due Diligence Review (identified by Section 34179.5(c)(5)(B)-(E)). With regard to this authorization, the Oversight Board shall identify to the DOF the amount of funds authorized for retention, the source of those funds, and the purposes for which those funds are being retained. Any Oversight Board determination and authorization to retain funds and assets shall be subject to the review and approval of the DOF.

In light of the results of the Non-Housing DDR conducted pursuant to Health and Safety Code Section 34179.5 and that the amount of cash and cash equivalents available for allocation to taxing entities has been determined to be zero, the Successor Agency does not have any specific comments or recommendations to the Oversight Board at this time in connection with the Oversight Board's exercise of its authority pursuant to Health and Safety Code Section 34179.6(c) to adjust an amount provided in the Non-Housing DDR. However, in accordance with Health and Safety Code Section 34179.6(c), the Oversight Board will be requested to confirm the retention of the restricted funds identified on Attachment B6 on Page 12 of the Non-Housing DDR.

In addition to the above, for any reason, including without limitation the extent to which there are any modifications made by the DOF or other party to the amounts provided in the Non-Housing DDR and/or the amount of cash or cash equivalents determined available for allocation to taxing entities, the Successor Agency does not waive any legal or equitable rights that it may have to make any comments or recommendations to the Oversight Board and/or other entity in connection with such modifications to the Non-Housing DDR, and to take any other actions it deems appropriate and expressly reserves any and all rights, privileges, and defenses available under law and equity.

ENVIRONMENTAL DETERMINATION:

The activity of receiving the Non-Housing DDR and conducting the Public Comment Session is

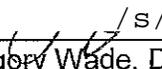
not a "project" for purposes of the California Environmental Quality Act ("CEQA"), as that term is defined by CEQA Guidelines Section 15378, because the activity is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the CEQA Guidelines.

FISCAL IMPACT:

There is no fiscal impact as a result of the activity.

DIRECTOR'S RECOMMENDATION:

Staff does not have any specific recommendations to the Oversight Board at this time other than to receive staff's report and any public comments on the Non-Housing DDR.

 /s/

Gregory Wade, Deputy Director

Attachments:

1. Non-Housing DDR
2. Letter to the Oversight Board and State and County representatives dated December 7, 2012 transmitting the Non-Housing DDR
3. Resolution No. OB-12-11
4. DOF Letter Dated November 7, 2012



County of San Diego

DONALD F. STEUER
CHIEF FINANCIAL OFFICER
(619) 531-5413
FAX (619) 531-5219

AUDITOR AND CONTROLLER
1600 PACIFIC HIGHWAY STE 166, SAN DIEGO, CALIFORNIA 92101-2478

TRACY M. SANDOVAL
ASST. CHIEF FINANCIAL OFFICER/
AUDITOR & CONTROLLER
(619) 531-5413
FAX (619) 531-5219

August 28, 2012

Gregory Wade, Deputy Director
Imperial Beach Redevelopment Successor Agency
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

Dear Mr. Wade:

APPROVAL OF LANCE, SOLL & LUNGHARD FOR DUE DILIGENCE REVIEW

I hereby approve your successor agency's request to hire Lance, Soll & Lunghard, LLP to conduct the due diligence review of your agency's funds as required by Health and Safety Code Section 34179.5 (a).

If you have questions, please contact Juan Perez or Nenet De Jesus of Property Tax Services at (619) 531-5399.

Sincerely,

A handwritten signature in black ink that reads "Tracy M. Sandoval".

TRACY M. SANDOVAL
Assistant Chief Financial Officer/Auditor and Controller

PTS:JP:ge



**Successor Agency of the Former
Imperial Beach Redevelopment Agency**

**Due Diligence Review
of the Other Redevelopment Agency Funds
Pursuant to Sections 34179.5(c)(1) through 34179.5(c)(6)
of Assembly Bill No. 1484 of 2012**

Lance Soll & Lunghard, LLP

Orange County
Silicon Valley
Temecula Valley

www.lslcpas.com

Successor Agency of the Former
Imperial Beach Redevelopment Agency

Due Diligence Review
of the Other Redevelopment Agency Funds
Pursuant to Sections 34179.5(c)(1) through 34179.5(c)(6)
of Assembly Bill No. 1484 of 2012



- Brandon W. Burrows, CPA
- David E. Hale, CPA, CFP
A Professional Corporation
- Donald G. Slater, CPA
- Richard K. Kikuchi, CPA
- Susan F. Matz, CPA
- Shelly K. Jackley, CPA
- Bryan S. Gruber, CPA
- Deborah A. Harper, CPA

INDEPENDENT ACCOUNTANTS' REPORT ON APPLYING
AGREED-UPON PROCEDURES

To the Successor Agency of the
Former Imperial Beach Redevelopment Agency
City of Imperial Beach, California

We have performed the procedures enumerated in Attachment A for the Other Redevelopment Agency Funds, which were agreed to by the California State Controller's Office and the State of California Department of Finance (State Agencies) solely to assist you in ensuring that the dissolved redevelopment agency is complying with Assembly Bill 1484, Chapter 26, Section 17's amendment to health and safety code 34179.5. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. Management of the successor agency is responsible for providing all the information obtained in performing these procedures. The sufficiency of these procedures is solely the responsibility of those parties specified in the report. Consequently, we make no representations regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

As stated above, the scope of this engagement was limited to performing the procedures identified in Attachment A, which specified the "List of Procedures for the Due Diligence Review" obtained from the California Department of Finance Website.

The results of the procedures performed are identified in Attachment B1 through B11.

We were not engaged to and did not conduct an audit, the objective of which would be the expression of a certified opinion as to the appropriateness of the results of the procedures performed. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to the Successor Agency.

This report is intended solely for the information and use of the Successor Agency Oversight Board, the Successor Agency and the applicable State Agencies, and is not intended to be, and should not be used by anyone other than these specified parties. This restriction is not intended to limit distribution of this report, which is a matter of public record.

Lance, Soll & Lunghard, LLP

Brea, California
December 3, 2012

List of Procedures for Due Diligence Review of the Other Redevelopment Agency Funds

1. Obtain from the Successor Agency a listing of all assets that were transferred from the former redevelopment agency to the Successor Agency on February 1, 2012. Agree the amounts on this listing to account balances established in the accounting records of the Successor Agency. Identify in the Agreed-Upon Procedures (AUP) report the amount of the assets transferred to the Successor Agency as of that date.
2. If the State Controller's Office has completed its review of transfers required under both sections 34167.5 and 34178.8 and issued its report regarding such review, attach a copy of that report as an exhibit to the AUP report. If this has not yet occurred, perform the following procedures:
 - a. Obtain a listing prepared by the Successor Agency of transfers (excluding payments for goods and services) from the former redevelopment agency to the city, county, or city and county that formed the redevelopment agency for the period from January 1, 2011 through January 31, 2012. For each transfer, the Successor Agency should describe the purpose of the transfer and describe in what sense the transfer was required by one of the Agency's enforceable obligations or other legal requirements. Provide this listing as an attachment to the AUP report.
 - b. Obtain a listing prepared by the Successor Agency of transfers (excluding payments for goods and services) from the Successor Agency to the city, county, or city and county that formed the redevelopment agency for the period from February 1, 2012 through June 30, 2012. For each transfer, the Successor Agency should describe the purpose of the transfer and describe in what sense the transfer was required by one of the Agency's enforceable obligations or other legal requirements. Provide this listing as an attachment to the AUP report.
 - c. For each transfer, obtain the legal document that formed the basis for the enforceable obligation that required any transfer. Note in the AUP report the absence of any such legal document or the absence of language in the document that required the transfer.
3. If the State Controller's Office has completed its review of transfers required under both Sections 34167.5 and 34178.8 and issued its report regarding such review, attach a copy of that report as an exhibit to the AUP report. If this has not yet occurred, perform the following procedures:
 - a. Obtain a listing prepared by the Successor Agency of transfers (excluding payments for goods and services) from the former redevelopment agency to any other public agency or to private parties for the period from January 1, 2011 through January 31, 2012. For each transfer, the Successor Agency should describe the purpose of the transfer and describe in what sense the transfer was required by one of the Agency's enforceable obligations or other legal requirements. Provide this listing as an attachment to the AUP report.
 - b. Obtain a listing prepared by the Successor Agency of transfers (excluding payments for goods and services) from the Successor Agency to any other public agency or private parties for the period from February 1, 2012 through June 30, 2012. For each transfer, the Successor Agency should describe the purpose of the transfer and describe in what sense the transfer was required by one of the Agency's enforceable obligations or other legal requirements. Provide this listing as an attachment to the AUP report.
 - c. For each transfer, obtain the legal document that formed the basis for the enforceable obligation that required any transfer. Note in the AUP report the absence of any such legal document or the absence of language in the document that required the transfer.

List of Procedures for Due Diligence Review for the Other Redevelopment Agency Funds (Continued)

4. Perform the following procedures:
 - a. Obtain from the Successor Agency a summary of the financial transactions of the Redevelopment Agency and the Successor Agency in the format set forth in the attached schedule for the fiscal periods indicated in the schedule. For purposes of this summary, the financial transactions should be presented using the modified accrual basis of accounting. End of year balances for capital assets (in total) and long-term liabilities (in total) should be presented at the bottom of this summary schedule for information purposes.
 - b. Ascertain that for each period presented, the total of revenues, expenditures, and transfers accounts fully for the changes in equity from the previous fiscal period.
 - c. Compare amounts in the schedule relevant to the fiscal year ended June 30, 2010 to the state controller's report filed for the Redevelopment Agency for that period.
 - d. Compare amounts in the schedule for the other fiscal periods presented to account balances in the accounting records or other supporting schedules. Describe in the report the type of support provided for each fiscal period.
5. Obtain from the Successor Agency a listing of all assets of the Low and Moderate Income Housing Fund as of June 30, 2012 for the report that is due October 1, 2012 and a listing of all assets of all other funds of the Successor Agency as of June 30, 2012 (excluding the previously reported assets of the Low and Moderate Income Housing Fund) for the report that is due December 15, 2012. When this procedure is applied to the Low and Moderate Income Housing Fund, the schedule attached as an exhibit will include only those assets of the Low and Moderate Income Housing Fund that were held by the Successor Agency as of June 30, 2012 and will exclude all assets held by the entity that assumed the housing function previously performed by the former redevelopment agency. Agree the assets so listed to recorded balances reflected in the accounting records of the Successor Agency. The listing should be attached as an exhibit to the appropriate AUP report.
6. Obtain from the Successor Agency a listing of asset balances held on June 30, 2012 that are restricted for the following purposes:
 - a. Unspent bond proceeds:
 - i. Obtain the Successor Agency's computation of the restricted balances (e.g., total proceeds less eligible project expenditures, amounts set aside for debt service payments, etc.).
 - ii. Trace individual components of this computation to related account balances in the accounting records, or to other supporting documentation (specify in the AUP report a description of such documentation).
 - iii. Obtain from the Successor Agency a copy of the legal document that sets forth the restriction pertaining to these balances. Note in the AUP report the absence of language restricting the use of the balances that were identified by the Successor Agency as restricted.
 - b. Grant proceeds and program income that are restricted by third parties:
 - i. Obtain the Successor Agency's computation of the restricted balances (e.g., total proceeds less eligible project expenditures).
 - ii. Trace individual components of this computation to related account balances in the accounting records, or to other supporting documentation (specify in the AUP report a description of such documentation).

List of Procedures for Due Diligence Review for the Other Redevelopment Agency Funds (Continued)

- iii. Obtain from the Successor Agency a copy of the grant agreement that sets forth the restriction pertaining to these balances. Note in the AUP report the absence of language restricting the use of the balances that were identified by the Successor Agency as restricted.
 - c. Other assets considered to be legally restricted:
 - i. Obtain the Successor Agency's computation of the restricted balances (e.g., total proceeds less eligible project expenditures).
 - ii. Trace individual components of this computation to related account balances in the accounting records, or to other supporting documentation (specify in the AUP report a description of such documentation).
 - iii. Obtain from the Successor Agency a copy of the legal document that sets forth the restriction pertaining to these balances. Note in the AUP report the absence of language restricting the use of the balances that were identified by Successor the Agency as restricted.
 - d. Attach the above mentioned Successor Agency prepared schedule(s) as an exhibit to the AUP report. For each restriction identified on these schedules, indicate in the report the period of time for which the restrictions are in effect. If the restrictions are in effect until the related assets are expended for their intended purpose, this should be indicated in the report.
7. Perform the following:
- a. Obtain from the Successor Agency a listing of assets as of June 30, 2012 that are not liquid or otherwise available for distribution (such as capital assets, land held for resale, long-term receivables, etc.) and ascertain if the values are listed at either purchase cost (based on book value reflected in the accounting records of the Successor Agency) or market value as recently estimated by the Successor Agency.
 - b. If the assets listed at 7(A) are listed at purchase cost, trace the amounts to a previously audited financial statement (or to the accounting records of the Successor Agency) and note any differences.
 - c. For any differences noted in 7(B), inspect evidence of disposal of the asset and ascertain that the proceeds were deposited into the Successor Agency trust fund. If the differences are due to additions (this generally is not expected to occur), inspect the supporting documentation and note the circumstances.
 - d. If the assets listed at 7(A) are listed at recently estimated market value, inspect the evidence (if any) supporting the value and note the methodology used. If no evidence is available to support the value and/or methodology, note the lack of evidence.
8. Perform the following:
- a. If the Successor Agency believes that asset balances need to be retained to satisfy enforceable obligations, obtain from the Successor Agency an itemized schedule of asset balances (resources) as of June 30, 2012 that are dedicated or restricted for the funding of enforceable obligations and perform the following procedures. The schedule should identify the amount dedicated or restricted, the nature of the dedication or restriction, the specific enforceable obligation to which the dedication or restriction relates, and the language in the legal document that is associated with the enforceable obligation that specifies the dedication of existing asset balances toward payment of that obligation.
 - i. Compare all information on the schedule to the legal documents that form the basis for the dedication or restriction of the resource balance in question.

List of Procedures for Due Diligence Review for the Other Redevelopment Agency Funds (Continued)

- ii. Compare all current balances to the amounts reported in the accounting records of the Successor Agency or to an alternative computation.
 - iii. Compare the specified enforceable obligations to those that were included in the final Recognized Obligation Payment Schedule approved by the California Department of Finance.
 - iv. Attach as an exhibit to the report the listing obtained from the Successor Agency. Identify in the report any listed balances for which the Successor Agency was unable to provide appropriate restricting language in the legal document associated with the enforceable obligation.
- b. If the Successor Agency believes that future revenues together with balances dedicated or restricted to an enforceable obligation are insufficient to fund future obligation payments and thus retention of current balances is required, obtain from the Successor Agency a schedule of approved enforceable obligations that includes a projection of the annual spending requirements to satisfy each obligation and a projection of the annual revenues available to fund those requirements and perform the following procedures:
- i. Compare the enforceable obligations to those that were approved by the California Department of Finance. Procedures to accomplish this may include reviewing the letter from the California Department of Finance approving the Recognized Enforceable Obligation Payment Schedules for the six month period from January 1, 2012 through June 30, 2012 and for the six month period July 1, 2012 through December 31, 2012.
 - ii. Compare the forecasted annual spending requirements to the legal document supporting each enforceable obligation.
 - a. Obtain from the Successor Agency its assumptions relating to the forecasted annual spending requirements and disclose in the report major assumptions associated with the projections.
 - iii. For the forecasted annual revenues:
 - a. Obtain from the Successor Agency its assumptions for the forecasted annual revenues and disclose in the report major assumptions associated with the projections.
- c. If the Successor Agency believes that projected property tax revenues and other general purpose revenues to be received by the Successor Agency are insufficient to pay bond debt service payments (considering both the timing and amount of the related cash flows), obtain from the Successor Agency a schedule demonstrating this insufficiency and apply the following procedures to the information reflected in that schedule.
- i. Compare the timing and amounts of bond debt service payments to the related bond debt service schedules in the bond agreement.
 - ii. Obtain the assumptions for the forecasted property tax revenues and disclose major assumptions associated with the projections.
 - iii. Obtain the assumptions for the forecasted other general purpose revenues and disclose major assumptions associated with the projections.
- d. If procedures A, B, or C were performed, calculate the amount of current unrestricted balances necessary for retention in order to meet the enforceable obligations by performing the following procedures.

List of Procedures for Due Diligence Review for the Other Redevelopment Agency Funds (Continued)

- i. Combine the amount of identified current dedicated or restricted balances and the amount of forecasted annual revenues to arrive at the amount of total resources available to fund enforceable obligations.
 - ii. Reduce the amount of total resources available by the amount forecasted for the annual spending requirements. A negative result indicates the amount of current unrestricted balances that needs to be retained.
 - iii. Include the calculation in the AUP report.
9. If the Successor Agency believes that cash balances as of June 30, 2012 need to be retained to satisfy obligations on the Recognized Obligation Payment Schedule (ROPS) for the period of July 1, 2012 through June 30, 2013, obtain a copy of the final ROPS for the period of July 1, 2012 through December 31, 2012 and a copy of the final ROPS for the period January 1, 2013 through June 30, 2013. For each obligation listed on the ROPS, the Successor Agency should add columns identifying (1) any dollar amounts of existing cash that are needed to satisfy that obligation and (2) the Successor Agency's explanation as to why the Successor Agency believes that such balances are needed to satisfy the obligation. Include this schedule as an attachment to the AUP report.
10. Include (or present) a schedule detailing the computation of the Balance Available for Allocation to Affected Taxing Entities. Amounts included in the calculation should agree to the results of the procedures performed in each section above. The schedule should also include a deduction to recognize amounts already paid to the County Auditor-Controller on July 12, 2012 as directed by the California Department of Finance. The amount of this deduction presented should be agreed to evidence of payment. The attached example summary schedule may be considered for this purpose. Separate schedules should be completed for the Low and Moderate Income Housing Fund and for all other funds combined (excluding the Low and Moderate Income Housing Fund).
11. Obtain a representation letter from Successor Agency management acknowledging their responsibility for the data provided to the practitioner and the data presented in the report or in any attachments to the report. Included in the representations should be an acknowledgment that management is not aware of any transfers (as defined by Section 34179.5) from either the former redevelopment agency or the Successor Agency to other parties for the period from January 1, 2011 through June 30, 2012 that have not been properly identified in the AUP report and its related exhibits. Management's refusal to sign the representation letter should be noted in the AUP report as required by attestation standards.

Procedure 1
List of Assets Transferred from the Former Redevelopment Agency to the Successor Agency
Other Redevelopment Agency Funds
As of February 1, 2012

ATTACHMENT B1

<u>Asset</u>	<u>Balance at 2/1/2012</u>
Cash and Investments	\$ 807,749
Cash with Fiscal Agent	5,830,405
Account Receivables	6,845
Land Held for Resale	5,760,000
Total Assets transferred:	\$ 12,404,999

Procedure 2

ATTACHMENT B2

**Listing of Transfers (Excluding Payments for Goods and Services) to the City
Other Redevelopment Agency Funds
For the Period from January 1, 2011 through June 30, 2012**

Describe Purpose of Transfer	Enforceable Obligation (EO)/ Other Legal Requirement (LR)	Amount	Legal Documentation Obtained? (Y/N)	
<u>From former Redevelopment Agency to City for January 1, 2011 through January 31, 2012</u>				
2010 Tax-exempt bond proceeds	LR	\$ 11,400,000	N	a
	Sub-total:	<u>11,400,000</u>		
<u>From Successor Agency to City for February 1, 2012 through June 30, 2012</u>				
No transfers were made to the City during this time period or they were diminimus.				
Total Transfers to City for 1/1/2011 through 6/30/2012:		<u>\$ 11,400,000</u>		

[∞] a) The State Controller's RDA Asset Transfer Review identified these as unallowable assets . See Attachment C.

