
City Council

Meeting Agenda

Thursday, February 5, 2015

1:30 PM

City Hall Council Chambers

44-950 Eldorado Drive, Indian Wells



Welcome to a meeting of the City Council. All persons wishing to address the City Council should fill out a blue public comment form before the meeting begins and give it to the Clerk. When the Mayor has recognized you, please come forward to the podium and state your name for the record. A 3-minute time limit is customary. Please note that you may address the City Council on an agenda item at the time it is discussed, but only after being recognized by the Mayor. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection at City Hall reception, 44-950 Eldorado Drive, Indian Wells during normal business hours.

1. CONVENE THE CITY COUNCIL, PLEDGE OF ALLEGIANCE AND ROLL CALL

MAYOR TY PEABODY
MAYOR PRO TEM DANA REED
COUNCIL MEMBER RICHARD BALOCCO
COUNCIL MEMBER DOUGLAS HANSON
COUNCIL MEMBER TED MERTENS

2. APPROVAL OF THE FINAL AGENDA

3. PUBLIC COMMENTS

All persons wishing to address the City Council should fill out a Blue Public Comment Request form in advance and hand it to the City Clerk. At the appropriate time, please come forward to the podium and state your name for the record. Speakers are limited to three minutes. Parties are encouraged to submit their comments in writing with any attachments or exhibits they wish for the Council to review, preferably 24 hours prior to the meeting. Speakers can then use their three-minutes to summarize the key points of their comments. Please note that you may address the City Council on an agenda item at the time it is discussed, but only after being recognized by the Mayor.

Under the Brown Act, the Council should not take action on or discuss matters raised during the public comment portion of the agenda which are not listed on the agenda. Council Members may refer such matters to staff for factual information or to be placed on a subsequent agenda for consideration. Notwithstanding the foregoing, Council Members and staff may briefly respond to statements made or questions posed during public comment, as long as such responses do not constitute any deliberation of the item.

A. PUBLIC COMMENTS

B. RESPONSE TO PRIOR PUBLIC COMMENTS

4. PUBLIC HEARINGS

Anyone who challenges any hearing matter in court may be limited to raising only those issues he/she or someone else raised at the Public Hearing described herein, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing.

A. Adopt Resolution Approving the Initial Study/Mitigated Negative Declaration, General Plan Amendment, Zoning Map Amendment and Tentative Parcel Map and Introduce Ordinance Amending Municipal Code Section 21.14.110 Pertaining to Land Uses and Zoning Boundaries Within The Vintage Club

RECOMMENDED ACTIONS:

Council OPENS the Public Hearing, takes any public testimony, CLOSES the Public Hearing; and

APPROVES Environmental Assessment No. 2014-02 Initial Study and Mitigated Negative Declaration for General Plan Amendment No. 2014-01, Zoning Map Amendment No. 2014-01 and Tentative Parcel Map No. 36780; and

ADOPTS Resolution Bill No. 2015-01 adopting Environmental Assessment No. 2014-02, General Plan Amendment No. 2014-01, and approving Tentative Parcel Map No. 36780 creating one single-family residential lot from adjoining surplus portion of golf course open space in The Vintage Club; and

INTRODUCES Ordinance Bill No. 2015-04 amending Municipal Code Section 21.14.110 pertaining to land uses in Planning Area 11 and zoning boundaries within The Vintage Club for the Golf Course Overlay and Residential-Very Low Density (RVLD) Zones.

Attachments: Resolution Bill No. 2015-01
Ordinance Bill No. 2015-04 Vicinity
Map
Project Site Aerial
General Plan Land Use/Zoning Map
Tentative Parcel Map
Photo Survey

5. ORDINANCES FOR INTRODUCTION

- A. Introduce Ordinance Amending Municipal Code Chapter 5.20 Regarding Short-Term Vacation Rentals, Provide Further Direction to Staff on Zoning Overlay for Establishing Minimum Stay Requirements, and Any Other Issues Related to Short-Term Vacation Rentals**

Attachments: Notice report provided under separate cover

6. ORDINANCES FOR ADOPTION

- A. Adopt Ordinance Amending Municipal Code Chapter 9.06 Pertaining to Noise Violations and Enforcement.**

Attachments: Ordinance Bill No. 2015-01

7. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered to be routine and will be enacted by one vote. There will be no separate discussion of these items unless members of the City Council or audience request that specific items be removed from the Consent Calendar for separate discussion and action. If you wish to address the City Council, please fill out a Public Comment Request form in advance and hand it to the City Clerk. Please state your name for the public record. Financial matters will be indicated as budgeted or non-budgeted below.

- A. Approve Agreement for Public Sale of Tax Default Property to Coachella Valley Conservation Commission**

RECOMMENDED ACTIONS:

Council APPROVES Agreement 4398 for the Public Sale of Tax Default Assessor's Parcel Number 623-310-008 from the Riverside County Treasurer-Tax Collector to the Coachella Valley Conservation Commission (CVCC); and

AUTHORIZE and DIRECT the Mayor to execute same.

Attachments: Agreement to Purchase Tax Defaulted Property

B. FAMD Warrant and Demands.

RECOMMENDED ACTION:

Council APPROVES the February 05, 2015 FAMD Warrant and Demands.

Attachments: 02-05-15 FAMD Warrant and Demands

C. City Warrant and Demands.

RECOMMENDED ACTION:

Council APPROVES the February 05, 2015 City Warrant and Demands.

Attachments: 02-05-15 City Warrants and Demands

8. GENERAL BUSINESS

A. Request to Hold Council Assignments Draft on February 19, 2015 for All Seated Council Members

RECOMMENDED ACTIONS:

Council AGENDIZES on February 19, 2015 a Council assignments draft be held for all seated Council Members.

B. Receive and File City's Financial Overview Report

RECOMMENDED ACTION:

Council RECEIVES and FILES the City's Financial Overview report.

Attachments: Overview Report

9. SUCCESSOR AGENCY

A. Adopt Resolution Approving Recognized Obligation Payment Schedule 15-16A and Finding this Action is Exempt Under CEQA

RECOMMENDED ACTIONS:

Successor Agency FINDS that this action is exempt under the California Environmental Quality Act per Section 15061(e) (3) of the guidelines, Review for Exemption; and

ADOPTS Resolution Bill No. SA 2015-01 approving the Recognized Obligation Payment Schedule 15-16A for July 1, 2015 through December 31, 2015 pursuant to Health and Safety Code section 34117(l).

Attachments: Resolution Bill SA No. 2015-01

B. Approve Assignment of Housing Assets to the City of Indian Wells Housing Authority

RECOMMENDED ACTION:

Successor Agency APPROVES Assignment of Housing Assets from the Successor Agency to the City of Indian Wells Housing Authority.

Attachments: Assignment and Assumption of Housing Assets

10. CITY MANAGER'S REPORTS/COMMENTS AND MATTERS FROM STAFF

11. COUNCIL MEMBERS' REPORTS AND COMMENTS

A. Council Member Mertens

- Coachella Valley Mountains Conservancy
- CVAG Public Safety
- Palms Springs Desert Resorts Convention and Visitors Bureau
- Finance and Legal Services Oversight Committee
- Public Safety Committee

B. Council Member Hanson

- Los Angeles-San Diego-San Luis Obispo Rail Corridor Agency
- Riverside Local Agency Formation Commission
- League of California Cities, Riverside County Division

C. Council Member Balocco

Cove Commission
CVAG Coachella Valley Conservation Commission
CVAG Energy
Indian Wells Golf Resort Advisory Committee
Indian Wells Marketing Committee
Public Safety Committee
Tee Committee

D. Mayor Pro Tem Reed

California Joint Powers Insurance Authority
Cove Commission
Jacueline Cochran Regional Airport Commssion
Riverside County Transportation Commission
Coachella Valley Animal Campus
CVAG Homelessness
CVAG Transportation
Personnel Committee

E. Mayor Peabody

CVAG Executive Committee
Sunline Transit Agency
Indian Wells Community Activities Committee
Indian Wells Golf Resort Advisory Committee
Indian Wells Grants in Aid Committee
Indian Wells Marketing Committee
Finance and Legal Services Oversight Committee
Personnel Committee
Tee Committee

12. CITY ATTORNEY REPORTS AND COMMENTS

13. CLOSED SESSION

- A. Real Property Negotiations, Pursuant to Government Code Section 54956.8 Real Property: APN 633-240-036, Located at 45-200 Club Drive and APN 633-240-035, Located at 45-300 Club Drive. Negotiating Parties: On Behalf of City of Indian Wells: Wade G. McKinney, City Manager. Other Negotiating Party: Daniel Cosgrove.**
- B. Conference with Legal Counsel Regarding Anticipated Litigation. Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2). Number of Potential Cases: 1.**
- C. Conference with Legal Counsel Regarding Existing Litigation, Pursuant to Government Code Section 54956.9(d)(1): Douglas Hanson v. City of Indian Wells, et. al., California Superior Court, Riverside County, Case No. PSC 1405730.**

