

## ORDINANCE NUMBER 1281

### AN URGENCY ORDINANCE OF THE CITY OF PERRIS EXTENDING TEMPORARY TUMF REDUCTION PERIOD OF THE WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE

The City Council of Perris (“City”) ordains as follows:

Section 1.     Title.

This Ordinance shall be known as the “Western Riverside County Transportation Uniform Mitigation Fee Temporary Fee Reduction Ordinance of 2011” (“Ordinance”).

Section 2.     Findings.

A.     The City Council reaffirms the continuing impact of the economic recession on development and construction in Western Riverside County, as originally discussed in the Addendum to the 2009 Nexus Study, attached and incorporated as part of the 2009 Nexus Study. Therefore, the City Council finds that a one-year extension of the temporary fifty percent (50%) TUMF fee reduction will continue to encourage economic development by reducing the overall cost of development. The City Council further understands that the same adjustment of the entire TUMF Program will be necessary to assure that each development continues to contribute a fair share of the total Program costs without unduly burdening later projects to make up the TUMF revenues that would be effectively forfeited during the extended reduction period. The City Council finds that a one-year extension will result in a limited decrease in TUMF revenues and will not have a material effect on the ability to fulfill the purposes of the TUMF program or the ability to make the findings recited herein and in Ordinance No. 1282.

B.     City Council also understands that any long-term continuation of the TUMF reduction period can jeopardize the applicability of the Nexus Study and the integrity of the TUMF Program, and the ability to deliver currently programmed and future planned projects. To protect the integrity of the TUMF Program, this temporary fee reduction will not be permitted to exceed a maximum cap of \$20 million for all uncollected TUMF revenues resulting from the fee reduction period since its original implementation.

C.     The City Council may continue the fee reduction period pursuant to an urgency ordinance for the immediate preservation of the public peace, health or safety, for the reasons stated below, by adopting an urgency measure by a four-fifths vote of the City Council. The City Council may also adopt this fee reduction immediately as these fees are related to street improvement proceedings.

D.     Applications for large development projects continue to be submitted and given the difficulty of completing development projects given the lingering impacts of the economic recession, the City Council seeks to continue the fee reduction for one additional year. City staff anticipates that developers will make applications for planning entitlements for large developments within the next thirty (30) days therefore it is imperative that this fee reduction take place immediately so as not to cause unnecessary delays in permits being pulled and construction starting.

E. The City Council while attempting to mitigate the impacts of future development seeks to ensure that the burden on developers is not excessive given the continuing impacts of the economic recession. This urgency ordinance extending the fee reduction is necessary for the immediate preservation of the public peace, health and safety by assuring local development projects are not unnecessarily halted and disrupted waiting for an extension of the fee reduction to take place.

Section 3. Temporary Fee Reduction Period.

Notwithstanding Section 4A of Ordinance No.1114 and the adopted TUMF schedule, the City Council may, by separate resolution, adopt a reduced TUMF fee schedule applicable only through December 31, 2012 or until such time the City receives written notice from the WRCOG Executive Director that the \$20 million aggregate cap in uncollected TUMF revenues has been reached, whichever occurs earlier. The TUMF may be so reduced by fifty percent (50%) of fees established in the schedule adopted pursuant to Section 4A of Ordinance 1114. If fees are reduced, all other sections of Ordinance No. 1114 shall still be in effect during the temporary fee reduction period. After December 31, 2012, the regular TUMF schedule, as adopted by the City Council and revised from time to time pursuant to Section 4A of Ordinance 1114, shall automatically be reinstated without any further action required. By extending this fee reduction period, the City Council understands that it will have an obligation to backfill uncollected TUMF revenue based on the 50% fee reduction through recommended specific, effective cost savings and repayment methods as determined by WRCOG in coordination with the individual Zone Committees. This action in no manner relieves the City Council of any past and future program funding backfill obligations previously required before this action. The City Council understands and hereby agrees to make monthly reports to WRCOG, in a format determined by WRCOG in its sole discretion, of the outstanding amount of uncollected TUMF revenue resulting from the 50% temporary fee reduction since its original implementation.

Section 4. Effect.

No provisions of this Urgency Ordinance shall entitle any person who has already paid the TUMF to receive a refund, credit or reimbursement of such payment. This Urgency Ordinance does not create any new TUMF.

Section 5. Severability.

If any one or more of the terms, provisions or sections of this Urgency Ordinance shall to any extent be judged invalid, unenforceable and/or voidable for any reason whatsoever by a court of competent jurisdiction, then each and all of the remaining terms, provisions and sections of this Ordinance shall not be affected thereby and shall be valid and enforceable.

Section 6. Ordinance No. 1114.

If, for whatever reason, this Urgency Ordinance is declared invalid or unenforceable by a court of competent jurisdiction, Ordinance No. 1114 and all other related ordinances and polices shall remain in full force and effect.

Section 7. Effective Date. Pursuant to California Government Code Section 36937, this Ordinance shall become effective immediately upon adoption by four-fifths vote of the City Council for the immediate preservation of the public peace, health or safety for the reasons stated above. This urgency ordinance can also become effectively immediately as it pertains to street improvement proceedings on a majority vote.

Section 8. The City Clerk shall certify to the passage of this Ordinance and cause the same or a summary thereof to be published within fifteen (15) days after adoption in a newspaper of general circulation, printed and published in Perris, California.

MOVED AND PASSED upon this 29th day of November, 2011.

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Daryl R. Busch, Mayor

ATTEST:

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Judy L. Haughney, C.M.C., City Clerk

STATE OF CALIFORNIA            )

COUNTY OF RIVERSIDE        ) §  
CITY OF PERRIS                )

I, Judy L. Haughney, City Clerk of the City of Perris, do hereby certify that the foregoing Urgency Ordinance Number 1281 was duly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 29th day of November 2011, by the following vote:

AYES: EVANS, ROGERS, YARBROUGH, LANDERS, BUSCH  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE

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Judy L. Haughney, C.M.C., City Clerk

**EXHIBIT "A"**

**MAP OF REGIONAL SYSTEM**

**EXHIBIT “B”**

**NEXUS STUDY**

**(Refer to Nexus Study on file in the City Clerk’s Office)**