Procedure 3

**Listing of Transfers (Excluding Payments for Goods and Services) to Other Public Agencies or Private Parties
Other Redevelopment Agency Funds
For the Period from January 1, 2011 through June 30, 2012**

Describe Purpose of Transfer	Enforceable Obligation (EO)/ Other Legal Requirement (LR)	Amount	Legal Documentation Obtained? (Y/N)
<u>From former Redevelopment Agency to other public agencies or private parties for January 1, 2011 through January 31, 2012</u>			
2003 Tax Allocation Bond, Series A - Interest Payment to Trustee	EO	\$ 551,164	Y
2003 Tax Allocation Bond, Series A - Principal Payment to Trustee	EO	450,000	Y
2010 Tax Allocation Bond - Interest Payment to Trustee	EO	563,939	Y
2003 Tax Allocation Bond, Series A - Interest Payment to Trustee	EO	541,602	Y
2010 Tax Allocation Bond - Interest Payment to Trustee	EO	525,953	Y
	Sub-total:	<u>2,632,658</u>	
<u>From Successor Agency to other public agencies or private parties for February 1, 2012 through June 30, 2012</u>			
2003 Tax Allocation Bond, Series A - Principal Payment to Trustee	EO	470,000	Y
2003 Tax Allocation Bond, Series A - Interest Payment to Trustee	EO	541,602	Y
2010 Tax Allocation Bond - Interest Payment to Trustee	EO	525,953	Y
	Sub-total:	<u>1,537,555</u>	
Total Transfers to other public agencies or private parties for 1/1/2011 through 6/30/2012:		\$ <u>4,170,213</u>	

Procedure 4
 Summary of the Financial Transactions of Redevelopment Agency and Successor Agency
 All Funds
 Per schedule attached to List of Procedures for Due Diligence Review

ATTACHMENT B4

	Redevelopment Agency 12 Months Ended 6/30/2010	Redevelopment Agency 12 Months Ended 6/30/2011	Redevelopment Agency 7 Months Ended 1/31/2012	Successor Agency 5 Months Ended 6/30/2012
Assets (modified accrual basis)				
Cash and Investments	\$ 11,531,550	\$ 2,692,229	\$ 1,679,912	\$ 1,824,975
Cash and Investments with Trustee	1,555,617	6,355,946	5,830,406	5,304,483
Tax Increment Receivable	138,563	107,314	-	-
Accounts Receivable	4,227	3,095	6,845	4,345
Loans Receivable	3,261,625	3,353,203	3,420,629	-
Land Held for Resale	11,618,972	5,760,000	5,760,000	17,048,282
Other Assets	2,945	-	-	-
Total Assets	\$ 28,113,499	\$ 18,271,787	\$ 16,697,792	\$ 24,182,085
Liabilities (modified accrual basis)				
Accounts Payable	\$ 1,226,506	\$ 1,563,656	\$ 1,368,685	\$ 398,130
Due to City	-	2,076,339	-	1,463,779
Deferred revenue	214,694	305,998	359,566	-
Total Liabilities	1,441,200	3,945,993	1,728,251	1,861,909
Equity	26,672,299	14,325,794	14,969,541	22,320,176
Total Liabilities + Equity	\$ 28,113,499	\$ 18,271,787	\$ 16,697,792	\$ 24,182,085
Total Revenues:	\$ 7,728,033	\$ 28,675,159	\$ 7,697,932	\$ 10,408,909
Total Expenditures:	(10,051,261)	(41,021,664)	(7,054,185)	(10,179,904)
Total Transfers:	-	-	-	22,091,171
Net change in equity	(2,323,228)	(12,346,505)	643,747	22,320,176
Beginning Equity:	28,995,527	26,672,299	14,325,794	-
Ending Equity:	\$ 26,672,299	\$ 14,325,794	\$ 14,969,541	\$ 22,320,176
Other Information (show year end balances for all four periods presented):				
Capital assets as of end of year	\$ -	\$ -	\$ -	\$ -
Long-term debt as of end of year	\$ 23,236,997	\$ 44,401,405	\$ 44,309,530	\$ 43,788,100

Procedure 5
Listing of All Assets
Other Redevelopment Agency Funds
As of June 30, 2012

ATTACHMENT B5

<u>Assets</u>		<u>Amount</u>
Cash		
301-101.00-00	Equity in Pooled Cash	\$ 11,186
302-101.00-01	Equity in Pooled Cash	433,903
405-101.00-01	Equity in Pooled Cash	(783,729)
406-101.00-01	Equity in Pooled Cash	7
408-101.00-01	Equity in Pooled Cash	(8,575)
409-101.00-01	Equity in Pooled Cash	(121,893)
301-103.10-01	Investments - T Bill/Note GASB 31 Adjustment	(852)
302-103.10-01	Investments - T Bill/Note GASB 31 Adjustment	(1,064)
405-103.10-01	Investments - T Bill/Note GASB 31 Adjustment	(1,850)
408-103.10-01	Investments - T Bill/Note GASB 31 Adjustment	(21)
409-103.10-01	Investments - T Bill/Note GASB 31 Adjustment	(292)
TOTAL CASH:		<u>\$ (473,180)</u>
Cash with fiscal agent		
301-106.03-00	Other Checking Account Reserve Account	1,555,575
301-106.04-00	Other Checking Account Reserve - 2010 Bonds	1,917,974
301-108.02-00	Cash with FA Wells FB Interest Account	1
301-108.03-00	Cash with FA Wells FB Principal Account	2
301-108.05-00	Cash with FA Wells FB Cap. Interest - 2010 Bonds	556,427
301-108.06-00	Cash with FA Wells FB Debt Service Fund	179
409-106.06-00	Other Checking Account Project Fund	1,274,325
TOTAL CASH WITH FISCAL AGENT:		<u>5,304,483</u>
Accounts Receivable		
405-121.00-00	Account Receivables	4,345
TOTAL ACCOUNTS RECEIVABLE:		<u>4,345</u>
Land Held for Resale		
405-171.00-00	Land Held for Resale - Palm Ave	7,957,699
408-171.00-00	Land Held for Resale - Palm Ave	3,330,582
408-171.00-01	Land Held for Resale - Seacoast Inn	3,000,000
409-171.00-00	Land Held for Resale - Seacoast Inn	2,760,000
TOTAL LAND HELD FOR RESALE:		<u>17,048,281</u>
TOTAL ASSETS AT 6/30/2012:		<u><u>\$ 21,883,929</u></u>

Procedure 6
 Listing of Assets that are Restricted
 Other Redevelopment Agency Funds
 As of June 30, 2012

ATTACHMENT B6

Item #	Description	Documentation Referenced	Amount	Purpose	Legal Documentation Obtained? (Y/N)
1	Cash with fiscal Agent				
	a) 301-106.03-00 Reserve Account for 2003 TARB Series A	Trustee Statement	\$ 1,555,575	Held in trust by fiduciary per bond restrictions	Y
	b) 301-106.04-00 Reserve for 2010 TAB	Trustee Statement	1,917,974	Held in trust by fiduciary per bond restrictions	Y
	e) 301-108.05-00 Capital Interest for 2010 TAB	Trustee Statement	556,427	Held in trust by fiduciary per bond restrictions	Y
	g) 409-106.06-00 Project Fund for 2010 TAB	Trustee Statement	1,274,325	Held in trust by fiduciary per bond restrictions	Y
2	Unspent bond proceeds				
	a) 2010 TAB unspent bond proceeds	Client's Reconciliation	11,400,000	Various projects in the Project Area	Y a
			TOTAL: \$ 16,704,301		

Footnote:

a) Tax exempt bonds are expected to be expended within 3 years of issuance. Proceeds were moved to the Capital Projects Fund to meet the bond certificate schedule. Specific projects were named in the bond documents to assure investors that these projects would turnaround the falling assessed value in the 3 previous years. Imperial Beach staff placed the bond proceed projects on the amended EOPS and the first ROPS for approval by the Successor Agency, Oversight Board, County Auditor, State Controller, and the State Department of Finance. The bond documents were sent to the State Department of Finance for its review and approval in March 2012. The State Department of Finance (DOF) did not object to any of the obligations listed on the first ROPS (or second ROPS) as specifically acknowledged in the DOF's letter dated May 29, 2012 to the SA and the DOF, under oath, declared that all ROPS items in connection with both ROPS 1 and ROPS 2 were approved for Imperial Beach. The projects for which the bond proceeds are spent are listed in the documents relating to the bond issuance as projects funded by the bond proceeds and as approved on the first ROPS, and such documents constitute enforceable obligations of the former RDA and now Successor Agency. In addition, the approval of DOF confirms the expenditure of the bond proceeds as enforceable obligations included on ROPS 1.

Procedure 7
 Listing of Assets That Are Not Liquid or Otherwise Available for Distribution
 Other Redevelopment Agency Funds
 As of June 30, 2012

ATTACHMENT B7

Item #	Description	Reference	Amount	Value Method	Variance Noted? (Y/N)
1	Land Held for Resale				
	a) 741-849 Palm Avenue	Final Settlement Statement Commercial Property Purchase Agreement & Escrow Closing Statement	\$ 9,679,454	Cost	N
	b) 735 Palm Avenue	Escrow Closing Statement	1,608,827	Cost	N
	c) Seacoast Inn	Seacoast Inn DDA	<u>5,760,000</u>	Cost	N
TOTAL RESTRICTIONS OF NON-CASH ITEMS			<u>\$ 17,048,281</u>		

Procedure 8a

**Listing of Assets (resources) that are dedicated or restricted for the funding of enforceable obligations
Other Redevelopment Agency Funds**

As of June 30, 2012

ATTACHMENT B8a

THERE ARE NO REMAINING ASSET BALANCES TO BE ANALYZED UNDER PROCEDURE 8

Procedure 8b

Listing of Assets (resources) that need to be retained due to insufficient funding for the funding of enforceable obligations

Other Redevelopment Agency Funds

As of June 30, 2012

ATTACHMENT B8b

THERE ARE NO REMAINING ASSET BALANCES TO BE ANALYZED UNDER PROCEDURE 8

Procedure 8c

Listing of Assets (resources) that need to be retained due to projected insufficient property tax revenues for bond debt payments
Other Redevelopment Agency Funds

As of June 30, 2012

ATTACHMENT B8c

THERE ARE NO REMAINING ASSET BALANCES TO BE ANALYZED UNDER PROCEDURE 8

Procedure 9

Listing of Assets (resources) that need to be retained due to projected insufficient property tax revenues for future ROPS

Other Redevelopment Agency Funds

As of June 30, 2012

ATTACHMENT B9

THERE ARE NO REMAINING ASSET BALANCES TO BE ANALYZED UNDER PROCEDURE 9

Procedure 10

Summary of Other Redevelopment Agency Funds Available for Allocation to Affected Taxing Entities

Total amount of assets held by the successor agency as of June 30, 2012 (procedure 5)	\$	21,883,929
Add the amount of any assets transferred to the city or other parties for which an enforceable obligation with a third party requiring such transfer and obligating the use of the transferred assets did not exist (procedures 2 and 3)		
	To City	11,400,000
	To other parties	-
Less assets legally restricted for uses specified by debt covenants, grant restrictions, or restrictions imposed by other governments (procedure 6)		(16,704,301)
Less assets that are not cash or cash equivalents (e.g., physical assets) - (procedure 7)		(17,048,281)
Less balances that are legally restricted for the funding of an enforceable obligation (net of projected annual revenues available to fund those obligations) - (procedure 8)		-
Less balances needed to satisfy ROPS for the 2012-13 fiscal year (procedure 9)		-
¹ 8 Less the amount of payments made on July 12, 2012 to the County Auditor-Controller as directed by the California Department of Finance		<u>(372,115)</u>
Amount to be remitted to county for disbursement to taxing entities	<u>\$</u>	<u>(840,768) a</u>

a) Amount to be remitted to County for disbursement to taxing entities is zero.



City of Imperial Beach, California

OFFICE OF THE CITY MANAGER

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8303 Fax: (619) 628-1395

December 3, 2012

Lance, Soll & Lunghard, LLP
 Certified Public Accountants
 203 North Brea Boulevard, Suite 203
 Brea, CA 92821-4056

We are providing this letter in connection with your performance of the Due Diligence Review of the Other Redevelopment Agency Funds in accordance with Assembly Bill 1484 for the Successor Agency of the former Imperial Beach Redevelopment Agency. We confirm that we are responsible for the complete and fair presentation of the previously mentioned review in conformity with the listed procedures of the Assembly Bill 1484 Due Diligence Review as published by the State Department of Finance on August 27, 2012. We are also responsible for adopting sound accounting policies, establishing and maintaining effective internal control over financial reporting, and preventing and detecting fraud.

We confirm, to the best of our knowledge and belief, as of the date of this letter, the following representations made to you during your review:

1. We have made available to you:
 - a. In accordance with 34179.5(c)(1), the dollar value of all assets transferred from the former redevelopment agency to the successor agency on or about February 1, 2012.
 - b. In accordance with 34179.5(c)(2), the dollar value of all assets and cash and cash equivalents transferred after January 1, 2011, through June 30, 2012, by the redevelopment agency or the successor agency to the city, county, or city and county that formed the redevelopment agency and the purpose of each transfer. We have also provided the documentation of any enforceable obligation that required the transfer.
 - c. In accordance with 34179.5(c)(3), the dollar value of any cash or cash equivalents transferred after January 1, 2011, through June 30, 2012, by the redevelopment agency or the successor agency to any other public agency or private party and the purpose of each transfer. We have also provided documentation of any enforceable obligation that required the transfer.
 - d. In accordance with 34179.5(c)(4), the expenditure and revenue accounting information and have identified transfers and funding sources for the 2010-11 and 2011-12 fiscal years that reconciles balances, assets, and liabilities of the successor agency on June 30, 2012 to those reported to the Controller for the 2009-10 fiscal year.
 - e. In accordance with 34179.5(c)(5), a listing of all assets of the Low and Moderate Income Housing Fund as of June 30, 2012 for the report that is due October 1, 2012 and a listing of all assets of all other funds of the Successor Agency as of June 30, 2012 (excluding the previously reported assets of the Low and Moderate Income Housing Fund) for the report that is due December 15, 2012.

- f. In accordance with 34179.5(c)(5)(B), an itemized statement listing any amounts that are legally restricted as to purpose and cannot be provided to taxing entities. This could include the proceeds of any bonds, grant funds, or funds provided by other governmental entities that place conditions on their use.
 - g. In accordance with 34179.5(c)(5)(C), an itemized statement of the values of any assets that are not cash or cash equivalents. This may include physical assets, land, records, and equipment. For the purpose of this accounting, physical assets may be valued at purchase cost or at any recently estimated market value.
 - h. In accordance with 34179.5(c)(5)(D), an itemized listing of any current balances that are legally or contractually dedicated or restricted for the funding of an enforceable obligation that identifies the nature of the dedication or restriction and the specific enforceable obligation. In addition, we have provided a listing of all approved enforceable obligations that includes a projection of annual spending requirements to satisfy each obligation and a projection of annual revenues available to fund those requirements.
 - i. In accordance with 34179.5(c)(5)(E), an itemized list and analysis of any amounts of current balances that are needed to satisfy obligations that will be placed on the Recognized Obligation Payment Schedules for the current fiscal year.
2. There are no material transactions that have not been properly recorded in the accounting records underlying this Due Diligence Review.
3. Management is not aware of any transfers (as defined by Section 34179.5) from either the former Redevelopment Agency or the Successor Agency to the City, other agencies or private parties for the period January 1, 2011 through June 30, 2012 that have not been identified in this report and related exhibits.
4. We acknowledge our responsibility for the design and implementation of programs and controls to prevent and detect fraud.
5. We have no knowledge of any fraud or suspected fraud affecting this Due Diligence Review involving:
 - a. Management,
 - b. Employees who have significant roles in internal control, or
 - c. Others where the fraud could have a material effect on this Due Diligence Review.
6. We have no knowledge of any allegations of fraud or suspected fraud affecting the entity received in communications from employees, former employees, analysts, regulators, or others.
7. When applicable, we have taken timely and appropriate steps to remedy fraud, illegal acts, violations of provisions of contracts or grant agreements, or abuse that you have reported to us.
8. We have identified to you any previous audits, attestation engagements, performance audits, state controller reports or other studies related to the objectives of this Due Diligence Review and whether related recommendations have been implemented.
9. The Successor Agency of the former Imperial Beach Redevelopment Agency has no plans or intentions that may materially affect the carrying value or classification of assets, liabilities, or fund equity.
10. We are responsible for compliance with the laws, regulations, provisions of contracts and grant agreements applicable to us, and all provisions related to the dissolution of the Redevelopment Agency in accordance with AB 1X 26 and AB 1484.

11. There are no known violations of:
- a. Laws and regulations,
 - b. Provisions of contracts and grant agreements,
 - c. Provisions related to the dissolution of the Redevelopment Agency in AB 1X 26 and AB 1484 whose effects should be considered for disclosure in this Due Diligence Review.
12. All bank accounts and investments associated with this review have been properly reflected in the general ledger accounting records.
13. No events, including instances of noncompliance, have occurred subsequent to the performance of this Due Diligence Review and through the date of this letter that would require adjustment to or disclosure in the aforementioned Due Diligence Review.

Signed: Michael McDaniel

Signed: Gary Brown

Title: Special Projects Manager

Title: City Manager

AGENCY: IMPERIAL BEACH
 RDA ASSET TRANSFER REVIEW
 EXIT CONFERENCE
 JANUARY 1, 2011 THROUGH JANUARY 31, 2012
 S12-RDA-914

W/P NO.
 PREPARED BY:
 DATE:

OBJECTIVE: The objective of the review is to determine the community's legislative body and the dissolved redevelopment agency's compliance with Assembly Bill X1 26 regarding the disposition of the former redevelopment agency's assets.

Health and Safety Code section 34167.5 states, in part:

Commencing on the effective date of the act adding this part, the Controller shall review the activities of redevelopment agencies in the state to determine whether an asset transfer has occurred after January 1, 2011, between the city or county, or city and county that created a redevelopment agency or any other public agency, and the redevelopment agency. If such an asset transfer did occur during that period and the government agency that received the assets is not contractually committed to a third party for the expenditure or encumbrance of those assets, to the extent not prohibited by state and federal law, the Controller shall order the available assets to be returned to the redevelopment agency or, on or after October 1, 2011, to the successor agency, if a successor agency is established pursuant to Part 1.85 (commencing with Section 34170). Upon receiving such an order from the Controller, an affected local agency shall, as soon as practicable, reverse the transfer and return the applicable assets to the redevelopment agency or, on or after October 1, 2011, to the successor agency, if a successor agency is established pursuant to Part 1.85 (commencing with Section 34170).

SCOPE: The scope of the review generally covered the period January 1, 2011, through January 31, 2012. We reviewed plans, minutes, agreements, loans, and other documents, etc. outside this time period, when necessary, to help us ascertain the validity of any asset transfers.

FINDINGS:

- The Imperial Beach RDA transferred \$22,688,281 in unallowable assets to the City of Imperial Beach.
 The assets consisted of \$11,288,281 in real property located at 9th and Palm and \$11,400,000 in tax-except bond proceeds.

(Criteria: AB 1484 Section: 34163 (f) ...an agency shall not have the authority to, and shall not, do any of the following: ... Transfer, assign, vest, or delegate any of its assets, funds, rights, powers, ownership interests, or obligations for any purpose to an entity, including, but not limited to, the community, the legislative body, another member of a joint powers authority, a trustee, a receiver, a partner entity, another agency, a nonprofit corporation, a contractual counterparty, a public body, the state...)

AGENCY: IMPERIAL BEACH
RDA ASSET TRANSFER REVIEW
EXIT CONFERENCE
JANUARY 1, 2011 THROUGH JANUARY 31, 2012
S12-RDA-914

W/P NO.
PREPARED BY:
DATE:

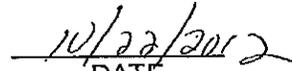
QUESTIONS/DISCUSSION (SEE ATTACHMENT A if applicable)

ACKNOWLEDGEMENT OF DISCUSSION

The above items were discussed and are understood. Signing does not indicate concurrence.