14. ADJOURNMENT

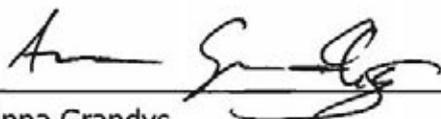
To a special meeting of the City Council to be held at 8:00 a.m. on February 11, 2015 at Indian Wells Golf Resort, Celebrity Ballroom.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Chief Deputy City Clerk at (760) 346-2489. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. 128 CFR 35.102.35.104 ADA Title III

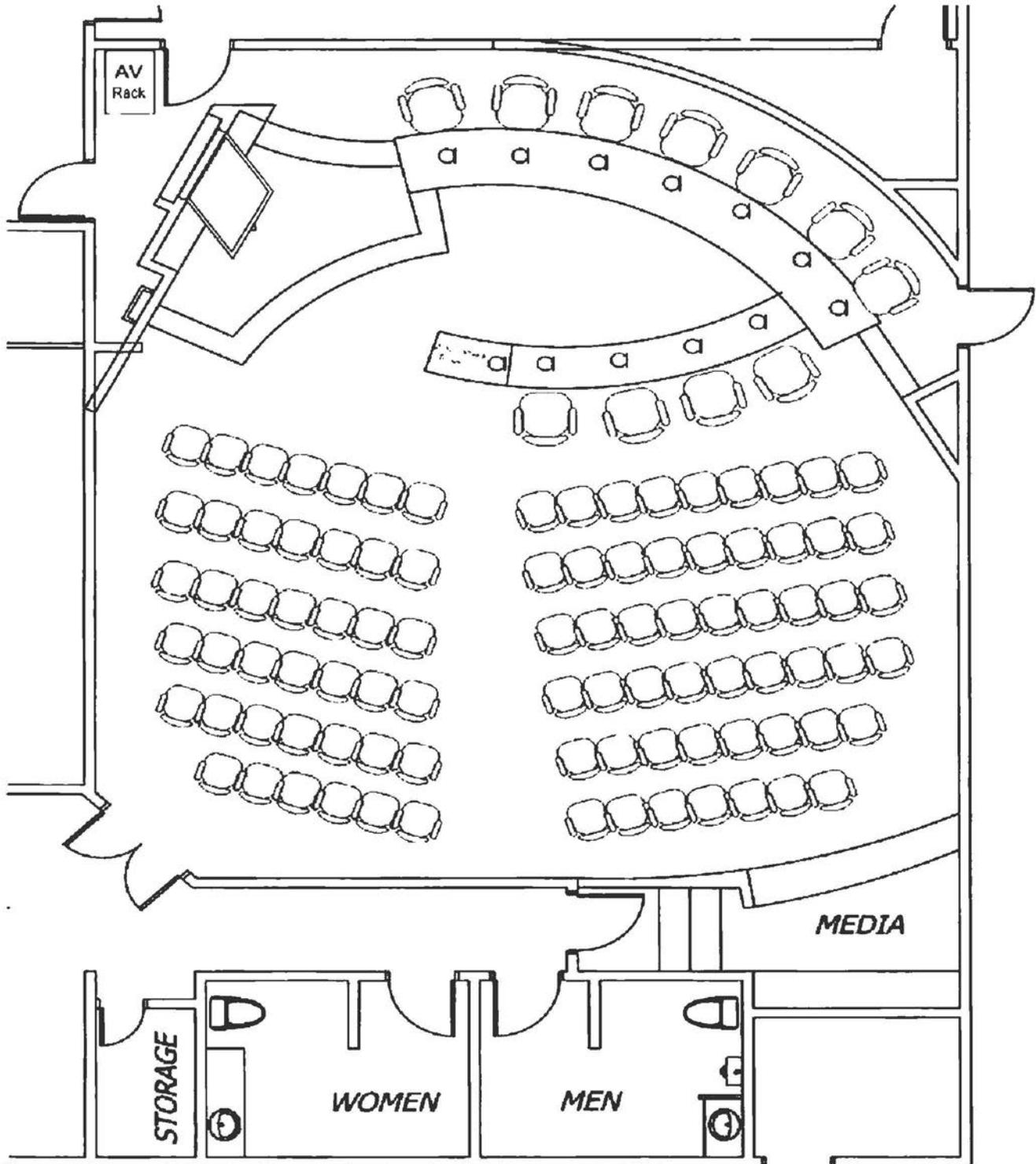
Affidavit of Posting and Notice

I, Anna Grandys, certify that on January 30, 2015, I caused to be posted a notice of a City Council Meeting to be held on February 5, 2015 at 1:30 p.m. in the City Hall Council Chambers.

Notices were posted at Indian Wells Civic Center, Village I [Ralph's], and Indian Wells Plaza [Indian Wells Chamber of Commerce], and were delivered to all City Council members.



Anna Grandys
Chief Deputy City Clerk



The Coachella Valley Art Scene & Goldenvoice present

DOOWOP IN THE DESERT

'A retro Valentine's party'
Saturday, February 14th

FEATURING
live music from
Gene Evaro Jr. & The Family
Eeva Tre
Machin'
&
Alf Alpha
spinning the classics all night

8pm - 2am
18+ \$20/per person

PURCHASE TICKETS:
TheCVArtScene.com/shop

The Pavillion
@
Indian Wells Golf Resort

44-500 Indian Wells Lane
Indian Wells, CA 92210



50 *Up with People*[®]

*Bring the World
into Your Home!*



**HOST A MEMBER
OF THE CAST!**

March 16-23, 2015

Simply provide:
- a place to sleep,
- breakfast and dinner
- limited transportation

For hosting you'll receive complimentary tickets to the performance.

For more information, visit:
www.upwithpeople.org/CoachellaValley

Presenting Sponsor:



Promotional Partner:



International Promotional Partner:



Benefiting:



CC/HA ACTION _____ MTG. DATE: 2-5-15
APPROVED DENIED _____ REC/FILE _____ CONT. _____
OTHER _____
VOTE: YES 5 NO 0 ABSTAIN _____
February 5, 2015

Indian Wells City Council

Staff Report – Community Development

adopted Resolution & Introduced Ordinance.

Adopt Resolution Approving the Initial Study/Mitigated Negative Declaration, General Plan Amendment, Zoning Map Amendment and Tentative Parcel Map and Introduce Ordinance Amending Municipal Code Section 21.14.110 Pertaining to Land Uses and Zoning Boundaries Within The Vintage Club

RECOMMENDED ACTIONS:

Council **OPENS** the Public Hearing, takes any public testimony, **CLOSES** the Public Hearing; and

APPROVES Environmental Assessment No. 2014-02 Initial Study and Mitigated Negative Declaration for General Plan Amendment No. 2014-01, Zoning Map Amendment No. 2014-01 and Tentative Parcel Map No. 36780; and

ADOPTS Resolution Bill No. 2015-01 adopting Environmental Assessment No. 2014-02, General Plan Amendment No. 2014-01, and approving Tentative Parcel Map No. 36780 creating one single-family residential lot from adjoining surplus portion of golf course open space in The Vintage Club; and

INTRODUCES Ordinance Bill No. 2015-04 amending Municipal Code Section 21.14.110 pertaining to land uses in Planning Area 11 and zoning boundaries within The Vintage Club for the Golf Course Overlay and Residential-Very Low Density (RVLD) Zones.

DISCUSSION:

The Vintage Club proposes to subdivide a portion of the golf course to create one additional residential lot at the northeast corner of Vintage Drive and Pepperwood Drive. The area is currently designated as Open Space on the City's General Plan Land Use/Zoning Map and Golf Course Overlay on Planning Area 11 of the Zoning Ordinance.



The Vintage Club can create this new residential lot because of the redesign of the adjacent golf hole in the summer of 2012. The new residential lot will be slightly larger than the contiguous lots and will require some grading to remove and level portions of a dirt mound at the northeastern edge of the site.

This additional lot in The Vintage Club will not increase the overall density originally planned and approved within the community. Over the course of the project build-out, the density in the community has been reduced by a total of 20 due to residential lot mergers to accommodate larger homes and related residential amenities.