AGENCY REPRESENTATIVE



DATE

RESOLUTION NO. OB-12-03

RESOLUTION OF THE OVERSIGHT BOARD OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING THE AMENDED RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD ENDING JUNE 30, 2012

WHEREAS, the Imperial Beach Redevelopment Agency ("Redevelopment Agency") was a redevelopment agency in the City of Imperial Beach ("City"), duly created pursuant to the California Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) ("Redevelopment Law"); and

WHEREAS, the City Council has adopted redevelopment plans for Imperial Beach's redevelopment project areas, and from time to time, the City Council has amended such redevelopment plans; and

WHEREAS, the Redevelopment Agency was responsible for the administration of redevelopment activities within the City; and

WHEREAS, AB x1 26 ("AB 26") and AB x1 27 ("AB 27") were signed by the Governor of California on June 28, 2011, making certain changes to the Redevelopment Law, including adding Part 1.8 (commencing with Section 34161) and Part 1.85 (commencing with Section 34170) ("Part 1.85") to Division 24 of the California Health and Safety Code ("Health and Safety Code"); and

WHEREAS, the California Redevelopment Association and League of California Cities filed a lawsuit in the Supreme Court of California (*California Redevelopment Association, et al. v. Matosantos, et al.*, Case No. S194861) alleging that AB 26 and AB 27 were unconstitutional; and

WHEREAS, on December 29, 2011, the Supreme Court issued its opinion in the *Matosantos* case largely upholding as constitutional AB 26, invalidating as unconstitutional AB 27, and holding that AB 26 may be severed from AB 27 and enforced independently; and

WHEREAS, the Supreme Court generally reformed and revised the effective dates and deadlines for performance of obligations under Health and Safety Code Part 1.85 of AB 26 arising before May 1, 2012 to take effect four months later, while leaving the effective dates or deadlines for performance of obligations under Health and Safety Code Part 1.8 of AB 26 unchanged; and

WHEREAS, as a result of the Supreme Court's decision, and on February 1, 2012, all California redevelopment agencies were dissolved, successor agencies were established as successor agencies to the former redevelopment agencies pursuant to Health and Safety Code Section 34173, and successor agencies are tasked with paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and winding down the affairs of the former redevelopment agencies; and

WHEREAS, the City Council of the City adopted Resolution No. 2012-7136 on January 5, 2012, pursuant to Part 1.85, electing for the City to serve as the successor agency to the Redevelopment Agency upon the dissolution of the Redevelopment Agency under AB 26 ("Successor Agency"); and

WHEREAS, on February 15, 2012, the Board of Directors of the Successor Agency, adopted Resolution No. SA-12-01 naming itself the "Imperial Beach Redevelopment Agency Successor Agency," the sole name by which it will exercise its powers and fulfill its duties pursuant to Part 1.85 of AB 26, and establishing itself as a separate legal entity with rules and

regulations that will apply to the governance and operations of the Successor Agency; and

WHEREAS, AB 26 requires that there shall be an oversight board ("Oversight Board") established for each of the former California redevelopment agency's successor agencies to supervise the activities of the Successor Agency and the wind down of the dissolved Redevelopment Agency's affairs pursuant to AB 26; and

WHEREAS, on April 11, 2012, the first meeting of the Oversight Board of the Imperial Beach Redevelopment Agency Successor Agency took place and Oversight Board Members were duly sworn into office.

WHEREAS, pursuant to Health and Safety Code Section 34177(l)(2)(A) of AB 26, the Successor Agency was required to prepare its draft Recognized Obligation Payment Schedule ("ROPS") by March 1, 2012; and

WHEREAS, in accordance with Health and Safety Code Section 34177(l)(2)(A) of AB 26, the Successor Agency adopted the draft ROPS on February 15, 2012 by Resolution No. SA-12-02, for the period of January 1, 2012 through June 30, 2012; and

WHEREAS, after the Successor Agency's adoption of the draft ROPS, the San Diego County Auditor-Controller requested that the draft ROPS cover the period of October 1, 2011 through June 30, 2012; and

WHEREAS, to accommodate the request of the County Auditor-Controller, the Executive Director of the Successor Agency modified the draft ROPS, pursuant to administrative authority provided to the Executive Director by the Successor Agency as set forth in Resolution No. SA-12-02, and included the period of October 1, 2011 through December 31, 2011 to the draft ROPS; and

WHEREAS, pursuant to Health and Safety Code Section 34177(l)(3) of AB 26, the first ROPS shall be submitted to the State of California Controller's Office and the State of California Department of Finance by April 15, 2012 for the period of January 1, 2012 through June 30, 2012; and

WHEREAS, due to ambiguity in timing and apparent conflict in dates set forth in AB 26 for the certification of the ROPS by the County, the approval of the ROPS by the Oversight Board, and the submission of the first ROPS to the State Controller's Office and the Department of Finance, staff of the Successor Agency has determined that the draft ROPS should be amended as the first ROPS for submission to the State Controller's Office and the Department of Finance by April 15, 2012 and revised to reflect the time period of January 1, 2012 through June 30, 2012 as required by Health and Safety Code Section 34177(l)(3) of AB 26. In addition, staff has determined that certain information relating to the recognized obligations set forth in the ROPS must be added to and clarified in the ROPS; and

WHEREAS, the amended ROPS for the period of January 31, 2012 through June 30, 2012 is attached to this Resolution as Exhibit "A" and is substantively the same as the previously approved Successor Agency draft ROPS with the following exceptions: (1) the exclusion of October 1, 2011 through December 31, 2011; (2) the Administrative Budget has been updated; and (3) the funding source for item 51 on the RDA Projects page has been corrected to read "Non Housing Funds"; and

WHEREAS, after adoption by the Successor Agency, the amended ROPS shall thereafter be reviewed and certified by the County, through the use of an external auditor, and submitted to the Oversight Board for review and approval. A copy of the approved amended ROPS shall be submitted to the County Auditor-Controller and both the State Controller's Office and the Department of Finance and shall be posted on the Successor Agency's internet website. The first ROPS shall be submitted to the State Controller's Office and the Department of Finance by April 15, 2012; and

WHEREAS, pursuant to Health and Safety Code Section 34177(l)(3) of AB 26, the ROPS shall be forward looking to the next six (6) months and, according to Health and Safety Code Section 34177(l)(1) of AB 26, for each recognized obligation, the ROPS shall identify one or more of the following sources of payment: (i) Low and Moderate Income Housing Funds, (ii) bond proceeds, (iii) reserve balances, (iv) administrative cost allowance, and (v) the Redevelopment Property Tax Trust Fund but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation or by the provisions of Part 1.85 of AB 26; and

WHEREAS, Health and Safety Code Section 34177(a)(1) of AB 26 requires the Successor Agency to continue to make payments due for enforceable obligations and, from February 1, 2012 until a ROPS becomes operative, only payments required pursuant to the Enforceable Obligations Payment Schedule shall be made; and

WHEREAS, it is the intent of AB 26 that the ROPS serve as the designated reporting mechanism for disclosing the Successor Agency's bi-annual payment obligations by amount and source and, subsequent to the audit and approval of the ROPS as specified in AB 26, the County Auditor-Controller will be responsible for ensuring that the Successor Agency receives revenues sufficient to meet the requirements of the ROPS during each bi-annual period; and

WHEREAS, notwithstanding the provisions of Health and Safety Code Section 34177(a)(1), agreements between the City and the Redevelopment Agency have been included in the ROPS because, among other things, they have been validated by operation of law prior to the Governor's signature of AB 26 on June 28, 2011; and

WHEREAS, the proposed amended ROPS attached to this Resolution as Exhibit "A" is consistent with the requirements of the Health and Safety Code and other applicable law; and

WHEREAS, this Resolution has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereafter the "Guidelines"), and the City's environmental guidelines; and

WHEREAS, this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines section 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per section 15378(b)(5) of the Guidelines; and

WHEREAS, all of the prerequisites with respect to the approval of this Resolution have been met.

NOW, THEREFORE, BE IT RESOLVED by the Oversight Board of the Imperial Beach Redevelopment Agency Successor Agency, as follows:

EXHIBIT "A"

**IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY
AMENDED RECOGNIZED OBLIGATION PAYMENT SCHEDULE
January 1, 2012 through June 30, 2012
("First ROPS")**

**Approved on February 15, 2012
Amended on April 4, 2012**

(See Attachment)

RECOGNIZED OBLIGATION PAYMENT SCHEDULE January 1 - June 30, 2012 (First ROPS)

	Project Name / Debt Obligation	Payee	Description	Funding	Payments by month 2012						
					January	February	March	April	May	June	Total
Debt Obligations											
1	2003 Tax Allocation Bonds Series	Wells Fargo Bank	Bond Debt Service	Non-Housing & Low Mod					\$ 1,642,394	\$1,642,394	
2	2010 Tax Allocation Bonds Series	Wells Fargo Bank	Bond Debt Service	Non-Housing					\$ 1,051,906	\$1,051,906	
3	City Loan 1995	City of Imperial Beach	Loan to finance start up costs	Non-Housing					\$ 224,288	\$224,288	
4										\$0	
5										\$0	
6										\$0	
7										\$0	
8										\$0	
9										\$0	
10										\$0	
11										\$0	
12										\$0	
13										\$0	
14										\$0	
15										\$0	
16										\$0	
17										\$0	
18										\$0	
19										\$0	
20										\$0	
Totals - Debt Obligations - This Page					\$ -	\$ -	\$ -	\$ -	\$ 2,818,588	\$ 2,818,588	
Totals - Housing Program Related - Page 2					\$166,983	\$1,439,683	\$132,500	\$132,500	\$132,500	\$3,446,724	\$5,169,890
Totals - RDA Operating - Page 3					\$758,670	\$138,708	\$131,598	\$119,573	\$129,573	\$131,819	\$1,410,031
Totals - RDA Projects - Page 4					\$3,744,540	\$3,640,651	\$1,118,971	\$1,267,129	\$1,102,781	\$1,242,382	\$12,116,454
Totals - Pass Through Obligations- Page 5					\$0	\$0	\$0	\$0	\$576,614	\$0	\$576,614
Total Enforceable Obligations					\$4,670,193	\$4,919,132	\$1,383,068	\$1,519,202	\$4,760,254	\$4,820,925	\$22,072,775

* Notwithstanding the provisions of California Health and Safety Code section 34177(a)(1), agreements between the City and the Agency have been included in this payment schedule because, among other things, they have been validated by operation of law prior to the Governor's signature of AB6128 on June 28, 2011.

Project Area(s) AR

RECOGNIZED OBLIGATION PAYMENT SCHEDULE January 1 - June 30, 2012 (First ROPS)

Project Name / Debt Obj	Payee	Description	Funding	Payments by month: 2012						Total
				Jan	Feb	Mar	Apr	May	Jun	
Housing Programs										
1 Housing Management	See Attached	Mgt costs for Low/Mod Housing Program	Low/Mod funds	\$ 24,544	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 24,544
2 Housing Agreement	Imperial Beach	Support costs	Low/Mod funds		\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 75,000
3 Hemlock Monitoring	Housing Authority/City Finance	South Bay Comm. Svcs Loan	Low/Mod funds						\$ 2,611	\$ 2,611
4 Calla Monitoring	Housing Authority/City Finance	South Bay Comm. Svcs Loan	Low/Mod funds						\$ 2,611	\$ 2,611
5 Beachwind Monitoring	Housing Authority/City Finance	Beachwood Loan	Low/Mod funds						\$ 2,611	\$ 2,611
6 Housing Reporting	Housing Authority/City Finance	RDA Statutory Compliance	Low/Mod funds						\$ 6,785	\$ 6,785
7 Clean & Green Monitor	Housing Authority	10 yr Contract Compliance	Low/Mod funds						\$ 193	\$ 193
8 Deficit Housing Oblig.	Housing Authority	RDA Statutory Compliance	Low/Mod funds						\$ 5,000	\$ 5,000
9 Age Proportionality	Housing Authority	RDA Statutory Compliance	Low/Mod funds						\$ 5,000	\$ 5,000
10 American Legion	Kene Ballmer	Low/Mod Housing Project	Low/Mod funds		\$ 10,000					\$ 10,000
11 American Legion	Keyser Marston Assoc.	Low/Mod Housing Project	Low/Mod funds		\$ 10,000					\$ 10,000
12 American Legion	Hizko Development	Low/Mod Housing Project	Low/Mod funds	\$ 91,717	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 3,988,571
13 American Legion	Project Management	Low/Mod Housing Project	Low/Mod funds	\$ 12,500	\$ 12,500	\$ 12,500	\$ 12,500	\$ 12,500	\$ 12,500	\$ 75,000
14 Housing Element	Tam	Housing Element	Low/Mod funds	\$ 1,390	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 27,258
15 Clean & Green**	A.E. CHARLES CONSTRUCTION	Tax Exempt Bond Indenture Project	Low/Mod Bond							\$ -
16 Clean & Green**	AFFORDABLE RAINGUTTERS	Tax Exempt Bond Indenture Project	Low/Mod Bond							\$ -
17 Clean & Green**	A-FRAME CONSTRUCTION, INC.	Tax Exempt Bond Indenture Project	Low/Mod Bond							\$ -
18 Clean & Green**	ALTERNATIVE ENERGY TECHNOLOGIES	Tax Exempt Bond Indenture Project	Low/Mod Bond							\$ -
19 Clean & Green**	BARROWS CONSTRUCTION	Tax Exempt Bond Indenture Project	Low/Mod Bond							\$ -
20 Clean & Green**	CALIFORNIA ALUMINUM & VINYL WINDOWS	Tax Exempt Bond Indenture Project	Low/Mod Bond							\$ -
21 Clean & Green**	CHICAGO TILE INSUR CO	Tax Exempt Bond Indenture Project	Low/Mod Bond							\$ -
22 Clean & Green**	COOK CONSTRUCTION AND DESIGN, INC.	Tax Exempt Bond Indenture Project	Low/Mod Bond							\$ -
23 Clean & Green**	DELTA SOLAR ELECTRIC	Tax Exempt Bond Indenture Project	Low/Mod Bond							\$ -
24 Clean & Green**	DON MOORE CONSTRUCTION	Tax Exempt Bond Indenture Project	Low/Mod Bond							\$ -
25 Clean & Green**	GS'S FENCE COMPANY	Tax Exempt Bond Indenture Project	Low/Mod Bond							\$ -
26 Clean & Green**	GREGORY HUGHES	Tax Exempt Bond Indenture Project	Low/Mod Bond							\$ -
27 Clean & Green**	HARLAN CONSTRUCTION	Tax Exempt Bond Indenture Project	Low/Mod Bond							\$ -
28 Clean & Green**	HELPER'S ELECTRIC COMPANY, INC.	Tax Exempt Bond Indenture Project	Low/Mod Bond							\$ -
29 Clean & Green**	KENNEY ROOFING	Tax Exempt Bond Indenture Project	Low/Mod Bond							\$ -
30 Clean & Green**	MCBREATH CONSTRUCTION CORP.	Tax Exempt Bond Indenture Project	Low/Mod Bond							\$ -
31 Clean & Green**	MILKOLLAND ELECTRIC, INC.	Tax Exempt Bond Indenture Project	Low/Mod Bond							\$ -
32 Clean & Green**	ROCK AND ROSE LANDSCAPE	Tax Exempt Bond Indenture Project	Low/Mod Bond							\$ -
33 Clean & Green**	RODS ROOFER	Tax Exempt Bond Indenture Project	Low/Mod Bond							\$ -
34 Clean & Green**	SAM & SONS PLUMBING	Tax Exempt Bond Indenture Project	Low/Mod Bond							\$ -
35 Clean & Green**	SIERRA WINDOW CONCEPTS, LTD	Tax Exempt Bond Indenture Project	Low/Mod Bond							\$ -
36 Affordable Housing	SOUTH BAY COMMUNITY SVCS	Tax Exempt Bond Indenture Project	Low/Mod Bond		\$12,183					\$ 12,183
37 Clean & Green**	STORM GENERAL BUILDERS, INC.	Tax Exempt Bond Indenture Project	Low/Mod Bond							\$ -
38 Clean & Green**	SIJACCI	Tax Exempt Bond Indenture Project	Low/Mod Bond							\$ -
39 Clean & Green**	U.S. BANK CORPORATE PAYMENT	Tax Exempt Bond Indenture Project	Low/Mod Bond							\$ -
40 Clean & Green**	WEST COAST APPLIANCE SERVICES, INC.	Tax Exempt Bond Indenture Project	Low/Mod Bond							\$ -
41 Clean & Green**	WESTERN WINDOW REPLACEMENT	Tax Exempt Bond Indenture Project	Low/Mod Bond	\$21,256						\$ 21,256
42 Clean & Green**	W Charles Deane	Tax Exempt Bond Indenture Project	Low/Mod Bond	\$2,400						\$ 2,400
43 Clean & Green**	Waters Electric	Tax Exempt Bond Indenture Project	Low/Mod Bond	\$13,140						\$ 13,140
44 Clean & Green	Various Contractors	Tax Exempt Bond Indenture Project	Low/Mod Bond		\$380,000					\$ 380,000
45 Housing Project	Habitat P.M.	Tax Exempt Bond Indenture Project	Low/Mod Bond		\$500,000					\$ 500,000
46 Housing Project	Project Management for Habitat	Tax Exempt Bond Indenture Project	Low/Mod Bond		\$95,000					\$ 95,000
47										\$ -
Totals - This Page				\$168,983	\$1,139,693	\$132,500	\$102,500	\$132,500	\$3,449,724	\$5,160,890

* Notwithstanding the provisions of California Health and Safety Code section 34177(a)(1), agreements between the City and the Agency have been included in this payment schedule because, among other things, they have been validated by operation of law prior to the Governor's signature of ABX1 26 on June 28, 2011.

** Pursuant to contract with homeowner participant

RECOGNIZED OBLIGATION PAYMENT SCHEDULE January 1 - June 30, 2012 (First ROPS)

	Project Name / Debt Obligation	Payee	Description	Funding	Payments by month 2012						Total
					January	February	March	April	May	June	
RDA Operating											
1	RDA Management	Various	Admin of RDA	Non-Housing	\$100,000						\$100,000
2	Admin Costs ***	City of Imperial Beach	Per AB 26	Non-Housing	\$ 69,273	\$ 69,273	\$ 69,273	\$ 69,273	\$ 69,273	\$ 69,272	\$415,637
3	RDA Accrued Liabilities	City of Imperial Beach	Vacation/Sick Liability as of 1/31/2012	Non-Housing	\$203,233						\$203,233
4	RDA Unfunded PERS Liability	City of Imperial Beach	Unfunded Pension Liability as of 1/31/2012	Non-Housing	\$319,590						\$319,590
5	RDA 30 Layoff Notice Cost	City of Imperial Beach	Labor Contract Requirement	Non-Housing	\$28,646						\$28,646
6	RDA Outstanding WC Liability	City of Imperial Beach	Workers Compensation Liability 1/31/2012	Non-Housing	\$2,928						\$2,928
7	Graffiti Abatement	Various	RDA Staffing and Program Costs	Non-Housing	\$25,000						\$25,000
8	Continuing Disclosure	Wells Fargo	Mandatory Annual Bond Disclosure	Non-Housing		\$3,200					\$3,200
9	Continuing Disclosure	Bond Management/NBS	Mandatory Annual Bond Disclosure	Non-Housing		\$4,000					\$4,000
10	Continuing Disclosure	HDL	Assessment Information	Non-Housing		\$2,025	\$2,025			\$2,025	\$6,075
11	Continuing Disclosure	Lance Soft	Audit Fees	Non-Housing		\$10,000			\$10,000		\$20,000
12	IBCC Monitoring	City of Imperial Beach	IB Community Clinic Loan	Non-Housing						\$ 2,611	\$2,611
13	RDA Statute Compliance	City of Imperial Beach	Compliance	Non-Housing						\$ 2,611	\$2,611
14	City Service Agreement	City of Imperial Beach	Overight and related costs	Non-Housing		\$40,000	\$40,000	\$40,000	\$40,000	\$40,000	\$200,000
15	Hotel ODA Compliance	City of Imperial Beach	ODA Compliance Issues	Non-Housing						\$5,000	\$5,000
16	Capital Trailer Rental	Bert's	Temp Trailer for Project Management	Non-Housing		\$300	\$300	\$300	\$300	\$300	\$1,500
17	Legal	McDougal/Kane Balmer		Non-Housing	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$50,000
18	Interim Audit Management	City of Imperial Beach	Additional Audit Requirement	Non-Housing			\$10,000				\$10,000
19											\$0
20											\$0
21											\$0
22											\$0
23											\$0
24											\$0
25											\$0
26											\$0
27											\$0
28											\$0
29											\$0
30											\$0
Totals - This Page					\$758,670	\$138,788	\$131,588	\$118,573	\$129,573	\$131,819	\$1,410,031

* Notwithstanding the provisions of California Health and Safety Code section 34177(a)(1), agreements between the City and the Agency have been included in this payment schedule because, among other things, they have been validated by operation of law prior to the Governor's signature of ABx1 26 on June 28, 2011.

*** Months October through December were added administratively pursuant to Reso SA 12-02 . The Successor Agency Board ratification is scheduled for March 7, 2012.

*** Pursuant to AB x1 26 34177 (j) (K) to be paid from property tax revenues deposited in the Redevelopment Property Tax Trust Fund.

RECOGNIZED OBLIGATION PAYMENT SCHEDULE January 1 - June 30, 2012 (First ROPS)

Project Name / Debt Obligation	Payee	Description	Funding	Payments by month 2012						Total	
				January	February	March	April	May	June		
RDA Projects											
1 Commercial Zoning	IAECOM	Tax Exempt Bond Indenture Project	Non-Housing Bonds		\$ 80,333						\$80,333
2 Commercial Zoning	Project Management	Tax Exempt Bond Indenture Project	Non-Housing Bonds		\$ 18,668	\$ 18,668	\$ 18,668	\$ 18,668	\$ 18,668	\$ 18,668	\$83,336
3 Highway 75 Improvements	Sabsev	Tax Exempt Bond Indenture Project	Non-Housing Bonds	\$2,200,000							\$2,200,000
4 Highway 75 Improvements	Dudek	Tax Exempt Bond Indenture Project	Non-Housing Bonds								\$0
5 Highway 75 Improvements	Nastand Engineering	Tax Exempt Bond Indenture Project	Non-Housing Bonds		\$30,000	\$ 30,000	\$ 7,052				\$67,052
6 Highway 75 Improvements	Project Design Consultant	Tax Exempt Bond Indenture Project	Non-Housing Bonds	\$ 105,197							\$105,197
7 Raytheon Military Access	Project Management	Tax Exempt Bond Indenture Project	Non-Housing Bonds	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$18,000
8 Raytheon Military Access	IRRF Consulting/Other	Tax Exempt Bond Indenture Project	Non-Housing Bonds		\$ 21,004	\$ 5,000					\$26,004
9 Sand Repositionment	ISANDAG	Tax Exempt Bond Indenture Project	Non-Housing Bonds	\$ 174,003							\$174,003
10 Street Improvements Phase 3	Nastand	Tax Exempt Bond Indenture Project	Non-Housing Bonds	\$64,060							\$64,060
11 Street Improvements Phase 3	SDGS	Tax Exempt Bond Indenture Project	Non-Housing Bonds	\$5,000							\$5,000
12 Street Improvements Phase 3	Earth Newspaper	Tax Exempt Bond Indenture Project	Non-Housing Bonds		\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$1,000
13 Street Improvements Phase 3	Project Management	Tax Exempt Bond Indenture Project	Non-Housing Bonds	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$30,000
14 Street Improvements Phase 3	PKL General Engineering	Tax Exempt Bond Indenture Project	Non-Housing Bonds	\$258,450	\$258,450	\$258,450	\$258,450	\$258,450	\$258,450	\$258,450	\$1,550,700
15 Street Improvements Phase 4-5	IBSS	Tax Exempt Bond Indenture Project	Non-Housing Bonds								\$0
16 Street Improvements Phase 4-5	Geosols	Tax Exempt Bond Indenture Project	Non-Housing Bonds								\$0
17 Street Improvements Phase 4-5	Earth Newspaper	Tax Exempt Bond Indenture Project	Non-Housing Bonds								\$0
18 Street Improvements Phase 4-5	Project Management	Tax Exempt Bond Indenture Project	Non-Housing Bonds	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$30,000
19 Street Improvements Phase 4-5	Southland Paving, Inc.	Tax Exempt Bond Indenture Project	Non-Housing Bonds	\$874,555	\$874,555	\$874,555	\$874,555	\$874,555	\$874,555	\$874,555	\$4,047,331
20 13th Street ADA Imp	Labor	Tax Exempt Bond Indenture Project	Non-Housing Bonds	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$12,000
21 Skatepark Fence	SDS	Tax Exempt Bond Indenture Project	Non-Housing Bonds	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$3,000
22 Skatepark Fence	Harjo Steel Fence	Tax Exempt Bond Indenture Project	Non-Housing Bonds	\$ 62,782	\$ 5,000						\$67,782
23 Skatepark Fence	Project Management	Tax Exempt Bond Indenture Project	Non-Housing Bonds	\$ 2,664	\$ 2,664	\$ 2,664	\$ 2,664				\$10,656
24 Skatepark Fence	US Bank	Tax Exempt Bond Indenture Project	Non-Housing Bonds	\$ 600							\$600
25 Bikeway Village Project	Keywest Marine Assoc.	Tax Exempt Bond Indenture Project	Non-Housing Bonds		\$15,052	\$10,000					\$25,052
26 Bikeway Village Project	Bikeway Village, LLC	Tax Exempt Bond Indenture Project	Non-Housing Bonds		\$1,849,700						\$1,849,700
27 Bikeway Village Project	Bikeway Village, LLC	Tax Exempt Bond Indenture Project	Non-Housing Bonds		\$0						\$0
28 Bikeway Village Project	Racion Environmentalist	Tax Exempt Bond Indenture Project	Non-Housing Bonds		\$35,298						\$35,298
29 Bikeway Village Project	Robert Becker	Tax Exempt Bond Indenture Project	Non-Housing Bonds		\$35,000						\$35,000
30 Bikeway Village Project	Oppeo Varco	Tax Exempt Bond Indenture Project	Non-Housing Bonds		\$17,500						\$17,500
31 Bikeway Village Project	Project Management/Leal	Tax Exempt Bond Indenture Project	Non-Housing Bonds	\$75,000	\$75,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$300,000
32 Facade Program	Harrow / Harkin Construction	Tax Exempt Bond Indenture Project	Non-Housing Bonds					\$1,400			\$1,400
33 Facade Program	Ca/T Electric Supply	Tax Exempt Bond Indenture Project	Non-Housing Bonds								\$0
34 Facade Program	Sea Breeze Electric	Tax Exempt Bond Indenture Project	Non-Housing Bonds								\$0
35 Facade Program	Starford Sign & Awning	Tax Exempt Bond Indenture Project	Non-Housing Bonds								\$0
36 Facade Program	U/ Techo	Tax Exempt Bond Indenture Project	Non-Housing Bonds		\$30,000						\$30,000
37 Facade Program	La Posta	Tax Exempt Bond Indenture Project	Non-Housing Bonds		\$40,000						\$40,000
38 Veterans Park Signage	US Bank	Tax Exempt Bond Indenture Project	Non-Housing Bonds								\$0
39 Veterans Park Signage	Project Management	Tax Exempt Bond Indenture Project	Non-Housing Bonds								\$0
40 Wilson Cdn Interest	Various	Tax Exempt Bond Indenture Project	Non-Housing Bonds		\$25,000	\$50,000	\$50,000	\$100,000	\$241,000		\$466,000
41 Elm Ave. Underpass/Sign	A.M. Ortega Const. Inc.	Tax Exempt Bond Indenture Project	Non-Housing Bonds								\$0
42 Elm Ave. Underpass/Sign	American International	Tax Exempt Bond Indenture Project	Non-Housing Bonds								\$0
43 Bond Project Contingency	Project Management	Tax Exempt Bond Indenture Project	Non-Housing Bonds		\$0						\$0
44 Date Street Scenic Sign	Imperial Coast	Tax Exempt Bond Indenture Project	Non-Housing Bonds		\$41,812		\$290,000				\$331,812
45 Date Street	Nastand Engineering	Street Improvement Contract	Non-Housing Bonds								\$0
46 19th & Palm Other Bond Projects	Kana Baltimore/DeBorja	Tax Exempt Bond Indenture Project	Non-Housing Bonds		\$35,007	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$74,496
47 19th & Palm Other Bond Projects	Oppeo Varco	Tax Exempt Bond Indenture Project	Non-Housing Bonds		\$17,500						\$17,500
48 19th & Palm Other Bond Projects	Keywest Marine Assoc.	Tax Exempt Bond Indenture Project	Non-Housing Bonds		\$10,000	\$9,800					\$19,800
49 19th & Palm Other Bond Projects	Urban Systems	Tax Exempt Bond Indenture Project	Non-Housing Bonds			\$10,000	\$10,000	\$4,833			\$24,833
50 19th & Palm Scenic Sign Relocation	Southbay Drury	9th and Palm Project	Non-Housing Funds	\$150,000							\$150,000
51 19th & Palm Scenic Sign Relocation	Goodwill Industries	9th and Palm Project	Non-Housing Funds		\$210,000						\$210,000
52 9th & Palm Moran Relocation	Moran Food	9th and Palm Project	Non-Housing Funds								\$0
53 9th & Palm	Nastand Engineering	9th and Palm Project	Non-Housing Funds								\$0
54 9th & Palm	Orbinger	9th and Palm Project	Non-Housing Funds								\$0
55 9th & Palm	Limins Landscaping	9th and Palm Project	Non-Housing Funds								\$0
56 9th & Palm	Project Management/Leal	9th and Palm Project	Non-Housing Bonds	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$90,000
57 9th & Palm	Various	9th and Palm Project	Non-Housing Bonds		\$0						\$0
58 Eco-Bikeway	KOA Corporation	Bikeway Improvements	Non-Housing Bonds		\$ 1,210						\$1,210
59 19th Bikeway	Project Management	Bikeway Improvements	Non-Housing Bonds	\$1,000	\$1,600	\$1,000	\$1,000	\$1,000	\$1,600	\$1,600	\$8,000
60											\$0
Total - This Page					\$3,764,540	\$3,840,651	\$1,118,971	\$1,297,129	\$1,192,781	\$1,242,282	\$12,316,454

* Notwithstanding the provisions of California Health and Safety Code section 34177(e)(1), agreements between the City and the Agency have been included in this payment schedule because, among other things, they have been validated by operation of law prior to the Governor's signature of AB 25 on June 28, 2011.

Project Area(s) All

RECOGNIZED OBLIGATION PAYMENT SCHEDULE January 1 - June 30, 2012 (First ROPS)

Project Name / Debt Obligation	Payee	Description	Funding	Payments by month						Total
				Jan	Feb	Mar	Apr	May	Jun	
Pass-Thru Payments										
1) Section 33676 Payments	County General	Pass Thru Payments Amended Area	Non-Housing							\$0
2) Section 33676 Payments	County Library	Pass Thru Payments Amended Area	Non-Housing							\$0
3) Section 33676 Payments	Gen Elem South Bay Union	Pass Thru Payments Amended Area	Non-Housing							\$0
4) Section 33676 Payments	High Sweetwater Union	Pass Thru Payments Amended Area	Non-Housing							\$0
5) Section 33676 Payments	Southwestern Community College	Pass Thru Payments Amended Area	Non-Housing							\$0
6) Section 33676 Payments	County Office of Education	Pass Thru Payments Amended Area	Non-Housing							\$0
7) Section 33676 Payments	Imperial Beach City Gen Fund	Pass Thru Payments Amended Area	Non-Housing							\$0
8) Section 33676 Payments	City of San Diego	Pass Thru Payments Amended Area	Non-Housing							\$0
9) Section 33676 Payments	CWA City of San Diego	Pass Thru Payments Amended Area	Non-Housing							\$0
10) Section 33676 Payments	San Diego City Zoological Exhibits-D	Pass Thru Payments Amended Area	Non-Housing							\$0
11) Section 33676 Payments	MWD D/S Remainder of SDCWA	Pass Thru Payments Amended Area	Non-Housing							\$0
12) Section 33676 Payments	County General	Pass Thru Payments Original Area T1	Non-Housing							\$0
13) Section 33676 Payments	County Library	Pass Thru Payments Original Area T1	Non-Housing							\$0
14) Section 33676 Payments	Gen Elem South Bay Union	Pass Thru Payments Original Area T1	Non-Housing							\$0
15) Section 33676 Payments	High Sweetwater Union	Pass Thru Payments Original Area T1	Non-Housing							\$0
16) Section 33676 Payments	Southwestern Community College	Pass Thru Payments Original Area T1	Non-Housing							\$0
17) Section 33676 Payments	County Office of Education	Pass Thru Payments Original Area T1	Non-Housing							\$0
18) Section 33676 Payments	Imperial Beach City	Pass Thru Payments Original Area T1	Non-Housing							\$0
19) Section 33676 Payments	County General	Pass Thru Payments Original Area	Non-Housing							\$0
20) Section 33676 Payments	County Library	Pass Thru Payments Original Area	Non-Housing							\$0
21) Section 33676 Payments	Gen Elem South Bay Union	Pass Thru Payments Original Area	Non-Housing							\$0
22) Section 33676 Payments	High Sweetwater Union	Pass Thru Payments Original Area	Non-Housing							\$0
23) Section 33676 Payments	Southwestern Community College	Pass Thru Payments Original Area	Non-Housing							\$0
24) Section 33676 Payments	County Office of Education	Pass Thru Payments Original Area	Non-Housing							\$0
25) Section 33676 Payments	Final - see above	Pass Thru Payments Original Area	Non-Housing					\$576,814		\$576,814
Totals - Other Obligations				\$ -	\$ -	\$ -	\$ -	\$ 576,814	\$ -	\$ 576,814

* Notwithstanding the provisions of California Health and Safety Code section 34177(a)(1), agreements between the City and the Agency have been included in this payment schedule because, among other things, they have been validated by operation of law prior to the Governor's signature of ABx1 26 on June 28, 2011.

RESOLUTION NO. OB-12-04

RESOLUTION OF THE OVERSIGHT BOARD OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING THE SECOND RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD OF JULY 1, 2012 ENDING DECEMBER 31, 2012

WHEREAS, the Imperial Beach Redevelopment Agency ("Redevelopment Agency") was a redevelopment agency in the City of Imperial Beach ("City"), duly created pursuant to the California Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) ("Redevelopment Law"); and

WHEREAS, the City Council has adopted redevelopment plans for Imperial Beach's redevelopment project areas, and from time to time, the City Council has amended such redevelopment plans; and

WHEREAS, the Redevelopment Agency was responsible for the administration of redevelopment activities within the City; and

WHEREAS, AB x1 26 ("AB 26") and AB x1 27 ("AB 27") were signed by the Governor of California on June 28, 2011, making certain changes to the Redevelopment Law, including adding Part 1.8 (commencing with Section 34161) and Part 1.85 (commencing with Section 34170) ("Part 1.85") to Division 24 of the California Health and Safety Code ("Health and Safety Code"); and

WHEREAS, the California Redevelopment Association and League of California Cities filed a lawsuit in the Supreme Court of California (*California Redevelopment Association, et al. v. Matosantos, et al.*, Case No. S194861) alleging that AB 26 and AB 27 were unconstitutional; and

WHEREAS, on December 29, 2011, the Supreme Court issued its opinion in the *Matosantos* case largely upholding as constitutional AB 26, invalidating as unconstitutional AB 27, and holding that AB 26 may be severed from AB 27 and enforced independently; and

WHEREAS, the Supreme Court generally reformed and revised the effective dates and deadlines for performance of obligations under Health and Safety Code Part 1.85 of AB 26 arising before May 1, 2012 to take effect four months later, while leaving the effective dates or deadlines for performance of obligations under Health and Safety Code Part 1.8 of AB 26 unchanged; and

WHEREAS, as a result of the Supreme Court's decision, and on February 1, 2012, all California redevelopment agencies were dissolved, successor agencies were established as successor agencies to the former redevelopment agencies pursuant to Health and Safety Code Section 34173, and successor agencies are tasked with paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and winding down the affairs of the former redevelopment agencies; and

WHEREAS, the City Council of the City adopted Resolution No. 2012-7136 on January 5, 2012, pursuant to Part 1.85, electing for the City to serve as the successor agency to the Redevelopment Agency upon the dissolution of the Redevelopment Agency under AB 26 ("Successor Agency"); and

WHEREAS, on February 15, 2012, the Board of Directors of the Successor Agency, adopted Resolution No. SA-12-01 naming itself the "Imperial Beach Redevelopment Agency

Successor Agency," the sole name by which it will exercise its powers and fulfill its duties pursuant to Part 1.85 of AB 26, and establishing itself as a separate legal entity with rules and regulations that will apply to the governance and operations of the Successor Agency; and

WHEREAS, AB 26 requires that there shall be an oversight board ("Oversight Board") established for each of the former California redevelopment agency's successor agencies to supervise the activities of the Successor Agency and the wind down of the dissolved Redevelopment Agency's affairs pursuant to AB 26; and

WHEREAS, on April 11, 2012, the first meeting of the Oversight Board of the Imperial Beach Redevelopment Agency Successor Agency took place and Oversight Board Members were duly sworn into office.

WHEREAS, pursuant to Health and Safety Code Section 34177(l)(2)(A) of AB 26, the Successor Agency was required to prepare its draft Recognized Obligation Payment Schedule ("ROPS") by March 1, 2012; and

WHEREAS, in accordance with Health and Safety Code Section 34177(l)(2)(A) of AB 26, the Successor Agency adopted the draft ROPS on February 15, 2012 by Resolution No. SA-12-02, for the period of January 1, 2012 through June 30, 2012; and

WHEREAS, after the Successor Agency's adoption of the draft ROPS, the San Diego County Auditor-Controller requested that the draft ROPS cover the period of October 1, 2011 through June 30, 2012; and

WHEREAS, to accommodate the request of the County Auditor-Controller, the Executive Director of the Successor Agency modified the draft ROPS, pursuant to administrative authority provided to the Executive Director by the Successor Agency as set forth in Resolution No. SA-12-02, and included the period of October 1, 2011 through December 31, 2011 to the draft ROPS; and

WHEREAS, pursuant to Health and Safety Code Section 34177(l)(3) of AB 26, the first ROPS shall be submitted to the State of California Controller's Office and the State of California Department of Finance by April 15, 2012 for the period of January 1, 2012 through June 30, 2012; and

WHEREAS, due to ambiguity in timing and apparent conflict in dates set forth in AB 26 for the certification of the ROPS by the County, the approval of the ROPS by the Oversight Board, and the submission of the first ROPS to the State Controller's Office and the Department of Finance, staff of the Successor Agency determined that the draft ROPS should be amended as the first ROPS for submission to the State Controller's Office and the Department of Finance by April 15, 2012 and revised to reflect the time period of January 1, 2012 through June 30, 2012 as required by Health and Safety Code Section 34177(l)(3) of AB 26. In addition, staff determined that certain information relating to the recognized obligations set forth in the ROPS must be added to and clarified in the ROPS; and

WHEREAS, the amended ROPS for the period of January 31, 2012 through June 30, 2012 is substantively the same as the previously approved Successor Agency draft ROPS with the following exceptions: (1) the exclusion of October 1, 2011 through December 31, 2011; (2)

the Administrative Budget has been updated; and (3) the funding source for item 51 on the RDA Projects page has been corrected to read "Non Housing Funds"; and

WHEREAS, the Successor Agency approved the amended ROPS on April 4, 2012 and thereafter the amended ROPS shall be reviewed and certified by the County, through the use of an external auditor, and submitted to the Oversight Board for review and approval. A copy of the approved amended ROPS shall be submitted to the County Auditor-Controller and both the State Controller's Office and the Department of Finance and shall be posted on the Successor Agency's internet website. The first ROPS shall be submitted to the State Controller's Office and the Department of Finance by April 15, 2012; and

WHEREAS, pursuant to Health and Safety Code Section 34177(l)(3) of AB 26, the ROPS shall be forward looking to the next six (6) months and, according to Health and Safety Code Section 34177(l)(1) of AB 26, for each recognized obligation, the ROPS shall identify one or more of the following sources of payment: (i) Low and Moderate Income Housing Funds, (ii) bond proceeds, (iii) reserve balances, (iv) administrative cost allowance, and (v) the Redevelopment Property Tax Trust Fund but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation or by the provisions of Part 1.85 of AB 26; and

WHEREAS, it is the intent of AB 26 that the ROPS serve as the designated reporting mechanism for disclosing the Successor Agency's bi-annual payment obligations by amount and source and, subsequent to the audit and approval of the ROPS as specified in AB 26, the County Auditor-Controller will be responsible for ensuring that the Successor Agency receives revenues sufficient to meet the requirements of the ROPS during each bi-annual period; and

WHEREAS, notwithstanding the provisions of Health and Safety Code Section 34177(a)(1), agreements between the City and the Redevelopment Agency have been included in the ROPS because, among other things, they have been validated by operation of law prior to the Governor's signature of AB 26 on June 28, 2011; and

WHEREAS, the second ROPS covering the period of July 1, 2012 through December 3, 2012 is attached hereto as Exhibit "A"; and

WHEREAS, the proposed second ROPS attached to this Resolution as Exhibit "A" which was approved by the Successor Agency on April 4, 2012 by Resolution SA-12-06 is consistent with the requirements of the Health and Safety Code and other applicable law; and

WHEREAS, this Resolution has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereafter the "Guidelines"), and the City's environmental guidelines; and

WHEREAS, this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines section 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per section 15378(b)(5) of the Guidelines; and

WHEREAS, all of the prerequisites with respect to the approval of this Resolution have been met.