Analysis:

The proposed GPA, ZMA and TPM will result in a change from "Open Space – Golf and Recreation" to "Residential-Very Low Density" on a small portion of an existing golf course lot located within The Vintage Club. The proposed Project would subdivide an existing 14-acre golf course lot (Lot 51) encompassing adjoining Holes No. 2 and 3 to create one lot of approximately 0.79 acres located at the northeast corner of Vintage Drive and Pepperwood Drive. Future residential development of this lot is expected to be consistent with residences in the surrounding neighborhood.

The Planning Commission heard this item on December 17, 2014. At that hearing, Ms. Roxana Smiekel, owner of the home at 75-100 Pepperwood Drive located across the street, expressed concern about her view to the east being changed and not being aware of the proposed project.

Eastward View from Ms. Smiekel's property



The Vintage Club staff met with Ms. Smielke twice at her home to discuss the project and explained the future development of a home would meet all Vintage Club and City design standards and would not negatively interfere with her existing view. The Vintage Club staff also agreed to forward any future home designs for the lot to her for review prior to construction.

Environmental Review:

An Initial Study was prepared for this project in accordance with the California Environmental Quality Act (CEQA) and the City Rules to Implement CEQA. As a part of this analysis, two site visits were conducted and the building setback limits were staked on the proposed parcel facilitating visual impact and other analysis. A rough grading plan was also reviewed.

The visual impact analysis concluded that the proposed lot configuration, pad elevation and allowable building footprint will result in a future residential development that is comparable to the adjoining residential subdivision. Based upon height limits set forth in the Zoning Ordinance, the future home will have a less than significant impact on surrounding viewsheds. It should also be noted that the future residential development will be subject to required design review through The Vintage Club Architectural Review Board, which will ensure implementation of compatible architectural and landscape design.

Site development will require the removal of several mature trees, which could impact bird species protected under the Migratory Bird Treaty Act. Mitigation measures have been included that will ensure any potential impacts to sensitive bird species is less than significant.

Other potential impacts, including noise, are reduced to less than significant levels by the enforcement of programmatic review and mitigation, which will be ensured through the City review process. The IS/MND determined that the Project will result in less than significant impacts on the environment with the implementation of mitigation measures set forth in the IS/MND.

ATTACHMENTS:

1. Resolution Bill No. 2015-01
2. Ordinance Bill No. 2015-04
3. Vicinity Map
4. Project Site Aerial
5. General Plan Land Use/Zoning Map
6. Tentative Parcel Map
7. Photo Survey

RESOLUTION BILL NO. 2015-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, ADOPTING ENVIRONMENTAL ASSESSMENT NO. 2014-02, GENERAL PLAN AMENDMENT NO. 2014-01, AND APPROVING TENTATIVE PARCEL MAP NO. 36780 IN THE VINTAGE CLUB

WHEREAS, The Vintage Club (the "Applicant") has filed an application with the City of Indian Wells (the "City") for approval of General Plan Amendment No. 2014-01, Zoning Map Amendment No. 2014-01, Tentative Parcel Map No. 36780 and Environmental Assessment No. 2014-02 for the creation of a single-family lot at the northeast corner of Vintage Drive and Pepperwood Drive within The Vintage Club (collectively, the "Project"); and

WHEREAS, an Initial Study and Mitigated Negative Declaration (IS/MND) have been prepared for the Project in accordance with the California Environmental Quality Act (CEQA) and the City Rules to Implement CEQA; and

WHEREAS, the IS/MND determined that the Project will result in less than significant impacts on the environment with the implementation of mitigation measures set forth in the IS/MND; and

WHEREAS, on December 17, 2014, the Planning Commission held a duly noticed public hearing on the Project in conformance with Government Code and Municipal Code sections and adopted by unanimous vote Resolution No. PC 2014-07 recommending that the City Council approve the Project; and

WHEREAS, a Notice of Intent to adopt a Mitigated Negative Declaration was published on November 25, 2014 and a copy of the Draft IS/MND was made available for public review; and

WHEREAS, no comments have been received on the Draft IS/MND; and

WHEREAS, notice of a public hearing of the City Council of the City of Indian Wells to consider the Project was given in accordance with applicable law; and

WHEREAS, on February 5, 2015, the City Council held a duly noticed public hearing on the Project; and

WHEREAS, after careful consideration of the staff report and all of the information, evidence, and testimony presented at its public hearing, the City Council finds as follows:

General Plan Amendment, and Tentative Parcel Map:

1. The proposed location of the use is in accord with the objectives of the Zoning Code and the purpose of the General Plan and zoning land use category in which the site is located, as amended.

FACT: The proposed GPA, ZMA and Parcel Map would not affect the findings required as to location since the proposed Project extends the existing contiguous residential use and occurs within The Vintage Club boundary. The Project would create a new residential parcel in an area of the golf course determined by the Applicant to be surplus lands. The Project is consistent with The Vintage Club master plan and General Plan Land Use and Zoning designations, as amended.

2. The proposed Project will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.

FACT: The proposed residential lot would not adversely affect the public health, safety or welfare, or materially injure surrounding properties or improvements since the Project will adhere to all applicable sections of the California Building Code, California Fire Code and Municipal Code thus precluding adverse impacts resulting from the development. Furthermore, the Project is a logical extension of existing contiguous residential uses, and will preserve emergency access for local development in the event of an emergency.

3. The proposed Project will comply with each of the applicable provisions of the Zoning Code.

FACT: The proposed Project complies with each of the applicable provisions of the City's Municipal Zoning Code. Conditions of Approval reference Mitigation Measures set forth in the IS/MND and are attached hereto as Exhibit "A" and incorporated herein by reference.

4. The proposed amendment to the General Plan complies with the City Municipal Code.

FACT: The proposed General Plan amendment is internally consistent with the General Plan, would not be detrimental to the public interest, health, safety, convenience, or welfare of the City, would maintain the appropriate balance of land uses within the City, and is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation(s) and the anticipated land use developments(s). (Ord. 307 § 2, 1997)

Environmental Findings (IS/MND):

1. No substantial changes are proposed in the Project which will require revisions to previous environmental approvals associated with the subject portion of The Vintage Club, nor will the Project involve any new significant environmental effects, or substantially increase the severity of previously identified significant effects:

FACT: The Project consists of the creation of a 0.79 acre residential lot from surplus golf course lands, and the eventual construction of a single-family home on this new parcel.

General Plan Amendment No. 2014-01, , Tentative Parcel Map No. 36780 and the IS/MND examined all the potential impacts of the project, including Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation and Traffic, and Utilities and Service Systems.

Based on the analysis contained in the IS/MND, the changes proposed by the Project have been evaluated against the analysis of environmental impacts to ensure the Project will not result in any significant impacts. The analysis in the IS/MND for the Project concludes that, with the incorporated mitigation measures, the proposed Project would not create any new significant impacts.

2. No substantial changes have occurred since the adoption or certification of previous environmental analysis with respect to the circumstances under which the Project was undertaken that would in turn require revisions to previous environmental analysis.

FACT: Conditions remain similar to those under which the prior environmental approvals were granted. No new development has occurred in the vicinity of the Project that would warrant major revisions.

3. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time previous environmental analysis was complete, shows any of the following:
 - A. The Project will have one or more significant effects not discussed in previous environmental documents;
 - B. Significant effects previously examined will be substantially more severe than shown in the previous environmental documents;

- C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous environmental documents would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

FACT: The mitigation measures identified in the original environmental documents are sufficient to address the potential impacts of the Project and only those minor mitigation measures described in this IS/MND are needed. Therefore, the preparation of an IS/MND is the appropriate CEQA document to support the City's consideration of the Project, as outlined in the State CEQA Guidelines Section 15162 and 15164.

NOW, THEREFORE, the City Council of the City of Indian Wells **RESOLVES** as follows:

SECTION 1. The City Council having reviewed the proposed Project and the proposed IS/MND, hereby **APPROVES** the IS/MND for the Project and **DIRECTS** City Staff to post a Notice of Determination in accordance with law. The administrative record of proceedings upon which the City Council has based its decision to adopt this IS/MND shall be located in the office of the Planning Department, and the Community Development Director shall be the custodian of such records.

SECTION 2. The City Council **ADOPTS** Resolution Bill No. 2015-01 approving General Plan Amendment No. 2014-01, , Tentative Parcel Map No. 36780 subject to the Conditions of Approval listed on Exhibit "A" attached hereto and by this reference incorporated herein.

SECTION 3. This Resolution shall take effect upon adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on this 5th day of February, 2015.