EXHIBIT "A"

**IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY
RECOGNIZED OBLIGATION PAYMENT SCHEDULE
July 1, 2012 through December 31, 2012
("Second ROPS")**

Approved on April 4, 2012

(See Attachment)

RECOGNIZED OBLIGATION PAYMENT SCHEDULE July 1 - December 31, 2012 (Second ROPS)

	Project Name / Debt Obligation	Payee	Description	Funding	Payments by month						
					July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Total
Debt Obligations											
1	2003 Tax Allocation Bonds Series	Wells Fargo Bank	Bond Debt Service	Non-Housing & Low Mod					\$ 533,092		\$533,092
2	2010 Tax Allocation Bonds Series	Wells Fargo Bank	Bond Debt Service	Non-Housing					\$ 525,953		\$525,953
3	City Loan 1995	City of Imperial Beach	Loan to finance start up costs	Non-Housing					\$ 224,288		\$224,288
4											\$0
5											\$0
6											\$0
7											\$0
8											\$0
9											\$0
10											\$0
11											\$0
12											\$0
13											\$0
14											\$0
15											\$0
16											\$0
17											\$0
18											\$0
19											\$0
20											\$0
Totals - Debt Obligations - This Page					\$ -	\$ -	\$ -	\$ -	\$ 1,283,331	\$ -	\$ 1,283,331
Totals - Housing Program Related - Page 2					\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$90,000
Totals - RDA Operating - Page 3					\$119,573	\$128,798	\$118,573	\$119,573	\$119,573	\$124,794	\$731,884
Totals - RDA Projects - Page 4					\$0	\$0	\$0	\$0	\$0	\$0	\$0
Totals - Pass Through Obligations- Page 5					\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Enforceable Obligations					\$134,573	\$143,798	\$134,573	\$134,573	\$1,417,904	\$139,794	\$2,105,216

* Notwithstanding the provisions of California Health and Safety Code section 34177(e)(1), agreements between the City and the Agency have been included in this payment schedule because, among other things, they have been validated by operation of law prior to the Governor's signature of ABX1 28 on June 28, 2011.

Project Area(s) All

RECOGNIZED OBLIGATION PAYMENT SCHEDULE July 1 - December 31, 2012 (Second ROPS)

Project Name / Debt CD	Payee	Description	Funding	Payments by month						Total	
				July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012		
Housing Programs											
1	Housing Management	See Attached	Mgt costs for Low/Mod Housing Program	Low/Mod funds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2	Housing Agreement	Imperial Beach	Support costs	Low/Mod funds	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 90,000
3	Hemlock Monitoring	Housing Authority/City Finance	South Bay Comm. Svcs Loan	Low/Mod funds							\$ -
4	Calla Monitoring	Housing Authority/City Finance	South Bay Comm. Svcs Loan	Low/Mod funds							\$ -
5	Beachwood Monitoring	Housing Authority/City Finance	Beachwood Loan	Low/Mod funds							\$ -
6	Housing Reporting	Housing Authority/City Finance	RDA Statutory Compliance	Low/Mod funds							\$ -
7	Green & Green Monitor	Housing Authority	10 yr Contract Compliance	Low/Mod funds							\$ -
8	Deficit Housing Obliga.	Housing Authority	RDA Statutory Compliance	Low/Mod funds							\$ -
9	Age Proportionality	Housing Authority	RDA Statutory Compliance	Low/Mod funds							\$ -
10											\$ -
11											\$ -
12											\$ -
13											\$ -
14											\$ -
15											\$ -
16											\$ -
17											\$ -
18											\$ -
19											\$ -
20											\$ -
21											\$ -
22											\$ -
23											\$ -
24											\$ -
25											\$ -
26											\$ -
27											\$ -
28											\$ -
29											\$ -
Totals - This Page					\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$90,000

* Notwithstanding the provisions of California Health and Safety Code section 34177(a)(1), agreements between the City and the Agency have been included in this payment schedule because, among other things, they have been validated by operation of law prior to the Governor's signature of AB126 on June 28, 2011.

** Pursuant to contract with homeowner participant

RECOGNIZED OBLIGATION PAYMENT SCHEDULE July 1 - December 31, 2012 (Second ROPS)

Project Name / Debt Obligation	Payee	Description	Funding	Payments by month						Total	
				July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012		
RDA Operating											
1 RDA Management	Various	Admin of RDA	Non-Housing	\$ -							\$0
2 Admin Costs ***	City of Imperial Beach	Per AB 26	Non-Housing	\$ 69,273	\$ 69,273	\$ 69,273	\$ 69,273	\$ 69,273	\$ 69,273	\$ 69,273	\$415,637
3 RDA Accrued Liabilities	City of Imperial Beach	Vacation/Sick Liabilities as of 1/31/2012	Non-Housing								\$0
4 RDA Unfunded PERS Liability	City of Imperial Beach	Unfunded Pension Liability as of 1/31/2012	Non-Housing								\$0
5 RDA 90 Layoff Notice Cost	City of Imperial Beach	Labor Contract Requirement	Non-Housing								\$0
6 RDA Outstanding WC Liability	City of Imperial Beach	Workers Compensation Liability 1/31/2012	Non-Housing								\$0
7 Grantee Abatement	Various	RDA Staffing and Program Costs	Non-Housing								\$0
8 Continuing Disclosure	Wells Fargo	Mandatory Annual Bond Disclosure	Non-Housing		\$2,200						\$2,200
9 Continuing Disclosure	Bond Management/NBS	Mandatory Annual Bond Disclosure	Non-Housing		\$4,000						\$4,000
10 Continuing Disclosure	HDL	Assessment Information	Non-Housing		\$2,025						\$2,025
11 Continuing Disclosure	Lance-Soft	Audit Fees	Non-Housing								\$0
12 IBCC Monitoring	City of Imperial Beach	IB Community Clinic Loan	Non-Housing						\$ 2,611		\$2,611
13 RDA Status Compliance	City of Imperial Beach	Compliance	Non-Housing						\$ 2,611		\$2,611
14 City Service Agreement	City of Imperial Beach	Oversight and related costs	Non-Housing	\$40,000	\$40,000	\$40,000	\$40,000	\$40,000	\$40,000	\$40,000	\$240,000
15 Hotel DDA Compliance	City of Imperial Beach	DDA Compliance Issues	Non-Housing								\$0
16 Capital Trailer Rental	Bert's	Temp Trailer for Project Management	Non-Housing	\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$1,800
17 Legal	McDougal/Kane Bolmer		Non-Housing	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$60,000
18 Interim Audit Management	City of Imperial Beach	Additional Audit Requirement	Non-Housing								\$0
19											\$0
Totals - This Page				\$119,573	\$128,798	\$119,573	\$119,573	\$119,573	\$119,573	\$124,764	\$731,884

** Months October through December were added administratively pursuant to Reso SA 12-02. The Successor Agency Board ratification is scheduled for March 7, 2012.

* Notwithstanding the provisions of California Health and Safety Code section 34177(a)(1), agreements between the City and the Agency have been included in this payment schedule because, among other things, they have been validated by operation of law prior to the Governor's signature of ABX1 28 on June 28, 2011.

Name of Redevelopment Agency: Imperial Beach Redevelopment Agency
 Project Area(s): All

RECOGNIZED OBLIGATION PAYMENT SCHEDULE July 1 - December 31, 2012 (Second ROPS)

Project Name / Debt Obligation	Payee	Description	Funding	Payments by month						Total	
				July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012		
RDA Projects											
1	9th & Palm	Nasland Engineering	9th and Palm Project	Non-Housing Funds							\$0
2	9th & Palm	Mireles Landscaping	9th and Palm Project	Non-Housing Funds							\$0
3	9th & Palm	Project Management/Legal	9th and Palm Project	Non-Housing Bonds							\$0
Totals - This Page					\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Notwithstanding the provisions of California Health and Safety Code section 34177(a)(1), agreements between the City and the Agency have been included in this payment schedule because, among other things, they have been validated by operation of law prior to the Governor's signature of ABx1 28 on June 28, 2011.

RESOLUTION NO. OB-12-09

RESOLUTION OF THE OVERSIGHT BOARD OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING THE THIRD RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD OF JANUARY 1, 2013 THROUGH JUNE 30, 2013 AND APPROVING CERTAIN RELATED ACTIONS PURSUANT TO PART 1.85 OF THE CALIFORNIA HEALTH AND SAFETY CODE

WHEREAS, the Imperial Beach Redevelopment Agency ("Redevelopment Agency") was a redevelopment agency in the City of Imperial Beach ("City"), duly created pursuant to the California Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) ("Redevelopment Law"); and

WHEREAS, the City Council has adopted redevelopment plans for Imperial Beach's redevelopment project areas, and from time to time, the City Council has amended such redevelopment plans; and

WHEREAS, the Redevelopment Agency was responsible for the administration of redevelopment activities within the City; and

WHEREAS, Assembly Bill X1 26 (2011-2012 1st Ex. Sess.) ("AB 26") was signed by the Governor of California on June 28, 2011, making certain changes to the Redevelopment Law and the California Health and Safety Code ("Health and Safety Code"), including adding Part 1.8 (commencing with Section 34161) ("Part 1.8") and Part 1.85 (commencing with Section 34170) ("Part 1.85") to Division 24 of the Health and Safety Code; and

WHEREAS, pursuant to AB 26, as modified by the California Supreme Court on December 29, 2011 by its decision in *California Redevelopment Association v. Matosantos*, all California redevelopment agencies, including the Redevelopment Agency, were dissolved on February 1, 2012, and successor agencies were designated and vested with the responsibility of paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and winding down the business and fiscal affairs of the former redevelopment agencies; and

WHEREAS, the City Council of the City adopted Resolution No. 2012-7136 on January 5, 2012, pursuant to Part 1.85 of AB 26, electing for the City to serve as the successor agency to the Redevelopment Agency upon the dissolution of the Redevelopment Agency under AB 26 ("Successor Agency"); and

WHEREAS, on February 15, 2012, the Board of Directors of the Successor Agency, adopted Resolution No. SA-12-01 naming itself the "Imperial Beach Redevelopment Agency Successor Agency," the sole name by which it will exercise its powers and fulfill its duties pursuant to Part 1.85 of AB 26, and establishing itself as a separate legal entity with rules and regulations that will apply to the governance and operations of the Successor Agency; and

WHEREAS, as part of the FY 2012-2013 State budget package, on June 27, 2012, the Legislature passed and the Governor signed Assembly Bill No. 1484 ("AB 1484", Chapter 26, Statutes 2012). Although the primary purpose of AB 1484 is to make technical and substantive amendments to AB 26 based on issues that have arisen in the implementation of AB 26, AB 1484 imposes additional statutory provisions relating to the activities and obligations of successor agencies and to the wind down process of former redevelopment agencies; and

WHEREAS, Health and Safety Code Section 34179 of AB 26 as amended by AB 1484 establishes a seven (7) member local entity with respect to each successor agency and such

entity is titled the "oversight board." The oversight board has been established for the Successor Agency (hereinafter referred to as the "Oversight Board") and all seven (7) members have been appointed to the Oversight Board pursuant to Health and Safety Code Section 34179. The duties and responsibilities of the Oversight Board are primarily set forth in Health and Safety Code Sections 34179 through 34181 of AB 26 as amended by AB 1484; and

WHEREAS, pursuant to Health and Safety Code Section 34177 of AB 26, the Successor Agency (i) prepared its draft Recognized Obligation Payment Schedule ("ROPS") by March 1, 2012, (ii) adopted the draft ROPS on February 15, 2012 for the period ending June 30, 2012, as modified administratively by the Executive Director, (iii) submitted the draft ROPS to the State of California Controller's Office and the State of California Department of Finance ("Department of Finance") by April 15, 2012 for the period of January 1, 2012 through June 30, 2012, (iv) amended the draft ROPS as the first ROPS for submission to the State Controller's Office and the Department of Finance by April 15, 2012 and revised the ROPS to reflect the time period of January 1, 2012 through June 30, 2012 ("First ROPS"), and (v) adopted the second ROPS covering the period from July 1, 2012 through December 31, 2012 ("Second ROPS"); and

WHEREAS, in accordance with Health and Safety Code Sections 34177(l)(2)(B) and 34180(g) of AB 26, on April 11, 2012, the Oversight Board approved the First ROPS pursuant to Resolution No. OB-12-03 as proposed by the Successor Agency, and on April 11, 2012, the Oversight Board approved the Second ROPS pursuant to Resolution OB-12-04 as proposed by the Successor Agency; and

WHEREAS, pursuant to Health and Safety Code Section 34177 of AB 26 as amended by AB 1484, the Successor Agency adopted the third ROPS covering the period from January 1, 2013 through June 30, 2013 ("Third ROPS") on August 1, 2012 pursuant to Resolution No. SA-12-13; and

WHEREAS, the Third ROPS is now being submitted to the Oversight Board for review and approval in accordance with Health and Safety Code Sections 34177(l)(2)(B) and 34180(g) of AB 26 as amended by AB 1484. In this regard, as required by Health and Safety Code Section 34177(l)(2)(B), the Successor Agency has also submitted a copy of the Third ROPS to the County Administrative Officer, the County Auditor-Controller, and the Department of Finance at the same time that the Successor Agency has submitted the Third ROPS to the Oversight Board for approval; and

WHEREAS, pursuant to Health and Safety Code Section 34177(m) of AB 26 as amended by AB 1484, the Successor Agency is required to submit the Third ROPS for the period of January 1, 2013 through June 30, 2013, after its approval by the Oversight Board, to the Department of Finance and the County Auditor-Controller no later than September 1, 2012; and

WHEREAS, pursuant to Health and Safety Code Section 34177(l)(2)(C) of AB 26 as amended by AB 1484, a copy of the Third ROPS as approved by the Oversight Board shall be submitted to the County Auditor-Controller and both the State Controller's Office and the Department of Finance and shall be posted on the Successor Agency's internet website; and

WHEREAS, pursuant to Health and Safety Code Section 34177(m)(1) of AB 26 as amended by AB 1484, the Successor Agency shall submit a copy of the Third ROPS to the Department of Finance electronically and the Successor Agency shall have completed the Third ROPS in the manner provided by the Department of Finance; and

WHEREAS, pursuant to Health and Safety Code Section 34183(a)(2) of AB 26 as amended by AB 1484, the County is required to make a payment of property tax revenues (i.e. former tax increment funds) to the Successor Agency by January 2, 2013 for payments to be made toward recognized obligations listed on the Third ROPS for the period of January 1, 2013 through June 30, 2013; and

WHEREAS, pursuant to Health and Safety Code Section 34177(l)(3) of AB 26 as amended by AB 1484, the ROPS shall be forward looking to the next six (6) months; and

WHEREAS, according to Health and Safety Code Section 34177(l)(1) of AB 26 as amended by AB 1484, for each recognized obligation, the ROPS shall identify one or more of the following sources of payment: (i) Low and Moderate Income Housing Funds, (ii) bond proceeds, (iii) reserve balances, (iv) administrative cost allowance, (v) the Redevelopment Property Tax Trust Fund but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation or by the provisions of Part 1.85 of AB 26 as amended by AB 1484, and (vi) other revenue sources, including rents, concessions, asset sale proceeds, interest earnings, and any other revenues derived from the former Redevelopment Agency as approved by the Oversight Board in accordance with Part 1.85 of AB 26 as amended by AB 1484; and

WHEREAS, it is the intent of AB 26 as amended by AB 1484 that the ROPS serve as the designated reporting mechanism for disclosing the Successor Agency's bi-annual payment obligations by amount and source and that the County Auditor-Controller will be responsible for ensuring that the Successor Agency receives revenues sufficient to meet the requirements of the ROPS during each bi-annual period; and

WHEREAS, the Third ROPS covering the period of January 1, 2013 through June 30, 2013, as adopted by the Successor Agency is attached hereto as Exhibit "A"; and

WHEREAS, the Third ROPS is consistent with the requirements of the Health and Safety Code and other applicable law; and

WHEREAS, the Third ROPS contains the schedules for payments on enforceable obligations required for the applicable six-month period and sources of funds for repayment as required pursuant to Health and Safety Code Section 34177(l); and

WHEREAS, the Third ROPS includes an obligation pertaining to the estimated cost to the Successor Agency in the amount of \$40,000 to retain a licensed accountant to perform services relating to preparation of the due diligence review and related actions pursuant to Health and Safety Code Section 34179.5; and

WHEREAS, among other obligations listed on the Third ROPS, the cost to the Successor Agency in the estimated amount of \$40,000 to retain a licensed accountant to perform services pursuant to an agreement to be entered into by the Successor Agency and the selected accountant relating to preparation of the due diligence review and related actions pursuant to Health and Safety Code Section 34179.5 is included on the Third ROPS. Upon the Oversight Board's approval and effectiveness of the Third ROPS, such item will constitute an enforceable obligation of the Successor Agency pursuant to Health and Safety Code Sections 34171(d)(1)(C), 34171(d)(1)(F), and 34177.3(b), payable from the property tax revenues available to be allocated to the Successor Agency by the County to pay enforceable obligations pursuant to a valid ROPS; and

WHEREAS, among other obligations listed on the Third ROPS, the Successor Agency

approved the Successor Agency to reenter into the former Redevelopment Agency Reimbursement Agreement with the City of Imperial Beach, dated January 1, 2007, to reimburse the City for administrative and operational costs incurred by the City on behalf of the Successor Agency and the Successor Agency included the Reimbursement Agreement on the Third ROPS pursuant to Health and Safety Code Sections 34171(d)(1)(F) and 34178(a). Upon the Oversight Board's approval of this action of the Successor Agency pursuant to Health and Safety Code Sections 34171(d)(1)(F), 34178(a), and 34180(h) and upon the Oversight Board's approval and effectiveness of the Third ROPS, such Reimbursement Agreement will constitute an enforceable obligation of the Successor Agency payable from the property tax revenues available to be allocated to the Successor Agency by the County to pay enforceable obligations pursuant to a valid ROPS; and

WHEREAS, among other obligations listed on the Third ROPS, the Successor Agency included on the Third ROPS the use and commitment of available housing bond proceeds in the total amount of \$913,000 derived from a 2003 Bond issuance ("Excess Housing Bonds Proceeds") toward the Clean & Green Program in the approximate amount of \$380,000 and toward the Habitat for Humanity Project in the approximate amount of \$533,000 as designated in writing on July 24, 2012 by the City of Imperial Beach Housing Authority ("Housing Authority"), serving as the successor housing entity to the Redevelopment Agency pursuant to AB 26 as amended by AB 1484, to the Successor Agency pursuant to Health and Safety Code Section 34176(g)(1); and

WHEREAS, pursuant to Health and Safety Code Section 34176(g)(1)(B) of AB 26 as amended by AB 1484, review of the Housing Authority's designations of the use and commitment of the Excess Housing Bonds Proceeds by the Successor Agency, the Oversight Board and the Department of Finance shall be limited to a determination that the Housing Authority's designations of the use and commitment of such proceeds are consistent with the Housing Bonds covenant obligations, including requirements relating to tax status, and that there are sufficient Excess Housing Bonds Proceeds available for the designated purposes. Upon the Oversight Board's determination pursuant to Section 34176(g)(1)(B) and the Oversight Board's approval and effectiveness of the Third ROPS, the Housing Authority's designations of the use and commitment of the Excess Housing Bonds Proceeds toward the Clean & Green Program in the approximate amount of \$380,000 and toward the Habitat for Humanity Project in the approximate amount of \$533,000 will constitute an enforceable obligation of the Successor Agency payable from the Excess Housing Bonds Proceeds; and

WHEREAS, among other obligations listed on the Third ROPS, the Successor Agency included on the Third ROPS certain loans/advances made from Low and Moderate Income Housing Tax Increment Funds to pay enforceable obligations approved on the First ROPS and the Second ROPS where the Successor Agency had no other funding sources available to pay said enforceable obligations including, without limitation, payment of the May 2012 debt service payments on Bond Issuances. Pursuant to Health and Safety Code Section 34171(d)(1)(G) in pertinent part, amounts borrowed from, or payments owing to, the Low and Moderate Income Housing Fund may constitute enforceable obligations, provided that the Oversight Board approves the repayment schedule. Upon the Oversight Board's approval of the repayment schedule of the loans/advances made from Low and Moderate Income Housing Tax Increment Funds pursuant to Health and Safety Code Sections 34171(d)(1)(G) and 34180(a) and the Oversight Board's approval and effectiveness of the Third ROPS, the Successor Agency's loans/advances made from Low and Moderate Income Housing Tax Increment Funds will constitute enforceable obligations of the Successor Agency payable from the property tax revenues available to be allocated to the Successor Agency by the County to pay enforceable obligations pursuant to a valid ROPS; and

WHEREAS, pursuant to Health and Safety Code Section 34177(m), the Third ROPS as approved by the Oversight Board shall be submitted to the Department of Finance and the County Auditor-Controller by September 1, 2012 and subsequent six-month period ROPS as approved by the Oversight Board shall be submitted to the Department of Finance and County Auditor-Controller no fewer than ninety (90) days before the date of property tax distribution. Section 34177(m) further provides that the Department of Finance shall make its determination of the enforceable obligations and the amounts and funding sources of enforceable obligations no later than forty-five (45) days after the ROPS is submitted and that the Successor Agency may, within five (5) business days of the Department of Finance's determination, request an additional review by the Department of Finance and an opportunity to meet and confer on disputed items. In the event of a meet and confer and request for additional review, the meet and confer period may vary but the Department of Finance shall notify the Successor Agency and the County Auditor-Controller as to the outcome of its review at least fifteen (15) days before the date of property tax distribution; and

WHEREAS, this Resolution has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 *et seq.*, hereafter the "Guidelines"), and the City's environmental guidelines; and

WHEREAS, the activity proposed by this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines; and

WHEREAS, all of the prerequisites with respect to the approval of this Resolution have been met.

NOW, THEREFORE, BE IT RESOLVED by the Oversight Board of the Imperial Beach Redevelopment Agency Successor Agency, as follows:

- Section 1.** The foregoing recitals are true and correct and are a substantive part of this Resolution.
- Section 2.** The adoption of this Resolution is not intended to and shall not constitute a waiver by the Successor Agency of any constitutional, legal or equitable rights that the Successor Agency may have to challenge, through any administrative or judicial proceedings, the effectiveness and/or legality of all or any portion of AB 26 or AB 1484, any determinations rendered or actions or omissions to act by any public agency or government entity or division in the implementation of AB 26 or AB 1484, and any and all related legal and factual issue, and the Successor Agency expressly reserved any and all rights, privileges, and defenses available under law and equity.
- Section 3.** The Oversight Board hereby approves and adopts the Third ROPS, in substantially the form attached to this Resolution as Exhibit "A," pursuant to Health and Safety Code Sections 34177(l) and 34180(g) of AB 26 as amended by AB 1484.
- Section 4.** As part of the approval of the Third ROPS, the Oversight Board hereby approves the cost to the Successor Agency in the estimated amount of \$40,000 to retain a licensed accountant to perform services pursuant to

an agreement to be entered into by the Successor Agency and the selected accountant relating to preparation of the due diligence review and related actions pursuant to Health and Safety Code Section 34179.5 and such item shall constitute an enforceable obligation of the Successor Agency, pursuant to Health and Safety Code Sections 34171(d)(1)(C), 34171(d)(1)(F), and 34177.3(b) of AB 26 as amended by AB 1484.

Section 5. As part of the approval of the Third ROPS, the Oversight Board hereby approves the Successor Agency reentering into the former Redevelopment Agency Reimbursement Agreement with the City of Imperial Beach, dated January 1, 2007, to reimburse the City for administrative and operational costs incurred by the City on behalf of the Successor Agency and such Reimbursement Agreement shall constitute an enforceable obligation of the Successor Agency and such Reimbursement Agreement shall constitute an enforceable obligation of the Successor Agency, pursuant to Health and Safety Code Sections 34171(d)(1)(F), 34178(a), and 34180(h) of AB 26 as amended by AB 1484.

Section 6. The Oversight Board has rendered, pursuant to Resolution No. OB-12-08, its determination pursuant to Health and Safety Code Section 34176(g)(1)(B), to wit: that the Housing Authority's designations of the use and commitment of the Excess Housing Bonds Proceeds are consistent with the Housing Bonds covenant obligations, including requirements relating to tax status, and that there are sufficient Excess Housing Bonds Proceeds available for the designated purposes. As part of the approval of the Third ROPS, the Oversight Board hereby acknowledges and agrees that the Housing Authority's designations of the use and commitment of the Excess Housing Bonds Proceeds toward the Clean & Green Program in the approximate amount of \$380,000 and toward the Habitat for Humanity Project in the approximate amount of \$533,000 shall constitute an enforceable obligation of the Successor Agency, pursuant to Health and Safety Code Section 34176(g) of AB 26 as amended by AB 1484.

Section 7. As part of the approval of the Third ROPS, the Oversight Board hereby approves the repayment of certain loans/advances made from Low and Moderate Income Housing Tax Increment Funds to pay enforceable obligations approved on the First ROPS and the Second ROPS where the Successor Agency had no other funding sources available to pay said enforceable obligations including, without limitation, payment of the May 2012 debt service payments on Bond Issuances, and such loans/advances shall constitute enforceable obligations of the Successor Agency, pursuant to Health and Safety Code Sections 34171(d)(1)(G) and 34180(a) of AB 26 as amended by AB 1484.

Section 8. The Oversight Board hereby directs the Successor Agency to submit copies of the Third ROPS approved by this Resolution as required under AB 26 as amended by AB 1484, in the method required, and in a manner to avoid a late submission or accrual of any penalties. In this regard, The Executive Director, or designee, of the Successor Agency is hereby authorized and directed to: (i) submit the Third ROPS, as approved by the Oversight Board, to the Department of Finance (electronically) and the

EXHIBIT "A"

**IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY
RECOGNIZED OBLIGATION PAYMENT SCHEDULE
January 1, 2013 through June 30, 2013
("Third ROPS")**

Approved on August 22, 2012

(See Attachment)

Successor Agency Contact Information

Name of Successor Agency: Imperial Beach
County: San Diego

Primary Contact Name: Greg Wade
Primary Contact Title: Deputy Director
825 Imperial Beach Blvd, Imperial
Address: Beach, CA 91932
Contact Phone Number: 619-628-1354
Contact E-Mail Address: gwade@cityofib.org

Secondary Contact Name: Gary Brown
Secondary Contact Title: Executive Director
Secondary Contact Phone Number: 619-423-0314
Secondary Contact E-Mail Address: gbrown@cityofib.org

SUMMARY OF RECOGNIZED OBLIGATION PAYMENT SCHEDULE
 Filed for the January 1, 2013 to June 30, 2013 Period

Name of Successor Agency: Imperial Beach

	Total Outstanding Debt or Obligation
Outstanding Debt or Obligation	\$ 111,583,105
Current Period Outstanding Debt or Obligation	Six-Month Total
A Available Revenues Other Than Anticipated RPTTF Funding	913,000
B Anticipated Enforceable Obligations Funded with RPTTF	5,774,108
C Anticipated Administrative Allowance Funded with RPTTF	270,510
D Total RPTTF Requested (B + C = D)	6,044,618
Total Current Period Outstanding Debt or Obligation (A + B + C = E) <i>Should be the same amount as ROPS form six-month total</i>	\$ 6,957,618
E Enter Total Six-Month Anticipated RPTTF Funding <i>(Obtain from county auditor-controller)</i>	3,400,000
F Variance (E - D = F) <i>Maximum RPTTF Allowable should not exceed Total Anticipated RPTTF Funding</i>	\$ (2,644,618)
Prior Period (January 1, 2012 through June 30, 2012) Estimated vs. Actual Payments (as required in HSC section 34186 (a))	
G Enter Estimated Obligations Funded by RPTTF <i>(Should be the lesser of Finance's approved RPTTF amount including admin allowance or the actual amount distributed)</i>	3,420,215
H Enter Actual Obligations Paid with RPTTF	3,205,954
I Enter Actual Administrative Expenses Paid with RPTTF	250,000
J Adjustment to Redevelopment Obligation Retirement Fund (G - (H + I) = J)	-
K Adjusted RPTTF <i>(The total RPTTF requested shall be adjusted if actual obligations paid with RPTTF are less than the estimated obligation amount.)</i>	\$ 6,044,618

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

MAYDA C. WINTER
 Name
 Title
 CHAIR
 /s/
 Signature
 Date
 8/22/12

Note: Item E - Although requested by the Successor Agency ("SA"), the San Diego County Auditor-Controller ("County A-C") will not provide anticipated RPTTF Funding until after September 1, 2012. Therefore, this estimate is a good faith estimate of the SA based on prior year actual tax increment funding.
 Item F - Because there will be a deficit for the period of January 1, 2013 through June 30, 2013, the SA intends on issuing a Notice of Insufficient Funds prior to December 1, 2012 to the County A-C notifying the County A-C pursuant to Section 34183(b) that the SA has insufficient funds to make payments on all obligations for the period ending June 30, 2013.
 Item G - This amount was provided by letter dated July 9, 2012 from the County A-C to Gregory Wade of the City of Imperial Beach as the amount DOF approved maximum RPTTF, as discussed with and agreed to by the DOF.

Name of Successor Agency: Imperial Beach
County: San Diego

Oversight Board Approval Date: 8/22/12

RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS II)
January 1, 2013 through June 30, 2013

Item #	Project Name / Debt Obligation	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Total Due During Fiscal Year 2012-13	Funding Source								
									LMIHF	Bond Proceeds	Reserve Balance	Admin Allowance	RPTTF	Other	Six-Month Total		
Grand Total									\$ 111,583,165	\$ 6,561,595	\$ -	\$ 813,000	\$ -	\$ 270,610	\$ 8,774,108	\$ -	\$ 6,957,618
1	2003 Tax Allocation Bonds Series A	December 2003	December 2035	Wells Fargo Bank	Bond Debt Service pursuant to Section 34171 (a) (1) (A) and 34171(d)(1)(E)	Palm Ave Commercial Center PA1, PA2	\$ 32,351,267	\$ 1,353,204					\$ 1,030,760		\$ 1,030,760		
2	2010 Tax Allocation Bonds Series	November 2010	November 2041	Wells Fargo Bank	Bond Debt Service pursuant to Section 34171 (d) (1) (A) and 34171 (d)(1)(E)	Palm Ave Commercial Center PA1, PA2	\$ 44,415,150	\$ 1,141,946					\$ 635,953		\$ 635,953		
3	2003 Tax Allocation Bonds Series A	December 2003	December 2035	Wells Fargo Bank	Bond Debt Service pursuant to Section 34171 (d) (1) (A) and 34171 (d)(1)(E). See Notes Page.	Palm Ave Commercial Center PA1, PA2	See Above	See Above					\$ 518,787		\$ 518,787		
4	2010 Tax Allocation Bonds Series	November 2010	November 2041	Wells Fargo Bank	Bond Debt Service pursuant to Section 34171 (d) (1) (A) and 34171 (d)(1)(E). See Notes Page.	Palm Ave Commercial Center PA1, PA2	See Above	See Above					\$ 524,000		\$ 524,000		
5	Housing Loan/Advance to make Bond Payment	May 2012	Upon Receipt from County Auditor Controller	Housing Authority	Advanced/loaned Housing Deficiency Low Mod Tax Increment Funds loaned/advanced to pay May 2012 Bond Payments. Section 34171 (d) (1) (G). See Notes Page.	Palm Ave Commercial Center PA1, PA2	\$ 389,607	\$ 389,607					\$ 389,607		\$ 389,607		
6	Housing Loan/Advance to pay Enforceable Obligations	June 2012	Upon Receipt from County Auditor Controller	Housing Authority	Advanced/loaned Housing Deficiency Low Mod Tax Increment Funds loaned/advanced to pay ROPS 1 & 2 enforceable obligations. Section 34171 (d) (1) (G). See Notes Page.	Palm Ave Commercial Center PA1, PA2	\$ 672,270	\$ 672,270					\$ 672,270		\$ 672,270		
7	Housing (HA) Loan/Advance to pay Enforceable Obligations	June 2012	Upon Receipt from County Auditor Controller	Housing Authority	Advanced/loaned Housing Deficiency Low Mod Tax Increment Funds (HA) loaned/advanced to pay ROPS 1 & 2 enforceable obligations. Section 34171 (d) (1) (G). See Notes Page.	Palm Ave Commercial Center PA1, PA2	\$ 822,801	\$ 822,801					\$ 822,801		\$ 822,801		
8	Housing Agreement	January 2011	N/A	Imperial Beach	For provisions of housing units under CRL pursuant to Health and Safety Code 34171 (d) (3), 34175. See Notes Page	Palm Ave Commercial Center PA1, PA2							\$ 90,000.00		\$ 90,000		
9	Clean & Green Program	TBD	TOD	Various Contractors/Project Management	Tax Exempt Housing Bond Indenture Project pursuant to and consistent with 2003 Tax Allocation Bonds Series A issued December 2003. See Notes Page.	Palm Ave Commercial Center PA1, PA2			380,000						\$ 380,000		
10	Habitat Project	TOD	TOD	Habitat P.M. Project Management	Tax Exempt Housing Bond Indenture Project pursuant to and consistent with 2003 Tax Allocation Bonds Series A issued December 2003. See Notes Page.	Palm Ave Commercial Center PA1, PA2			633,000						\$ 633,000		
11	Admin Budget	N/A	N/A	City of Imperial Beach	Per AD 20 JAG 1484. The Administrative Budget and estimated payment with RPTTF was approved by SA on August 1, 2012 by Resolution No. 0A-12-12 and presented to the Oversight Board for approval on August 22, 2012, in accordance with Sections 34177(j) and 34177(k).	Palm Ave Commercial Center PA1, PA2						\$ 270,610			\$ 270,610		
12	City Service Agreement	Effective July 1, 2007	To Be Determined	City of Imperial Beach	Per AB 20 AB 1484 - Section 34171 (d) (1) (F), 34176 (a), 34186 (n). See Notes Page.	Palm Ave Commercial Center PA1, PA2							\$ 240,000		\$ 240,000		
13	Legal	May 2011	To Be Determined	McDougal/Kane Balmer	Legal Services provided to SA. See Notes Page.	Palm Ave Commercial Center PA1, PA2	N/A	\$ 80,000					\$ 80,000		\$ 80,000		
14	Hotel Project Requirement	December 2010	Ending date based on DDA - Estimated in 11th year of hotel operation	City of Imperial Beach	Fulfillment of Project requirements per DDA. See Notes Page.	Palm Ave Commercial Center PA1, PA2	Estimated at \$50,000	\$ 5,000					\$ 5,000		\$ 5,000		
15	Capital Trailer Rental	August 2006	Completion of Bond Projects	Bertha Mobile Home Acceptance	Temp Trailer for Project Management. See Notes Page.	Palm Ave Commercial Center PA1, PA2	N/A	\$ 3,800					\$ 1,800		\$ 1,800		
16	Due Diligence Review ("DDR") Preparation Cost	To Be Determined, July 27, 2012 expiration of AB 1484	Completion of Audit	Lance Seil/Vavrinek/Tina/Dother	To perform DDR as required by Section 34179.5. See Notes Page.	Palm Ave Commercial Center PA1, PA2	N/A	40,000					40,000		40,000		
17	2003 Tax Allocation Bonds Series A	December 2003	December 2035	Wells Fargo Bank	Bond Debt Service. See Notes Page.	Palm Ave Commercial Center PA1, PA2	\$ 32,351,267	\$ 1,353,204					\$ 533,092		\$ 533,092		
18																	
19																	
Note 1: To the extent RPTTF is not available to pay an enforceable obligation, then the SA is authorized pursuant to Section 34177(a)(4) to make payments on an enforceable obligation from any other funds it may have available, if any, at the time a payment is to be made.																	
Note 2: All citations to "Section" are to the Health and Safety Code unless otherwise indicated.																	