TY PEABODY
MAYOR

CERTIFICATION FOR RESOLUTION BILL NO. 2015-01

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that the whole number of the members of the City Council is five (5); that the above and foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Indian Wells on the 5th day of February, 2015, by the following vote:

AYES:
NOES:

ATTEST:

APPROVED AS TO FORM:

**WADE G. MCKINNEY
CITY MANAGER/CITY CLERK**

**STEPHEN P. DEITSCH
CITY ATTORNEY**

ATTACHMENT "A"
Conditions of Approval

General Plan Amendment No. 2014-01, and Tentative Parcel Map No. 36780

FEBRUARY 5, 2015

GENERAL:

1. The Applicant shall defend, indemnify, and hold harmless the City of Indian Wells and its officers, employees, and agents from and against any claim, action, or proceeding against the City of Indian Wells, its officers, employees, or agents to attack, set aside, void, or annul any approval or condition of approval of the City of Indian Wells concerning this project, including but not limited to any approval or condition of approval by the Planning Commission. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter.
2. In the event that any condition contained herein is determined to be invalid or legally unenforceable, then all remaining conditions shall remain in force.
3. The Project shall be developed in accordance with the approved plans, and failure to comply with any conditions of approval shall be deemed just cause for revocation of project approval by the City Council. However, the Community Development Director or designee shall have the authority to approve minor deviations in the conditions of approval, and all plans including the construction drawings, if deemed necessary by both the Applicant and the City to implement the Project as approved.
4. All plans shall be coordinated for consistency.
5. The Applicant shall pay development impact fees at the rates established by the City. Such fees may include, but are not limited to, new construction fees, park or open space fees, school fees, drainage fees, sewer fees, TUMF fee, local CVMSHP development impact fee, building permit and plan check fees.

6. Approval of Tentative Parcel Map No. 36780 shall be used within three (3) years after final approval or it shall become null and void unless the time limit to record the parcel map is extended by the State or City Council per Municipal Code Section 20.16.111. The phrase "be used" above for the proposed Project shall mean the recordation of the Final Parcel Map.
7. Approval of this request shall not waive compliance with all applicable sections of the Indian Wells Municipal Code, all other applicable City ordinances, and applicable specific plans all of which shall be adhered to by the Applicant at all times.
8. Construction of the subject residence and any other improvements on the property shall occur between the hours of 7:00 am and 5:00 pm, Monday through Friday, 8:00 am and 5:00 pm, Saturday and no construction on Sunday or national holidays per Municipal Code Section 9.06.047. The Community Development Director may grant a temporary waiver from these hours in limited circumstances where special need is demonstrated. Any such waiver request shall be made by the Applicant in advance.
9. Upon submittal of construction drawings to the Building Department for plan check review, all departmental conditions of approval for the Project shall be included on the sheet following the title sheet, or the first sheet of the plans. A site plan shall also be attached to all sets of construction drawings. This condition shall be a minimum requirement for acceptance of construction drawings for the Building plan check review.
10. The Applicant must obtain written verification from the Community Development Director, Public Works Director, Building Official and Fire Marshal, or designees, of compliance with all Conditions of Approval and Code requirements, prior to commencement of construction and occupancy of the new residence.
11. Within fifteen (15) days of final approval by the City Council, the Applicant shall submit in writing a statement indicating that the Applicant has read and agrees to the conditions imposed herein. Approvals of land use and related applications hereunder shall become void, and any privilege, permit, or other authorization granted shall be deemed to have terminated if compliance with this condition has not been completed within the specified time limits.

ENVIRONMENTAL:

12. Pursuant to Public Resources Code Section 21089 and Fish and Game Code Section 711.4, the Applicant shall provide those fees marked [X] below in the form of a check made payable to the ***Riverside County Clerk*** within 5 days of City Council approval. Project approval shall not be complete until the required fee(s) is (are) paid:

[X] \$ 50 - "Administrative Fee" to file the Notice of Determination
[X] \$ 2,181.25 - "Fish & Game Filing Fee" (if applicable)
13. The Applicant is responsible for the cost of implementing required environmental Mitigation Measures, including monitoring and reporting. The IS/MND prepared for this project includes a Mitigation Monitoring and Report Program. Said program identifies the reporter as an individual qualified to know whether the particular mitigation measure has been implemented.
14. The Applicant shall comply with the Mitigation Measures as set forth in the Mitigated Negative Declaration for the Project.

TENTATIVE PARCEL MAP:

15. A Final Map shall be prepared by or under the supervision of a registered civil engineer or licensed land surveyor and must be processed through the City of Indian Wells Public Works Department and approved by the City Council prior to the Map being filed with the County Recorder.
16. The Parcel Map shall be based on a field survey in conformity with the Professional Land Surveyors Act.
17. Prior to the City's approval of a Final Map, the Applicant shall furnish accurate mylars of the Final Map that were approved by the City's map checker. The Final Map shall be 1" = 40' scale.
18. This Tentative Parcel Map, and any Final Map recorded thereunder, shall comply with the requirements and standards of Government Code §§ 66410 through 66499.58 (the "Subdivision Map Act"), and Title 20 of the Indian Wells Municipal Code (IWMC).
19. In accordance with Government Code 66436, prior to filing maps with the County Recorder, the Coachella Valley Water District (District) shall be provided the opportunity to review and comment on the Map if the District has easements or other interests. Evidence of District review shall be provided to the Public Works Department.

20. If required by the Subdivision Map Act, the District, the City of Indian Wells, or any other entity, the Final Map shall include signature(s) by authorized representative(s) of the District.

LANDSCAPING:

21. The irrigation system shall include provisions for design features that conserve water, such as controlled irrigation systems, which employ drip irrigation, soil moisture sensors, and automatic systems that minimize runoff and evaporation, the use of mulch on top of soil to improve water-holding capacity and the use of xeriscape (drought-tolerant species) for landscaping.
22. The landscape plan shall include the reintroduction of desert-adapted native and non-native plants. The use of potentially invasive plant species shall be avoided (see Table 4-113: Prohibited Invasive Ornamental Plants in the Coachella Valley Multiple Species Habitat Conservation Plan). The use of these low water-use plants would also conserve water and energy use in the built environment.
23. Detailed landscaping and irrigation plans shall be submitted for the Community Development Director approval. The plans shall be certified by a landscape architect and shall provide permanent, automatic irrigation systems, which shall be installed on all landscaped areas requiring irrigation and be in full compliance with the adopted Landscape Guidelines and Design Specifications. Final landscape, hardscape and lighting plans shall be subject to approval by the Community Development Director and Public Works Director or designees.
24. Above ground-mounted utility locations shall require approval by the Community Development Director. All detector check and backflow assemblies shall be located in planting areas.
25. The detector check/backflow devices shall be painted a neutral/earth tone color and any pipes extending above ground shall be finished and painted to match the device.
26. All ground-mounted utility appurtenances shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming and/or landscaping to the satisfaction of the Community Development Director.
27. All plant materials within landscaped areas shall be maintained in a viable growth condition throughout the life of this approval.

28. Landscaping shall be located so as not to interfere with sight distance from driveways or adjacent roadways.
29. All landscaping and irrigation shall be installed in accordance with plans on file with the Community Development Department, and irrigation systems fully operational. Furthermore, all landscaped areas shall be free of trash and debris.
30. The Applicant shall retain the project landscape architect to conduct a final field inspection and prepare a certificate of substantial completion, which shall be filed with the Community Development Director prior to certificate of occupancy. The certificate of completion shall specifically indicate that all plant material was installed as specified by the landscape design plan, that the irrigation system was installed as designed, and that the irrigation system is fully operational. The certificate shall also include a list of any identified installation deficiencies, or changes subject to review and approval by the Community Development Director or designee.

LIGHTING:

31. Landscape lighting shall be indirect; non-glare lights, positioned to light tree canopies, paths and walkways, or walls, as appropriate, and avoid light spillage outside of the Project area. Up-lights in turf areas shall be in light wells only. Up lights in planters must have j-boxes below grade (or screened as approved by the Community Development Department), light fixtures must be screened with landscaping.

SITE IMPROVEMENTS

32. A separate sewer service lateral shall be installed serving proposed Parcel "A". Sewer lateral shall be installed in accordance with District requirements, and shall be installed prior to contractor's or owner's request for City approval of Rough Grading Pad Certification for Parcel "A".
33. A separate water service lateral shall be installed serving proposed Parcel "A". Water service shall be installed in accordance with District requirements, and shall be installed prior to contractor's or owner's request for City approval of Rough Grading Pad Certification for Parcel "A".
34. Dry utilities, including but limited to electricity, natural gas, telephone, and cable television shall be installed serving proposed Parcel "A". Utilities shall be installed prior to contractor's or owner's request for City approval of Rough Grading Pad Certification.

35. The conduit system(s), appurtenances, and devices for all utility services shall be installed underground in accordance with Section 16.08.030(f) of the Municipal Code unless utility purveyor requires alternative installation, and as approved by the City.
36. For installation of utilities in existing improved streets, the Applicant shall comply with trench restoration requirements maintained, or required by the City Engineer. The Applicant shall provide certified reports of all utility trench compaction for approval by the City Engineer.
37. The Applicant may submit a Subdivision Improvement Agreement and/or security in a form acceptable to the City Attorney to guarantee installation of sewer, water, and dry utilities prior to filing of the Final Parcel Map with the County Recorder.
38. The Applicant shall, as applicable as determined by the Community Development Director, cause no easement to be granted, or recorded, over any portion of the subject property between the date of approval of the Tentative Parcel Map and the date of recording of any Final Map, unless such easement is approved by the City Engineer.
39. Prior to commencement of any grading activities a Rough Grading Permit shall be issued. Said permit may be issued after submittal, review, and approval of a Rough Grading Plan. The Rough Grading Plan shall comply with Chapter 18 of the Indian Wells Municipal Code.
40. Upon completion of Rough Grading for Parcel "A", the Applicant, contractor, or owner shall submit to the City a Rough Grading Pad Certification form. Said Certification form shall state that the completed pad substantial conforms to the approved Rough Grading Plan, and has been graded to a tolerance of no more than 1/10' of the elevation as shown on the Plan.
41. Prior to issuance of a Building Permit for Parcel "A", a Precise Grading Permit shall be obtained by the Applicant. Said permit may be issued after submittal, review, and approval of a Precise Grading Plan. The Precise Grading Plan shall comply with Chapter 18 of the Indian Wells Municipal Code.
42. A Preliminary Geotechnical Investigation and Report shall be prepared by a competent Geotechnical Engineer and submitted to and reviewed by the City prior to commencement of any rough or precise grading activities. Said Report(s) shall be referenced on Rough Grading and Precise Grading Plans. Said Report shall comply with the City of Indian Wells Policy Guidelines for Geotechnical & Geologic Reports for Single-Family Residential Developments

(latest revision). All grading shall conform to the recommendations contained in the Preliminary Geotechnical Investigation and Report, and shall be observed by the Geotechnical Engineer of Record.

43. In accordance with the City of Indian Wells Policy Guidelines for Geotechnical & Geologic Reports for Single-Family Residential Developments (latest revision), all proposed structures shall accommodate at least 1.25 inches of differential settlement over a 50 feet distance expressed as an angular distortion of 1:480.
44. All erosion and sediment control Best Management Practices (BMP) proposed by the Applicant shall be approved by the Public Works Director prior to any onsite or offsite grading, pursuant to this project. The approved BMP's shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.
45. Prior to construction on the site, a six foot (6') temporary chain-link fence shall be erected on any portion of the property that is exposed to public access and connected to any block walls surrounding the property. This will deter theft of and vandalism to construction materials and equipment on the property during construction. All construction fencing shall have a screen mesh so as to conceal construction activity from public view.
46. A Precise Grading Plan indicating the design, location and construction details of all buildings, walls and fences shall be submitted for review and approval by the Planning, Public Works, and Building Departments. All perimeter and street-facing walls, including retaining walls, shall be decorative in nature and in substantial conformance to the approved conceptual landscape plans.

END OF CONDITIONS

ORDINANCE BILL NO. 2015-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING TITLE 21 OF THE INDIAN WELLS MUNICIPAL CODE BY AMENDING SECTION 21.14.110 PERTAINING TO LAND USES IN PLANNING AREA 11 AND ZONING BOUNDARIES WITHIN THE VINTAGE CLUB FOR THE GOLF COURSE OVERLAY AND RESIDENTIAL-VERY LOW DENSITY (RVLD) ZONES.

WHEREAS, on December 17, 2014, the Planning Commission held a duly noticed public hearing on Zoning Map Amendment No. 2014-02 in conformance with Government Code 65854 and Indian Wells Municipal Code Sections 21.06.020(c) and 21.06.100, and adopted Resolution No. PC 2014-07 recommending that the City Council adopt an Ordinance amending the City's Zoning Code by amending the Zoning Map; and

WHEREAS, notice of a public hearing of the City Council of the City of Indian Wells to consider the Zoning Map Amendment was given in accordance with applicable law; and

WHEREAS, on February 5, 2015, the City Council held a duly noticed public hearing on the Zoning Map Amendment; and

WHEREAS, after careful consideration of the staff report, public testimony and all of the information presented at the hearing, the City Council finds as follows:

Zoning Map Amendment Findings:

1. The proposed Zoning Map Amendment is consistent with the City of Indian Wells General Plan or any amendment approved concurrently with the Zone Change.

FACT: The proposed Zoning Map Amendment is consistent with the General Plan and concurrent amendment thereto in that it would adjust the Golf Course Overlay and Residential-Very Low Density zoning boundaries and the boundaries of Planning Subarea 11 to be consistent with General Plan Amendment No. 2014-01 approved concurrently with this action.

2. The proposed Zoning Map Amendment is consistent with the intent and objectives of this Zoning Code.

FACT: The proposed Zoning Map Amendment is consistent with the intent and objectives of Municipal Code Title 21 and Chapter 21.30, as this Amendment is deemed consistent in compatibility of use and intensity with adjacent and surrounding uses and promotes the quality, image and character of the City.

3. The proposed Zoning Map Amendment is consistent with any applicable area Master Development Plan or Specific Plan.

FACT: The proposed Zoning Map Amendment is consistent with any applicable area Master Development Plan or Specific Plan in that it would adjust the zoning

boundaries to be consistent with the modified boundaries of General Plan Amendment No. 2014-01, approved concurrently with this action, and

4. The proposed Zoning Map Amendment is in the best interests of the health, safety and welfare of the community.

FACT: The proposed Zoning Map Amendment is in the best interests of the health, safety and welfare of the community as it would not adversely affect the public health, safety or welfare, or materially injure surrounding properties or improvements since it will enable development of certain property as currently proposed by a property owner. The Project will adhere to all applicable sections of the California Building Code, California Fire Code and Municipal Code thus precluding adverse impacts resulting from the proposed development. Furthermore, the Amendment and the Project are a logical extension of existing contiguous residential uses, and will preserve emergency access for local development in the event of an emergency and promote the orderly growth and development of the community which is consistent with the intent and objectives of Title 21 of the Indian Wells Municipal Zoning Code.

5. Adequate sewer and water lines, utilities, sewage treatment capacity, drainage facilities, police protection/emergency medical care, vehicular circulation and school facilities will be available to serve the area affected by the proposed Zone Change when development occurs.

FACT: Adequate utilities (sewer, water, etc.), drainage facilities, police and fire protection and vehicular circulation are available to serve the area affected by the Amendment when development occurs. No impact on school facilities will result.