Name of Successor Agency: Imperial Beach
 County: San Diego

RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS III) – Notes (Optional)
 January 1, 2013 through June 30, 2013

Item #	Notes/Comments
All	To the extent RPTTF is not available to pay an enforceable obligation, then the SA is authorized to make payments on an enforceable obligation from any other funds it may have available, if any, at the time a payment is to be made.
3	A bond debt service reserve must be established to meet cash flow requirements of the bond debt service payments listed in item 3. There are semi-annual debt service payments made 5 days before June 1 and 5 days before December 1 of each year. The December payment is interest only and the June payment is principal and interest. The June payment totals \$1,020,792 while the December payment totals approximately \$518,787. The amount of property tax available to the SA will typically be greater in January than in June. The \$518,787 requested for bond debt service reserve is intended to ensure that, together with the amount of property tax anticipated to be distributed to the SA in June 2013, sufficient funds will be available to make the December 2013 payment. This reserve for a bond debt service payment due December 2013, constitutes an enforceable obligation pursuant to Health and Safety Code Section 34171(d)(1)(A) and 34171(d)(1)(E).
4	A bond debt service reserve must be established to meet cash flow requirements of the bond debt service payments listed in item 4. There are semi-annual debt service payments made 5 days before June 1 and 5 days before December 1 of each year. The December payment is interest only and the June payment is principal and interest. The June payment totals \$655,953 while the December payment totals approximately \$524,003. The amount of property tax available to the SA will typically be greater in January than in June. The \$518,787 requested for bond debt service reserve is intended to ensure that, together with the amount of property tax anticipated to be distributed to the SA in June 2013, sufficient funds will be available to make the December 2013 payment. This reserve for a bond debt service payment due December 2013, constitutes an enforceable obligation pursuant to Health and Safety Code Section 34171(d)(1)(A) and 34171(d)(1)(E).
5-7	In order to make required payments on enforceable obligations listed in the approved ROPS 1 and ROPS 2, funds from the Low and Moderate Income Housing Fund were required to be loaned/advanced to the SA for the SA to make such required payments. These funds are otherwise committed to be used toward providing the required affordable housing as required by the California Community Redevelopment Law to address to deficit of affordable housing within the City. Such loans/advances are enforceable obligations pursuant to Section 34171(d)(1)(G) upon the oversight Board's approval of the repayment schedule pursuant to Section 34180(a). The repayment schedule is upon receipt of property taxes from the County as listed on the Third ROPS and any future ROPS, subject to the repayment restrictions set forth in Section 34176(e)(6)(B). On August 1, 2012, pursuant to Resolution SA-12-13, the SA approved the repayment of these loans/advances. However, such repayment of the loans/advances to the Housing Authority is subject to the repayment restrictions set forth in Section 34176(e)(6)(B) or as otherwise required by law.
8	The funding required by the Housing Agreement is also authorized by former Redevelopment Agency Resolution No. 2011-8989 and City Council Resolution No. R-11-241 Establishing Housing Authority & Authorizing Transfer of Funds.
9	This is a project consistent with the use of bond proceeds pursuant to the 2003 Tax Allocation Bonds Series A, an enforceable obligation pursuant to Section 34171(d)(1)(A), and furthers the purposes for which the bonds were issued, in accordance with Section 34177(i). In addition, pursuant to Section 34176(g), the Housing Authority's issued a Notice to the SA dated July 24, 2012 designating the use and commitment of these Excess Housing Bonds Proceeds toward the Clean & Green Program in the amount of \$380,000. On August 1, 2012 by Resolution SA-12-11, the SA made the determination that (i) the use and commitment of these Excess Housing Bonds Proceeds is consistent with the 2003 Housing Bonds covenant obligations, including requirements relating to tax status, and (ii) that there are sufficient Excess Housing Bonds Proceeds available for the designated purposes. These same determinations were presented to the Oversight Board on August 22, 2012. Upon approval of the Third ROPS, these funds will be transferred from Housing Authority to the SA for disbursement pursuant to Section 34176(g). The use of these funds toward this project were included on the now effective First ROPS as approved by the SA and Oversight Board and not disputed by the DOF.
10	This is a project consistent with the use of bond proceeds pursuant to the 2003 Tax Allocation Bonds Series A, an enforceable obligation pursuant to Section 34171(d)(1)(A), and furthers the purposes for which the bonds were issued, in accordance with Section 34177(i). In addition, pursuant to Section 34176(g), the Housing Authority's issued a Notice to the SA dated July 24, 2012 designating the use and commitment of these Excess Housing Bonds Proceeds toward the Habitat Project in the amount of \$533,000. On August 1, 2012 by Resolution SA-12-11, the SA made the determination that (i) the use and commitment of these Excess Housing Bonds Proceeds is consistent with the 2003 Housing Bonds covenant obligations, including requirements relating to tax status, and (ii) that there are sufficient Excess Housing Bonds Proceeds available for the designated purposes. These same determinations were presented to the Oversight Board on August 22, 2012. Upon approval of the Third ROPS, these funds will be transferred from Housing Authority to the SA for disbursement pursuant to Section 34176(g). The use of these funds toward this project were included on the now effective First ROPS as approved by the SA and Oversight Board and not disputed by the DOF.
12	On August 1, 2012 pursuant to Resolution No. SA-12-13, the SA approved the SA reentering into this City Services Agreement between the City of Imperial Beach and the former Redevelopment Agency in order to reimburse the City for costs incurred in connection with administrative and operational costs of the SA. This approval has been proposed and submitted to the Oversight Board for consideration on August 22, 2012. Upon the Oversight Board's approval of the SA reentering into such Agreement, this item constitutes an enforceable obligation pursuant to Sections 34171(d)(1)(F), 34178(a), and 34180(b).
13	Each of these Legal Services Agreement were executed by the former RDA and constitute an enforceable obligation pursuant to Section 34171(d)(1)(E). In addition, the services assist the SA in its wind down of former RDA affairs and therefore constitute enforceable obligations pursuant to Sections 34171(d)(1)(F) and 34177.3(b).

Name of Successor Agency: Imperial Beach
 County: San Diego

RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS III) -- Notes (Optional)
 January 1, 2013 through June 30, 2013

14	These costs are associated with a DDA entered into by and between the former RDA. Pursuant to Section 34171(d)(1)(E), this item constitutes an enforceable obligation. This item is specifically excluded from the definition of and payment by the administrative cost allowance and does not constitute an administrative cost as a project-related cost pursuant to Section 34171(b).
15	These costs are associated with a contract entered into by and between the former RDA. Pursuant to Section 34171(d)(1)(E), this item constitutes an enforceable obligation. Further, agreements or contracts necessary for the costs of maintaining assets of the former RDA are enforceable obligations pursuant to Section 34171(d)(1)(F). This item is specifically excluded from the definition of and payment by the administrative cost allowance and does not constitute an administrative cost as a cost for maintaining assets pursuant to Section 34171(b).
16	This cost is required by State law set forth at Section 34179.5 and, therefore, constitutes an enforceable obligation pursuant to Section 34171(d)(1)(C). In addition, the SA will be entering into a services agreement with the selected accountant for preparation of the DDR. This agreement and its cost shall constitute an enforceable obligation pursuant to Sections 34171(d)(1)(F) and 34177.3(b). This cost may need to be paid by the SA during the period ending December 31, 2012 since information from the DDR is required to be provided to the DOF in November 2012. Therefore, the SA may be required to borrow funds from either encumbered funds or another source, including the County Treasury, in order to make such payment, which funds borrowed shall be repaid with RPTTF received during the Third ROPS period and thereafter until repaid in full.
17	Bond Debt Service Payment in the amount of \$533,092 was included on the Second ROPS for the period ending December 31, 2012, as approved by the SA and OB and not disputed by the DOF. However, there are insufficient funds to make this payment which is due in November 2012. Therefore, this obligation is added to this Third ROPS as a carry-over obligation requiring payment from the RPTTF. This payment constitutes an enforceable obligation pursuant to Section 34171(d)(1)(A). Further, the SA issued a Notice of Insufficient Funds dated April 30, 2012 to the County A-C notifying the County A-C pursuant to Section 34183(b) that the SA has insufficient funds to make payments on all obligations for the period ending December 31, 2012. In addition, the SA submitted a cash flow analysis to the County A-C in support of its Notice showing a deficit of \$3,208,435. Therefore, the SA may be required to borrow funds from either encumbered funds or another source, including the County Treasury, in order to make such payment, which funds borrowed shall be repaid with RPTTF received during the Third ROPS period and thereafter until repaid in full.

Name of Successor Agency: Imperial Beach
 County: San Diego

Pursuant to Health and Safety Code section 34186 (a)
 PRIOR PERIOD ESTIMATED OBLIGATIONS vs. ACTUAL PAYMENTS
 RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS I)
 January 1, 2012 through June 30, 2012

Page #/Form	Line	Project Name / Debt Obligation	Payee	Description/Project Scope	Project Area	LMHF		Bond Proceeds		Reserve Balance		Admin Allowance		RPTTF		Other	
						Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual
		Grand Total:				\$ 4,128,861	\$ 4,318,258	\$ 12,780,463	\$ 11,764,803	\$ -	\$ 656,431	\$ -	\$ -	\$ 4,113,525	\$ 3,455,054	\$ 1,051,008	\$ 1,051,008
-	1	2003 Tax Allocation Bonds Series A	Wells Fargo Bank	Bond Debt Service	From San Bernardino County P.M., Inc.												
1	2	2010 Tax Allocation Bonds Series A	Wells Fargo Bank	Bond Debt Service	From San Bernardino County P.M., Inc.		671,027								1,542,394		
-	3	City Loan 1095	City of Imperial Beach	Loan to finance start up costs	From San Bernardino County P.M., Inc.											1,051,008	1,051,008
2	1	Housing Management	See Attached	Mgt costs for Low/Med Housing Program	From San Bernardino County P.M., Inc.		24,544	14,546						224,286	224,286		
2	2	Housing Agreement	Imperial Beach	Support costs	From San Bernardino County P.M., Inc.		75,000	75,000									
2	3	Hemlock Monitoring	Housing Authority/City Finance	South Bay Comm Svcs Loan	From San Bernardino County P.M., Inc.		2,611	0									
2	4	Callin Monitoring	Housing Authority/City Finance	South Bay Comm Svcs Loan	From San Bernardino County P.M., Inc.		2,611	0									
2	5	Beachwood Monitoring	Housing Authority/City Finance	Beachwood Loan	From San Bernardino County P.M., Inc.		2,611	0									
2	6	Housing Reporting	Housing Authority/City Finance	RDA Statutory Compliance	From San Bernardino County P.M., Inc.		8,765	0									
2	7	Clean & Green Monitoring	Housing Authority	10 yr Contract Compliance	From San Bernardino County P.M., Inc.		183	0									
2	8	Deficit Housing Oblig	Hovine Authority	RDA Statutory Compliance	From San Bernardino County P.M., Inc.		5,000										
2	9	Age Proportionality	Hovine Authority	RDA Statutory Compliance	From San Bernardino County P.M., Inc.		5,000	6,046									
2	10	American Legion	Kane Balthus	Low/Med Housing Project	From San Bernardino County P.M., Inc.		10,000	34,901									
2	11	American Legion	Kevin Marston Assoc.	Low/Med Housing Project	From San Bernardino County P.M., Inc.		10,000	4,208									
2	12	American Legion	Hilcke Development	Low/Med Housing Project	From San Bernardino County P.M., Inc.		3,880,288	3,587,717									
2	13	American Legion	Project Management	Low/Med Housing Project	From San Bernardino County P.M., Inc.		75,000	2,527									
2	14	Housing Element	Tom	Housing Element	From San Bernardino County P.M., Inc.		27,250	11,368									
2	30	Affordable Housing	SOUTH BAY COMMUNITY SVCS	Tax Exempt Bond Indenture Project	From San Bernardino County P.M., Inc.				12,183	12,183							
2	41	Clean & Green	WESTERN WINDOW REPLACEMENT	Tax Exempt Bond Indenture Project	From San Bernardino County P.M., Inc.				21,286	0							
2	42	Clean & Green	ALCIARIS DESIGN	Tax Exempt Bond Indenture Project	From San Bernardino County P.M., Inc.				2,400	406							
2	43	Clean & Green	Hallers Electric	Tax Exempt Bond Indenture Project	From San Bernardino County P.M., Inc.				13,140	13,140							
2	21	Clean & Green	Chicago Title	Tax Exempt Bond Indenture Project	From San Bernardino County P.M., Inc.				0	2,500							
2	27	Clean & Green	HARLAN CONSTRUCTION	Tax Exempt Bond Indenture Project	From San Bernardino County P.M., Inc.				0	5,800							
2	32	Clean & Green	ROCK AND KOBEL LANDSCAPE	Tax Exempt Bond Indenture Project	From San Bernardino County P.M., Inc.				0	2,000							
2	44	Clean & Green	Various Contractors	Tax Exempt Bond Indenture Project	From San Bernardino County P.M., Inc.				380,000	11,061							
2	46	Housing Project	Habitat P.M.	Tax Exempt Bond Indenture Project	From San Bernardino County P.M., Inc.				500,000	0							
2	40	Housing Project	Project Management for Habitat	Tax Exempt Bond Indenture Project	From San Bernardino County P.M., Inc.				66,000	17,879							
3	1	RDA Management	Various	Admin of RDA	From San Bernardino County P.M., Inc.						93,810			160,000			
3	2	Admin Costs	City of Imperial Beach	Per AS 26	From San Bernardino County P.M., Inc.									415,637	250,000		
3	3	RDA Accrued Liabilities	City of Imperial Beach	Vacation/Ret. Liability as of 1/31/2012	From San Bernardino County P.M., Inc.									203,233	203,233		
3	4	RDA Unfunded PERS Liability	City of Imperial Beach	Unfunded Pension Liability as of 1/31/2012	From San Bernardino County P.M., Inc.									319,580	513,278		
3	5	RDA 30 Layoff Notice Cost	City of Imperial Beach	Labor Contract Requirement	From San Bernardino County P.M., Inc.									28,646	28,646		
3	6	RDA Outstanding VAC Liability	City of Imperial Beach	Workers Compensation Liability 1/31/2012	From San Bernardino County P.M., Inc.									2,928	2,928		
3	7	Gravel Abatement	Various	RDA Statist and Program Costs	From San Bernardino County P.M., Inc.					17,522				25,000	0		
3	8	Continuing Disclosure	Wells Fargo	Mandatory Annual Bond Disclosure	From San Bernardino County P.M., Inc.									3,200	0		
3	9	Continuing Disclosure	Bond Management/NBS	Mandatory Annual Bond Disclosure	From San Bernardino County P.M., Inc.						3,800			4,000	0		
3	10	Continuing Disclosure	KDL	Assessment Information	From San Bernardino County P.M., Inc.									6,075	0		
3	11	Continuing Disclosure	Lanes Golf	Audit Fees	From San Bernardino County P.M., Inc.									23,000	0		
3	12	IBCC Monitoring	City of Imperial Beach	IB Community Clinic Loan	From San Bernardino County P.M., Inc.									2,611	0		
3	13	RDA Statute Compliance	City of Imperial Beach	Compliance	From San Bernardino County P.M., Inc.									2,811	0		
3	14	City Service Agreement	City of Imperial Beach	Overnight and related costs	From San Bernardino County P.M., Inc.									200,000	156,045		
3	15	Hotel ODA Compliance	City of Imperial Beach	ODA Compliance Issues	From San Bernardino County P.M., Inc.									5,000	1,975		
3	16	Caribbi Trailer Rental	Berni	Temp Trailer for Project Management	From San Bernardino County P.M., Inc.				1,482					28,366	1,600		
3	17	Legal	McDougal/Kane Balthus	Legal expenses	From San Bernardino County P.M., Inc.									60,000	46,144		
3	18	Interim Audit Management	City of Imperial Beach	Additional Audit Requirement	From San Bernardino County P.M., Inc.									10,000	0		
4	1	Commercial Zoning	City of IB - AECCM	Tax Exempt Bond Indenture Project. Incurred \$55,103 from 1/1/12 - 6/30/12. See Note 2 below.	From San Bernardino County P.M., Inc.				80,333	80,333							
4	2	Commercial Zoning	City of IB - Project Management	Tax Exempt Bond Indenture Project. Incurred \$937 from 1/1/12 - 6/30/12. See Note 2 below.	From San Bernardino County P.M., Inc.				83,330	83,330							
4	3	Highway 76 Improvements	City of IB - Sudebery	Tax Exempt Bond Indenture Project. Incurred \$0 from 1/1/12 - 6/30/12. See Note 2 below.	From San Bernardino County P.M., Inc.				2,200,000	2,200,000				0			
4	5	Highway 76 Improvements	City of IB - Noland Engineering	Tax Exempt Bond Indenture Project. Incurred \$1,640 from 1/1/12 - 6/30/12. See Note 2 below.	From San Bernardino County P.M., Inc.				67,882	67,662							

Page Form	Line	Project Name / Debt Obligation	Payee	Description/Project Scope	Project Area	LUMF		Bond Proceeds		Reserve Balance		Admin Allowance		RPTF		Other	
						Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual
4	38	Veterans Park	City of IB - US Bank	Tax Exempt Bond Indenture Project. Incurred \$256 from 1/1/12 - 6/30/12. See Note 2 below.	Port Area Commercial Center PAL, PA2			0	0								
4	39	Veterans Park	City of IB - Project Management	Tax Exempt Bond Indenture Project. Incurred \$10,206 from 1/1/12 - 6/30/12. See Note 2 below.	Port Area Commercial Center PAL, PA2			0	0								
4	40	Storm Drain Intercept	City of IB - Various	Tax Exempt Bond Indenture Project. Incurred \$0 from 1/1/12 - 6/30/12. See Note 2 below.	Port Area Commercial Center PAL, PA2			466,000	466,000								
4	44	Date Street Seawall Inn	City of IB - Imperial Coast	Tax Exempt Bond Indenture Project. Incurred \$0 from 1/1/12 - 6/30/12. See Note 2 below.	Port Area Commercial Center PAL, PA2			241,812	241,812								
4	43	Date Street	City of IB - Nisland Engineering	Tax Exempt Bond Indenture Project. Incurred \$2,950 from 1/1/12 - 6/30/12. See Note 2 below.	Port Area Commercial Center PAL, PA2			0	0								
4	45	9th & Palm Other Bond Projects	City of IB - Kane Balmer/McDougal	Tax Exempt Bond Indenture Project. Incurred \$9,800 from 1/1/12 - 6/30/12. See Note 2 below.	Port Area Commercial Center PAL, PA2			74,406	74,406			8,714					
4	47	9th & Palm Other Bond Projects	City of IB - Oppor Varco	Tax Exempt Bond Indenture Project. Incurred \$0 from 1/1/12 - 6/30/12. See Note 2 below.	Port Area Commercial Center PAL, PA2			17,500	17,500								
4	48	9th & Palm Other Bond Projects	City of IB - Kayser Merston	Tax Exempt Bond Indenture Project. Incurred \$281 from 1/1/12 - 6/30/12. See Note 2 below.	Port Area Commercial Center PAL, PA2			19,920	19,920								
4	49	9th & Palm Other Bond Projects	City of IB - Urban Systems	Tax Exempt Bond Indenture Project. Incurred \$2,040 from 1/1/12 - 6/30/12. See Note 2 below.	Port Area Commercial Center PAL, PA2			24,933	24,933								
4	59	9th & Palm Southbay Relocation	Southbay Driggs	9th and Palm Project	Port Area Commercial Center PAL, PA2							167,701			155,000		
4	51	9th & Palm Goodwill Relocation	Goodwill Industries	9th and Palm Project	Port Area Commercial Center PAL, PA2							208,744			210,000		
4	56	9th & Palm	Project Management/Legal	9th and Palm Project	Port Area Commercial Center PAL, PA2			90,000	80,000								
4	58	Eco-Bikeway	KOA Corporation	Tax Exempt Bond Indenture Project. Incurred \$0 from 1/1/12 - 6/30/12. See Note 2 below.	Port Area Commercial Center PAL, PA2			1,310	1,310								
4	59	Eco-Bikeway	Project Management	Tax Exempt Bond Indenture Project. Incurred \$1,748 from 1/1/12 - 6/30/12. See Note 2 below.	Port Area Commercial Center PAL, PA2			6,000	6,000								
5	23	Section 33676 Payments	Various	Pass Thru Actual	Port Area Commercial Center PAL, PA2									575,814	2,027,416		
NOTE 1:		The actual amounts provided are estimates since the books of the SA are not yet closed for the period January 1, 2012 through June 30, 2012 and there may be payments not yet recorded in the SA's general ledger.															
NOTE 2:		Pursuant to the Cooperation Agreement for Payment of Costs Associated with Certain Redevelopment Agency Funded Projects dated February 16, 2011 and entered into the City of Imperial Beach ("City") and the former Redevelopment Agency ("RDA"), as amended, the City is providing project delivery services utilizing tax exempt bond proceeds as the funding source in furtherance of the Bond Indenture and bond issuance related documents, including services related to management and implementation of the former RDA projects, including the subject enforceable obligation. These projects are in furtherance of the bond documents and consistent with the purposes for which the bonds were issued by the former RDA. The estimated funding amount for this line item obligation has been paid to the City for project management and implementation. A portion of the estimated funding amount has been incurred and paid for the project in the amount indicated in the Description/Project Scope. The City continues to hold and retain the remaining portion of the funds for disbursement as the project progresses toward completion.															
NOTE 3:		The SA issued a Notice of Insufficient Funds dated March 29, 2012 to the County A-C notifying the County A-C pursuant to Section 34183(b) that the SA has insufficient funds to make payments on all obligations for the period ending June 30, 2012. In addition, the SA submitted a cash flow analysis to the County A-C in support of its Notice showing a deficit of \$1,193,320.															