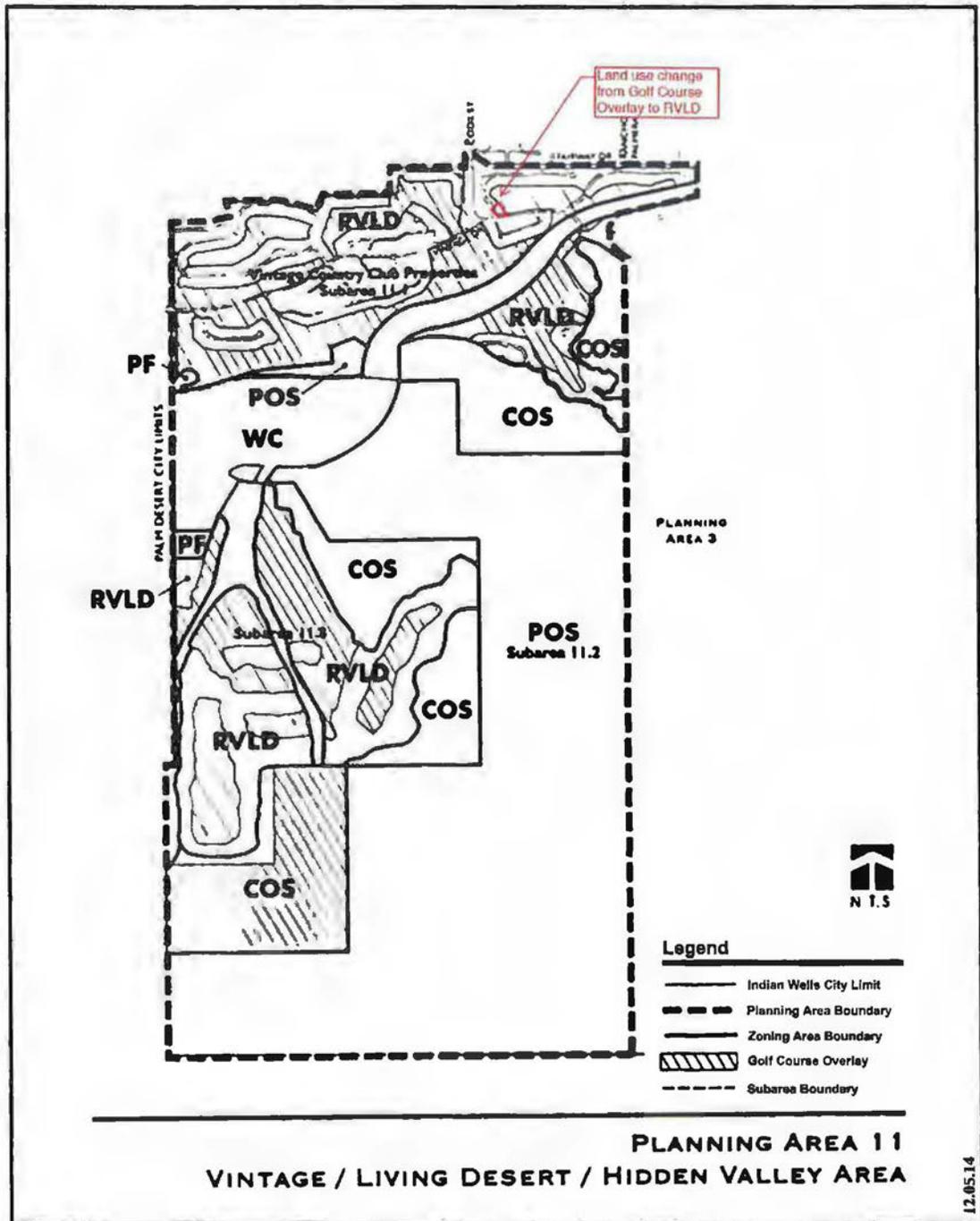
NOW, THEREFORE, the City Council of the City of Indian Wells **DOES ORDAIN AS FOLLOWS:**

SECTION 1. CEQA. The Amendment has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State and local CEQA Guidelines, and the environmental regulations of the City. The City has prepared an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to Title 14, California Code of Regulations (State CEQA Guidelines), Chapter 3, §15162 through §15164.

The City Council has reviewed the IS/MND and, consistent with the findings and recommendations of the Planning Commission, finds that the IS/MND confirms that the proposed Project and the Amendment will not result in any new significant effects or any substantial increase in the severity of previously identified significant effects and, as such, no further environmental review is required. Further, the Council readopts those mitigation measures identified in the County's original approvals that are relevant to the Project and the Amendment and as detailed specifically in the IS/MND.

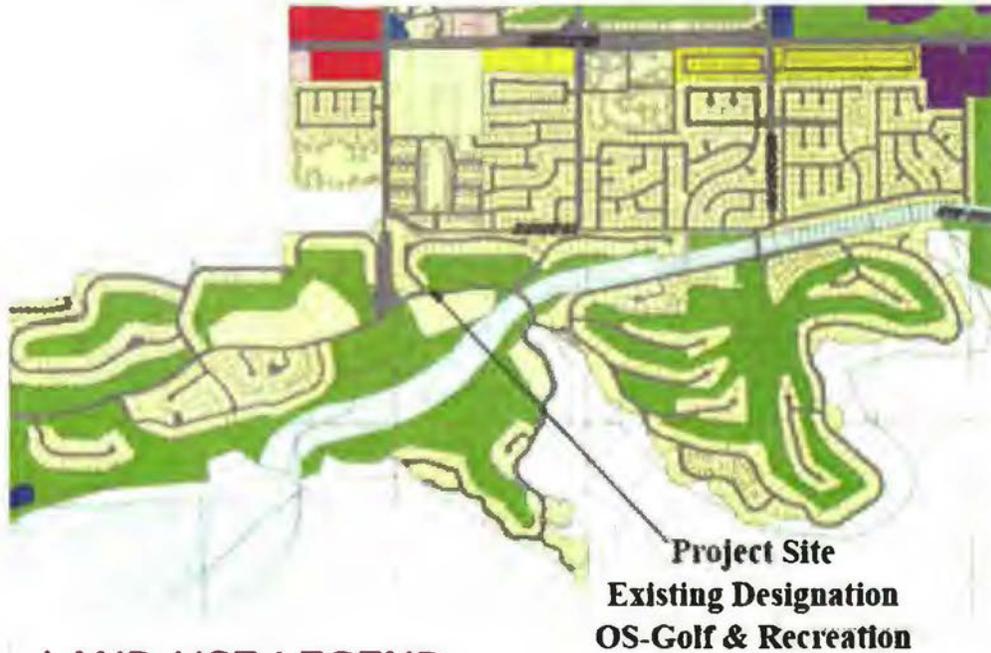
SECTION 2. ZONING MAP PLANNING AREA MAP AMENDMENT. Indian Wells Municipal Code Section 21.14.110 is amended to re-designate the Project site from Golf Course Overlay to Residential-Very Low Density and to amend the Planning Area 11 land use set forth herein below.

PLANNING AREA 11 (THE VINTAGE CLUB) – MAP



SECTION 3. ZONING MAP AMENDMENT. The Indian Wells Land Use and Zoning Map is amended to adjust the boundaries of the Golf Course Overlay and Residential-Very Low Density within The Vintage Club as follows:

Land Use/Zoning Exhibit (Current Plan)



LAND USE LEGEND

RESIDENTIAL		VERY LOW DENSITY (3.0 DU/AC)	COMMERCIAL		PROFESSIONAL OFFICE
		LOW DENSITY (4.5 DU/AC)			COMMUNITY COMMERCIAL
		MEDIUM DENSITY (7.0 DU/AC)			RESORT COMMERCIAL
		MEDIUM HIGH DENSITY (12 DU/AC)			SPORTS COMPLEX
OPEN SPACE		GOLF AND RECREATION	CIVIC		PUBLIC FACILITY
		NATURAL PRESERVE (1.0 DU/40AC)			
		PUBLIC PARK			
		WATERCOURSE			
		OPEN SPACE			

Land Use/Zoning Exhibit (Proposed Plan)



LAND USE LEGEND

RESIDENTIAL		VERY LOW DENSITY (3.0 DU/AC)	COMMERCIAL		PROFESSIONAL OFFICE
		LOW DENSITY (4.5 DU/AC)			COMMUNITY COMMERCIAL
		MEDIUM DENSITY (7.0 DU/AC)			RESORT COMMERCIAL
		MEDIUM HIGH DENSITY (12 DU/AC)			SPORTS COMPLEX
OPEN SPACE		GOLF AND RECREATION	CIVIC		PUBLIC FACILITY
		NATURAL PRESERVE (1.0 DU/40AC)			
		PUBLIC PARK			
		WATERCOURSE			
		OPEN SPACE			

SECTION 4. SEVERABILITY. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance, which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable. This Ordinance amends, adds to and deletes (as applicable) sections of the Indian Wells Municipal Code.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect and be in force 30 days after passage.

SECTION 6. PUBLICATION. The City Clerk is directed to publish this Ordinance within the manner and in the time prescribed by law.

PASSED APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on the 19th day of February, 2015.

**TY PEABODY
MAYOR**

**STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)ss.
CITY OF INDIAN WELLS)**

CERTIFICATION FOR ORDINANCE BILL NO. 2015-04

I, Wade McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance Bill No. 2015-04, having been regularly introduced at the meeting of February 5, 2015, was again introduced, the reading in full thereafter unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the day of February 19, 2015, and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES:
NOES:

and was thereafter on said day signed by the Mayor of the City of Indian Wells.

ATTEST:

APPROVED AS TO FORM:

**WADE MCKINNEY
CITY MANAGER/CITY CLERK**

**STEPHEN P. DEITSCH
CITY ATTORNEY**

Vicinity Map

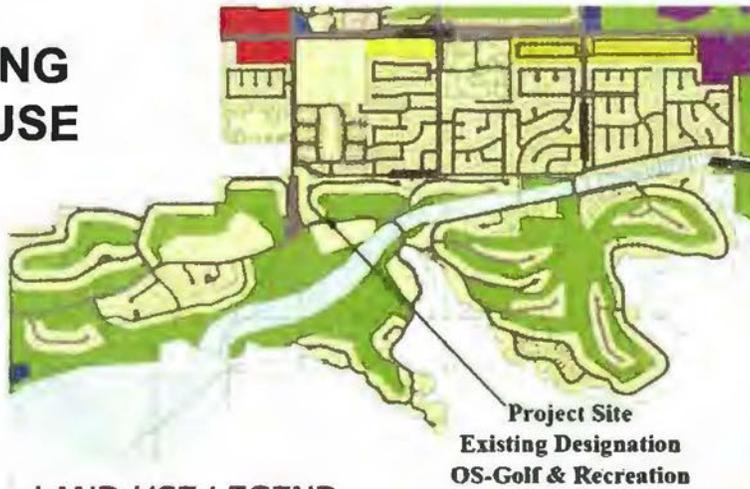


PROJECT SITE AERIAL

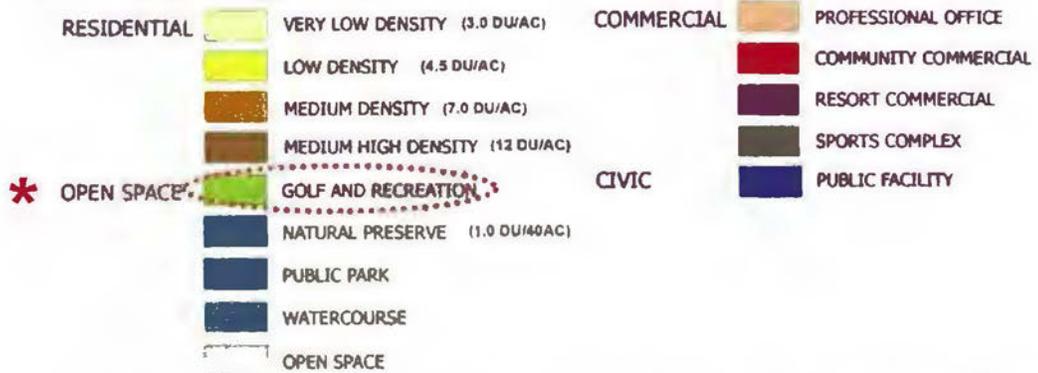


LAND USE/ZONING MAP

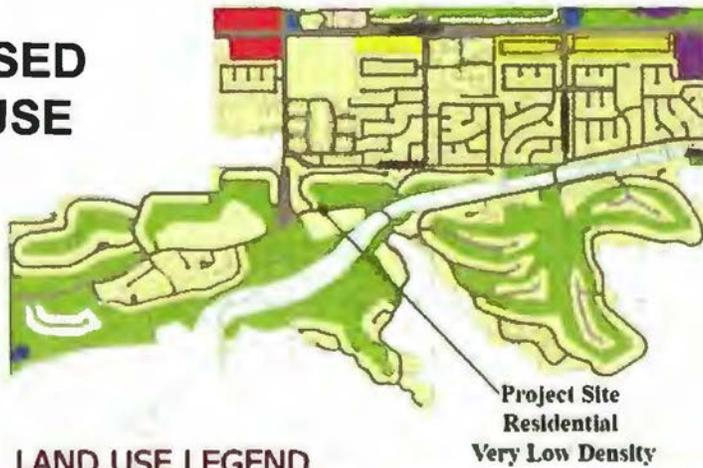
EXISTING LAND USE



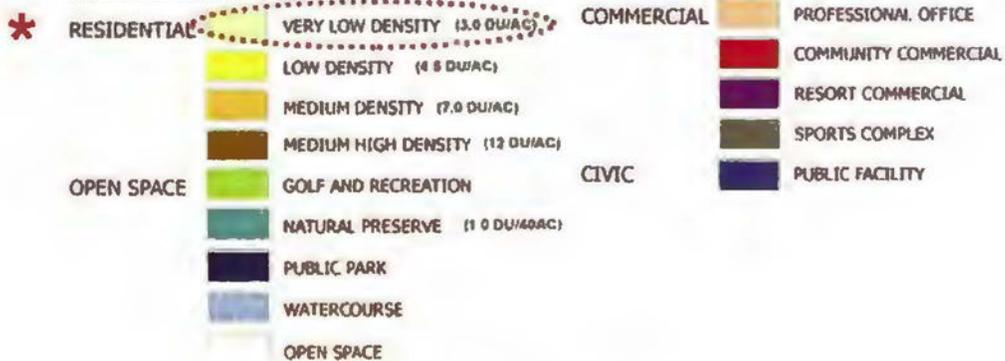
LAND USE LEGEND



PROPOSED LAND USE



LAND USE LEGEND



TENTATIVE PARCEL MAP

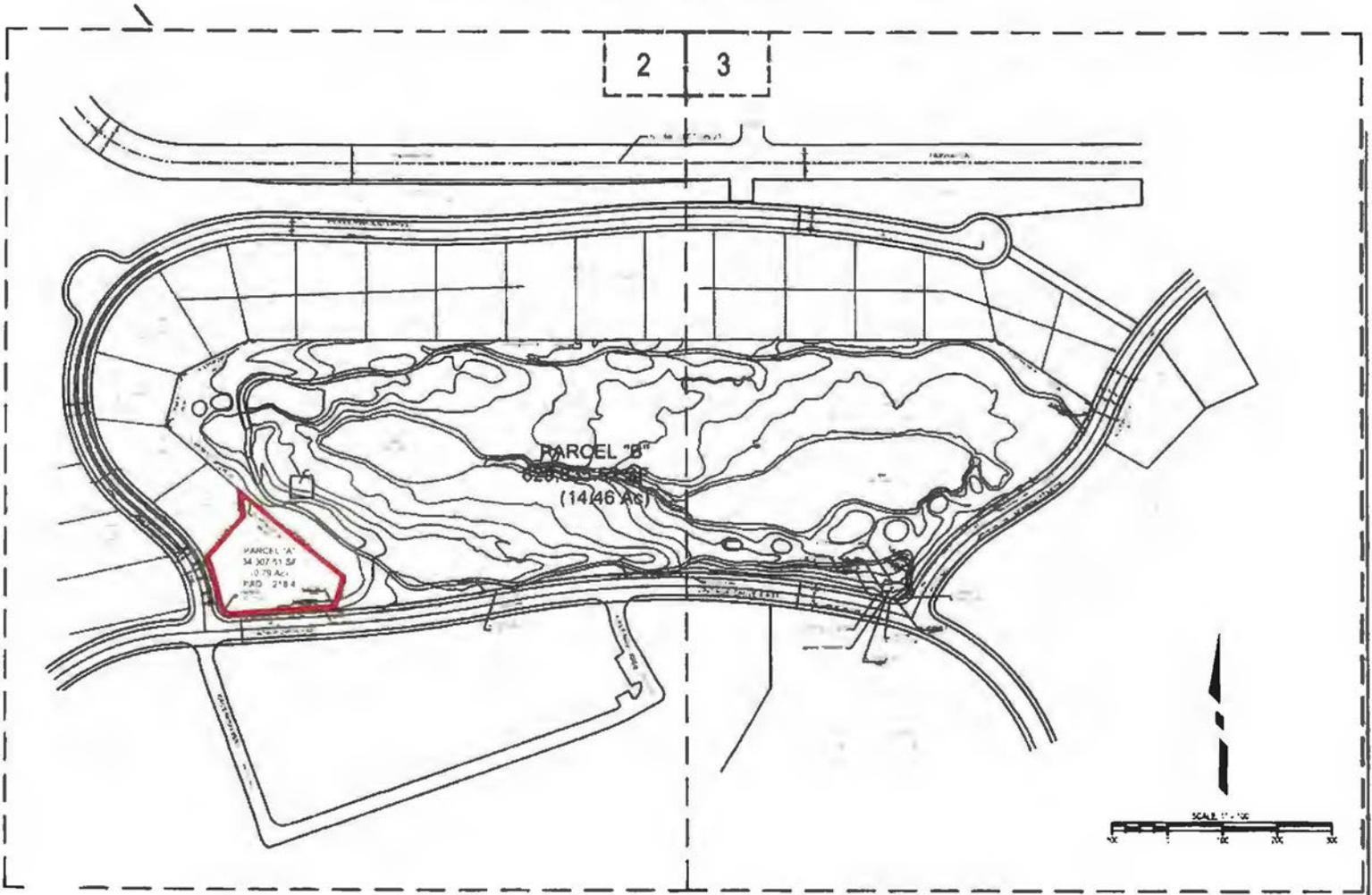


PHOTO SURVEY



1. View NE to NW corner of lot along Pepperwood.



2. View due east to center of new residential lot.



3. View from new lot looking west to existing home.



4. View west along Vintage Dr. with condos on far left



5. View NE to corner of new residential lot.



6. View NE across Vintage Dr. to east end of new lot

CC/HA ACTION _____ MTG. DATE: 2-5-15
APPROVED DENIED _____ REC/FILE _____ CONT. _____
OTHER _____
VOTE: YES 5 NO 0 ABSTAIN _____

Indian Wells City Council *as amended* **February 5, 2015**
Staff Report – City Manager’s Office

Introduce Ordinance Amending Municipal Code Chapter 5.20 Regarding Short-Term Vacation Rentals, Provide Further Direction to Staff on Zoning Overlay for Establishing Minimum Stay Requirements, and Any Other Issues Related to Short-Term Vacation Rentals

RECOMMENDED ACTIONS:

Council **INTRODUCES** Ordinance Bill No. 2015-03 (“Ordinance”) amending Indian Wells Municipal Code Chapter 5.20 regarding regulations for Short-term Vacation Rentals in the City; and

provides further **DIRECTION** to Staff on a Zoning Overlay to establish minimum stay in Short-term Vacation Rentals throughout the City and any other issues related to Short-term Vacation Rentals.