City of Imperial Beach, California

OFFICE OF THE CITY MANAGER

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8303 Fax: (619) 628-1395

December 7, 2012

VIA ELECTRONIC MAIL

Chair and Members of the Oversight Board for the Imperial Beach Redevelopment Agency Successor Agency

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 Steve Szalay, Local Government
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SUBJECT: SUBMITTAL OF THE DUE DILIGENCE REVIEW FOR OTHER REDEVELOPMENT AGENCY FUNDS ("NON-HOUSING DDR") AND RELATED RESULTS; SUBMITTAL OF ROPS AND ACCOUNTANT APPROVAL LETTER

Dear Chair and Members of the Oversight Board; Messrs. Szalay, Chiang, Austin, and Ekard; and Mses. Matosantos and Sandoval:

Pursuant to California Health and Safety Code ("Health and Safety Code") Section 34179.6(a), by December 15, 2012, the Imperial Beach Redevelopment Agency Successor Agency ("Successor Agency") is required to submit to the Oversight Board ("Oversight Board") for the Successor Agency, the San Diego County Auditor-Controller, the State Controller, and the State Department of Finance the results of the Due Diligence Review conducted pursuant to Health and Safety Code Section 34179.5 for all of the other fund and account balances of the Former Redevelopment Agency (other

than the Low and Moderate Income Housing Fund) and specifically the amount of cash and cash equivalents determined to be available for allocation to taxing entities.

In accordance with Health and Safety Code Section 34179.6(a), the Successor Agency hereby submits to you the enclosed Due Diligence Review of Other Redevelopment Agency Funds (the "Non-Housing Due Diligence Review") prepared by Lance Soll & Lunghard, LLP, certified public accountants. The Non-Housing Due Diligence Review includes the results of the review conducted pursuant to Health and Safety Code Section 34179.5 for all other fund and account balances and specifically the amount of cash and cash equivalents determined to be available for allocation to taxing entities. As indicated on Attachment B10 on Page 18 of the Non-Housing Due Diligence Review, this amount is determined to be zero.

As required by Health and Safety Code Section 34179.5, the Successor Agency retained the services of a licensed accountant, Lance Soll & Lunghard, LLP, to conduct a due diligence review to determine the unobligated balances available for transfer to taxing entities in furtherance of Health and Safety Code Section 34177(d). Lance Soll & Lunghard, LLP, was specifically approved by the San Diego County Auditor-Controller to perform the due diligence review. The State Department of Finance requests that verification of such approval be submitted when the Due Diligence Review is submitted by the Successor Agency. Therefore, in accordance with such request, a true and correct copy of the letter from the San Diego County Auditor-Controller, dated August 28, 2012, and approving said accounting firm is enclosed herewith.

Health and Safety Code Section 34179.6 requires the Successor Agency to submit a copy of the Recognized Obligation Payment Schedule ("ROPS") to the San Diego County Administrative Officer, the San Diego County Auditor-Controller, and the State Department of Finance at the same time the Successor Agency submits the Due Diligence Review to the Oversight Board for review. Therefore, in accordance with Section 34179.6, please see enclosed herewith the ROPS approved by the Oversight Board, and not objected to by the State Department of Finance, for the periods January 1, 2012 through June 30, 2012 and July 1, 2012 through December 31, 2012, and the ROPS approved by the Oversight Board, and submitted to the State Department of Finance for review, for the period January 1, 2013 through June 30, 2013. This Third ROPS is still pending review by the Department of Finance after a Meet and Confer with Successor Agency staff held on November 16, 2012.

Upon the Oversight Board's receipt of the Non-Housing Due Diligence Review and related information pursuant to Health and Safety Code Section 34179.6(a), the Oversight Board shall convene a public comment session to take place at least five (5) business days before the Oversight Board holds the meeting for the approval vote on the Due Diligence Review related matters. In this regard, the Public Comment Session meeting of the Oversight Board on the Non-Housing Due Diligence Review and related information is scheduled for Wednesday, December 12, 2012, at 10:30 a.m.

The meeting of the Oversight Board for the approval vote on the Non-Housing Due Diligence Review has not yet been scheduled but is expected to occur no fewer than five (5) business days after December 12, 2012, and before January 15, 2013.

In light of the results of the Non-Housing Due Diligence Review conducted pursuant to Health and Safety Code Section 34179.5 and the amount of cash and cash equivalents determined available for allocation to taxing entities to be zero, the Successor Agency does not have specific recommendations to the Oversight Board in connection with the Oversight Board exercising its authority pursuant to Health and Safety Code Section 34179.6(c) to adjust an amount provided in the Due Diligence Review or to authorize the Successor Agency to retain certain assets or funds that would otherwise be deemed available for allocation to taxing entities.

However, for any reason, including without limitation the extent there are any modifications to the amounts provided in the Non-Housing Due Diligence Review and/or the amount of cash or cash equivalents determined available for allocation to taxing entities in connection therewith, the Successor Agency does not waive any legal or equitable rights that the Successor Agency may have to make any recommendations to the Oversight Board and/or other entity in connection with the Non-Housing Due Diligence Review and/or to challenge, through administrative or judicial proceedings, all or any portion of the Non-Housing Due Diligence Review, any determinations rendered or actions or omissions to act by any public agency or government entity or division in connection with the Non-Housing Due Diligence Review, and any and all related legal and factual issues, and the Successor Agency expressly reserves any and all rights, privileges, and defenses available under law and equity.

Should you desire additional information regarding the matters referenced above or the Successor Agency and/or Oversight Board, please contact Gregory Wade, Deputy Director, at (619) 628-1354.

Sincerely,

/s/

Gary Brown
City Manager/Executive Director
Imperial Beach Redevelopment Agency Successor Agency

cc: File
Gregory Wade, Deputy Director, Successor Agency
Mike McGrane, Finance Director, Successor Agency
Juan Perez, Senior Auditor and Controller Manager, County of San Diego

RESOLUTION NO. OB-12-11

RESOLUTION OF THE OVERSIGHT BOARD OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY TAKING CERTAIN ACTIONS PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34179.6 IN CONNECTION WITH THE DUE DILIGENCE REVIEW FOR THE LOW AND MODERATE INCOME HOUSING FUND PREPARED PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34179.5.

WHEREAS, the Imperial Beach Redevelopment Agency ("Redevelopment Agency") was a redevelopment agency in the City of Imperial Beach ("City"), duly created pursuant to the California Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) ("Redevelopment Law"); and

WHEREAS, the City Council of the City has adopted redevelopment plans for Imperial Beach's redevelopment project areas, and from time to time, the City Council has amended such redevelopment plans; and

WHEREAS, the Redevelopment Agency was responsible for the administration of redevelopment activities within the City; and

WHEREAS, Assembly Bill No. X1 26 (2011-2012 1st Ex. Sess.) ("AB 26" or "Dissolution Act") was signed by the Governor of California on June 28, 2011, making certain changes to the Redevelopment Law and the California Health and Safety Code ("Health and Safety Code"), including adding Part 1.8 (commencing with Section 34161) ("Part 1.8") and Part 1.85 (commencing with Section 34170) ("Part 1.85") to Division 24 of the Health and Safety Code; and

WHEREAS, pursuant to the Dissolution Act, as modified by the California Supreme Court on December 29, 2011 by its decision in *California Redevelopment Association v. Matosantos*, all California redevelopment agencies, including the Redevelopment Agency, were dissolved on February 1, 2012, and successor agencies were designated and vested with the responsibility of paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and winding down the business and fiscal affairs of the former redevelopment agencies; and

WHEREAS, the City Council of the City adopted Resolution No. 2012-7136 on January 5, 2012, pursuant to Part 1.85 of the Dissolution Act, electing for the City to serve as the successor agency to the Redevelopment Agency upon the dissolution of the Redevelopment Agency under the Dissolution Act ("Successor Agency"); and

WHEREAS, as part of the FY 2012-2013 State budget package, on June 27, 2012, the Legislature passed and the Governor signed Assembly Bill No. 1484 ("AB 1484", Chapter 26, Statutes 2012). Although the primary purpose of AB 1484 is to make technical and substantive amendments to the Dissolution Act based on issues that have arisen in the implementation of the Dissolution Act, AB 1484 imposes additional statutory provisions relating to the activities and obligations of successor agencies and to the wind down process of former redevelopment agencies (including the required preparation of a due diligence review) (reference hereinafter to the Dissolution Act means AB 26 as amended by AB 1484); and

WHEREAS, the Dissolution Act at Health and Safety Code Section 34179 establishes a seven (7) member local entity with respect to each successor agency and such entity is titled the "oversight board." The oversight board has been established for the Successor Agency

(hereinafter referred to as the "Oversight Board") and all seven (7) members have been appointed to the Oversight Board pursuant to Health and Safety Code Section 34179. The duties and responsibilities of the Oversight Board are primarily set forth in Health and Safety Code Sections 34179 through 34181 of the Dissolution Act; and

WHEREAS, pursuant to the Dissolution Act at Health and Safety Code Section 34179.5, the Successor Agency retained Lance Soll & Lunghard, LLP, a licensed accountant approved by the San Diego County Auditor-Controller ("Auditor-Controller") and with experience and expertise in local government accounting, to conduct a due diligence review ("Due Diligence Review") to determine the unobligated balances of the Low and Moderate Income Housing Fund ("LMIHF") and all other funds and accounts available for transfer to taxing entities, in furtherance of the Successor Agency's obligations under Health and Safety Code Section 34177(d); and

WHEREAS, in accordance with the Dissolution Act at Health and Safety Code Section 34179.6(a), by October 1, 2012, the Successor Agency provided to the Oversight Board for the Successor Agency ("Oversight Board"), the Auditor-Controller, the State Controller, and the State Department of Finance ("DOF") the results of the Due Diligence Review for the LMIHF conducted pursuant to Health and Safety Code Section 34179.5 and specifically the amount of cash and cash equivalents determined to be available for allocation to taxing entities; and

WHEREAS, in accordance with the Dissolution Act at Health and Safety Code Section 34179.6(b), upon its receipt of the Due Diligence Review for the LMIHF, the Oversight Board convened a public comment session on October 2, 2012. The Oversight Board agreed to continue this public comment session to its meeting scheduled for October 11, 2012 in order to receive any public comment on the Due Diligence Review for the LMIHF before taking certain actions pursuant to Health and Safety Code Section 34179.6(c); and

WHEREAS, pursuant to the Dissolution Act at Health and Safety Code Section 34179.6(c), by October 15, 2012, the Oversight Board shall review, approve, and transmit to the DOF and the Auditor-Controller the determination of the amount of cash and cash equivalents available for disbursement to taxing entities as determined according to the method provided in Health and Safety Code Section 34179.5 for the LMIHF. In connection with this determination, the Oversight Board may adjust any amount provided in the Due Diligence Review for the LMIHF to reflect additional information and analysis. In addition, the Oversight Board shall consider any opinions offered by the Auditor-Controller on the Due Diligence Review results submitted by the Successor Agency. The Oversight Board may request from the Successor Agency any materials it deems necessary to assist in its review and approval of the determination; and

WHEREAS, pursuant to the Dissolution Act at Health and Safety Code Section 34179.6(c), the Oversight Board may authorize the Successor Agency to retain certain assets or funds identified in Procedures 6 through 9 of the Due Diligence Review for the LMIHF pursuant to Health and Safety Code Section 34179.5(c)(5)(B)-(E), provided that the Oversight Board identifies to the DOF (i) the amount of funds authorized for retention, (ii) the source of those funds, and (iii) the purposes for which those funds are being retained. Such Oversight Board authorization for the Successor Agency's retention of certain funds and assets shall be subject to the review and approval of the DOF; and

WHEREAS, Attachment B10 of the Due Diligence Review for the LMIHF identifies, pursuant to Procedure 10 in accordance with Health and Safety Code Section 34179.5, that the amount of cash and cash equivalents determined available for allocation to taxing entities in connection with the LMIHF is zero; and

WHEREAS, based on the information and results set forth in the Due Diligence Review for the LMIHF, the Agenda Report for the proposed Oversight Board's actions, any additional information provided by Successor Agency staff, and any comments and other information received by the Oversight Board during the public meetings on this matter, the Successor Agency staff proposes that the Oversight Board review, approve, and transmit to the DOF and the Auditor-Controller the determination that the amount of cash and cash equivalents available for allocation to taxing entities according to the method provided in Health and Safety Code Section 34179.5 for the LMIHF is zero, consistent with the results of the Due Diligence Review for the LMIHF.

WHEREAS, Attachment B6 of the Due Diligence Review for the LMIHF identifies, pursuant to Procedure 6 in accordance with Health and Safety Code Section 34179.5(c)(5)(B), unspent housing bond proceeds in the amount of \$913,452; and

WHEREAS, in accordance with Health and Safety Code Section 34179.6(c), the Successor Agency staff proposes that the Oversight Board authorize the Successor Agency's retention of the unspent housing bond proceeds in the amount of \$913,452, identified in Attachment B6 of the Due Diligence Review for the LMIHF; and

WHEREAS, the Successor Agency staff has advised the Oversight Board that, as required by Health and Safety Code Section 34179.6(c): (i) the amount of unspent housing bond proceeds to be authorized for retention by the Successor Agency is \$913,452; (ii) the source of those proceeds is the tax exempt Tax Allocation Revenue Bonds, 2003 Series A (Palm Avenue/Commercial Redevelopment Project) ("Housing Bonds") issued pursuant to an Indenture Trust, dated as of November 1, 2003, by and among the Imperial Beach Public Financing Authority, the Redevelopment Agency and Wells Fargo Bank, National Association, as trustee, backed by the Low and Moderate Income Housing Fund, to provide money for loans by the former Redevelopment Agency for the purposes of increasing, improving, and preserving the community's supply of low and moderate income housing; and (iii) the purposes for which those funds are to be retained by the Successor Agency are: (a) approximately \$380,000 toward that certain Clean & Green Program, including a proportionate amount for project administration costs, which Program provides grants to very low, low and moderate-income single-family homeowners to improve energy and water efficiency and health and safety conditions; and (b) approximately \$533,000 in financial assistance to Habitat for Humanity, including a proportionate amount for project administration costs, for the acquisition and development of six (6) semi-detached for-sale houses located at 776 10th Donax in the City of Imperial Beach, California for ownership by low-income households ("Habitat Project"); and

WHEREAS, the activity proposed of the Oversight Board in connection with the Due Diligence Review for the LMIHF has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereafter the "Guidelines"), and the City's environmental guidelines. Such activity is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because the activity is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the CEQA Guidelines.

WHEREAS, all of the prerequisites with respect to the approval of this Resolution have been met.

NOW, THEREFORE, BE IT RESOLVED by the Oversight Board of the Imperial Beach Redevelopment Agency Successor Agency, as follows:

- Section 1.** The foregoing recitals are true and correct and are a substantive part of this Resolution.
- Section 2.** The Oversight Board's approvals, authorizations and determinations as set forth in this Resolution are based upon the foregoing recitals, the Due Diligence Review for the LMIHF prepared by Lance Soll & Lunghard, LLP, information and documents provided by the Successor Agency staff, and any comments and other information received by the Oversight Board during the public meetings on this matter.
- Section 3.** The Oversight Board has reviewed and hereby approves the determination that the amount of cash and cash equivalents available for allocation to taxing entities according to the method provided in Health and Safety Code Section 34179.5 for the LMIHF is zero, consistent with the results of the Due Diligence Review for the LMIHF prepared by Lance Soll & Lunghard, LLP.
- Section 4.** The Oversight Board hereby authorizes the Successor Agency's retention of the unspent housing bond proceeds in the amount of \$913,452, identified in Attachment B6 of the Due Diligence Review for the LMIHF, pursuant to Procedure 6 in accordance with Health and Safety Code Section 34179.5(c)(5)(B).

Based on information provided by Successor Agency staff, and as required by Health and Safety Code Section 34179.6(c), the Oversight Board hereby directs the Executive Director, or designee, of the Successor Agency to provide to the DOF the following information:

- (i) the amount of unspent housing bond proceeds authorized for retention by the Successor Agency is \$913,452;
- (ii) the source of those proceeds is the tax exempt Tax Allocation Revenue Bonds, 2003 Series A (Palm Avenue/Commercial Redevelopment Project) ("Housing Bonds") issued pursuant to an Indenture Trust, dated as of November 1, 2003, by and among the Imperial Beach Public Financing Authority, the Redevelopment Agency and Wells Fargo Bank, National Association, as trustee, backed by the Low and Moderate Income Housing Fund, to provide money for loans by the former Redevelopment Agency for the purposes of increasing, improving, and preserving the community's supply of low and moderate income housing; and
- (iii) the purposes for which those funds are being retained by the Successor Agency are:
 - (a) approximately \$380,000 toward that certain Clean & Green Program, including a proportionate amount for project administration costs, which Program provides grants to very low, low and moderate-income single-family homeowners to improve energy and water efficiency and health and safety conditions; and

- (b) approximately \$533,000 in financial assistance to Habitat for Humanity, including a proportionate amount for project administration costs, for the acquisition and development of six (6) semi-detached for-sale houses located at 776 10th Donax in the City of Imperial Beach, California for ownership by low-income households (“Habitat Project”).

Section 5. The Oversight Board hereby authorizes and directs the Executive Director, or designee, of the Successor Agency to (i) submit copies of this Resolution and actions taken herein, as approved and fully executed by the Oversight Board, to the DOF (electronically) and the Auditor-Controller no later than October 15, 2012; (ii) post a copy of this Resolution and actions taken herein, as approved and fully executed by the Oversight Board, on the Successor Agency’s internet website; and (iii) take all other actions necessary pursuant to the Dissolution Act to file, post, mail, or otherwise deliver by electronic mail, internet posting, and/or hardcopy all notices and transmittals necessary or convenient in connection with the actions taken by this Resolution and related to the Due Diligence Review for the LMIHF.

Section 6. The Oversight Board hereby authorizes the Executive Director, or designee, of the Successor Agency to take such other actions and execute such other documents on behalf of the Successor Agency as are necessary to effectuate the intent of this Resolution, including, without limitation, submitting a meet and confer request with the DOF pursuant to Health and Safety Code Section 34179.6(e) to resolve any disputes regarding the amounts or sources of funds determined by the DOF in connection with the Due Diligence Review for the LMIHF.

Section 7. The Oversight Board determines that the activity proposed of the Oversight Board in connection with the Due Diligence Review for the LMIHF is not a “project” for purposes of CEQA, as that term is defined by Guidelines Section 15378, because the activity is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the CEQA Guidelines.

Section 8. This Resolution shall take effect upon the date of its adoption, subject to the DOF’s review pursuant to Health and Safety Code Sections 34179.6(d) and 34179(h).



EDMUND G. BROWN JR. • GOVERNOR

915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

November 7, 2012

Mr. Gregory Wade, Deputy Director
City of Imperial Beach
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

Dear Mr. Wade:

Subject: Low and Moderate Income Housing Fund Due Diligence Review

Pursuant to Health and Safety Code (HSC) section 34179.6 (c), the City of Imperial Beach Successor Agency (Agency) submitted an oversight board approved Low and Moderate Income Housing Fund Due Diligence Review (DDR) to the California Department of Finance (Finance) on October 11, 2012. The purpose of the review was to determine the amount of cash and cash equivalents available for distribution to the affected taxing entities. Pursuant to HSC section 34179.6 (d), Finance has completed its review of your DDR, which may have included obtaining clarification for various items.

Based on our review, Finance made no adjustments to the Low and Moderate Income Housing Fund (LMIHF) balance available for allocation to the affected taxing entities. As a result, there are no unencumbered LMIHF balances available for distribution.

Pursuant to HSC section 34167.5 and 34178.8, the California State Controller's Office (Controller) has the authority to claw back assets that were inappropriately transferred to the city, county, or any other public agency. Determinations outlined in this letter and Finance's Housing Assets Transfer letter dated August 30, 2012 do not in any way eliminate the Controller's authority.

Please direct inquiries to Robert Scott, Supervisor or Jenny DeAngelis, Lead Analyst at (916) 445-1546.

Sincerely,

STEVE SZALAY
Local Government Consultant

cc: Mr. Gary Brown, Executive Director, City of Imperial Beach
Mr. Juan Perez, Senior Auditor and Controller Manager, County of San Diego
Ms. Nenita DeJesus, Senior Auditor and Controller Accountant, County of San Diego
California State Controller's Office