DISCUSSION:

Summary:

City Council discussed best practice provisions for establishing a Short-term Vacation Rental (“Vacation Rentals”) Ordinance at the January 22, 2015 special meeting. Council directed Staff to bring back and introduce an Ordinance (**Attachment 1**) with provisions establishing a clear, enforceable regulatory process for Vacation Rentals.

Staff presented seventeen (17) recommended provisions (**Attachment 2**) to establish a strong regulatory process, found to be effective in other cities at stopping nuisance Vacation Rentals. City Council determined all provisions to be favorable and directed them to be included in the Ordinance.

Council additionally directed Staff to include two other provisions:

1. Modification to Municipal Code Section 5.20.120 Occupancy, reducing the number of overnight occupants in a Vacation Rental to two (2) persons per bedroom, with an exception for children under six (6) years of age; and

2. Addition of a requirement to notify neighboring properties (within 200 feet) that an owner has been issued a Vacation Rental license. The notification process will be implemented by City Staff with the cost for processing to be included in the Vacation Rental license fee.

The Council also discussed minimum stay for a vacation rental. Staff was directed to create a new Zoning Overlay process to provide:

- Thirty (30) day minimum stay in areas of the City with no Homeowners' Association (HOA);
- Provide a "carve-out" during the tennis tournament to allow for shorter stays in non-HOA areas;
- Stipulate three (3) day minimum stay in areas with HOA's and allow each HOA to determine its minimum stay if the HOA desired a longer than three (3) day minimum;
- Provide a mechanism that would allow property owners not in a HOA to request an exception to the 30-day minimum stay by following a notice and hearing process; and
- Investigate the impact of this zoning overlay structure on Transient Occupancy Tax collection.

Staff has begun the research for this type of zoning overlay, but will require until summer to develop the process and initiate conversations with all 58 HOA's in the City.

Staff requests Council confirm this understanding of developing the overlay process, or clarify and provide further direction to Staff.

Analysis:

In June of 2014 City Council adopted Urgency Ordinance No. 678 implementing a Moratorium on Vacation Rentals until May 5, 2015. The Moratorium modified the fines for violation of the Urgency Ordinance, provided a 30-day window to register Vacation Rentals with the City, and set the minimum stay at seven (7) days for registered Vacation Rentals and thirty (30) days for non-registered properties (a prohibition of short-term rentals not registered). How today's Ordinance effects the Moratorium provisions should be considered by Council.

Adoption of the Ordinance, as presented, would supersede certain provisions of the existing Vacation Rental Moratorium. Council will need to determine if the Ordinance No. 2015-03 should overrule language in the Moratorium. Specifically, three aspects:

1. Urgency Ordinance No. 678 set in place citation amounts for violation of the moratorium of:
 - a. \$2,000 for first violation;
 - b. \$3,000 for second violation;
 - c. \$5,000 for third and subsequent violations.

This is incongruent with the recommended citation amounts and process presented to Council on January 22. Those amounts are as follows:

- a. Written warning for first violation with notice posted on property;
- b. \$500 citation for renter and \$2,000 citation for owner on second violation;
- c. \$1,000 citation for renter and \$5,000 and one year revocation of rental license for owner on third violation (any additional violations \$5,000 and year extension of citation suspension).

Staff's recommendation is Ordinance No. 2015-03 should supersede the moratorium language for aspect #1 as it puts in place more stringent regulations for Vacation Rental violations.

2. Urgency Ordinance No. 678 provided a 30-day window for property owners to register for a Vacation Rental license. That window closed on July 11, 2014. The moratorium no longer allows for registration of vacation rentals.

Ordinance No. 2015-03 establishes that Property Owners shall apply for a Vacation Rental permit for each property they wish to rent, as well as a Vacation Rental Business License to operate. There are currently only 52 properties registered under the moratorium.

Staff is seeking Council decision on whether the Moratorium prohibition on new Vacation Rental registrations should be removed or maintained? If the Moratorium prohibition maintains, only the 52 currently registered properties would be allowed to operate, and would be the only properties subject to the enforcement provisions in the Ordinance. Additionally, the decision on this aspect has ramifications on number three (3).

3. Urgency Ordinance No. 678 established a seven (7) day rental minimum for registered properties, and a thirty (30) day minimum for all others (prohibition on short-term rentals unless registered). The zoning overlay process will resolve length of stay later in 2015. However, until permanent resolution to length of minimum stay is adopted, the Moratorium length of stay needs discussion.

If the Moratorium on new registrations is lifted, it will allow for new registrations and result in more properties rented for a seven (7) day minimum. If the Moratorium prohibition on new registrations is maintained, then all new registrations will be declined. This would cause the enforcement provisions adopted in the Ordinance to only apply to the 52 currently registered Vacation Rentals. All other properties would require 30-day minimum stay and would not be subject to the enforcement provisions.

Council needs to direct whether the moratorium for minimum stay continues in place – maintaining a seven (7) day minimum for registered properties? This decision is in consideration of whether or not new properties are allowed to register. If Council allows new registrations, but maintains the Moratorium for minimum stay, then the City would be allowing seven (7) day Vacation Rentals.

FISCAL IMPACT:

Fee Assessment:

The Ordinance allows City Council to set, by resolution, the fee charged for issuance of Vacation Rental permits ("Permit"). Staff has begun analysis of the direct costs associated with issuance of the Permit. Preliminary estimates have the permit fee between \$140 and \$175 per property. Staff will finalize calculations and introduce a resolution to set the fee with the second reading of the Ordinance.

The Ordinance requires a first warning (as presented on January 22nd) stay posted on the front of a property for a sixty (60) period. The fine for removal of that warning within the sixty (60) day period is recommended at \$250. This amount matches the fine for violation of the revised Noise Ordinance No. 2015-01. The fine for violation is also established through resolution. If Council approves of the \$250 amount, it will be introduced with the second reading of Ordinance No. 2015-03.

Financial Estimates:

Council's decisions regarding continuance of the Moratorium, as detailed above, have varied financial impacts. The following two tables highlight estimates of revenues and expenditures. Table 1 lists financial estimates based on continuance of the Moratorium prohibition on new rentals. Table 2 shows estimates based on the removal of the prohibition of new rentals.

**Table 1
If Moratorium Restrictions are Maintained**

LINE ITEM REVENUES	Low	High
License Fee's Collected (52) existing properties	\$7,280	\$9,000
TOT Collection	\$37,000	\$71,000
Est. Revenues	\$44,280	\$80,000
<hr/>		
LINE ITEM EXPENSES	Low	High
Vacation Rental Compliance Consultant & Hotline	\$20,000	\$35,000
Marketing of New Rules	\$0	\$5,000
Code Enforcement (10% time)	\$13,000	\$13,000
Permit/License Issuance Staff Time (2.5% time)	\$2,700	\$2,700
Est. Expense	\$35,700	\$55,700
<hr/>		
Est. NET	\$8,580	\$24,300

**Table 2
If New Properties are Allowed to Register**

LINE ITEM EXPENSES	Low	High
Est. New Licenses (120 existing & new)	\$16,800	\$21,000
TOT Collection	\$84,000	\$165,000
Est. Revenues	\$100,800	\$186,000
<hr/>		
LINE ITEM EXPENSES	Low	High
Vacation Rental Compliance Consultant & Hotline	\$20,000	\$35,000
Marketing of New Rules	\$0	\$5,000
Code Enforcement (50% time)	\$54,000	\$62,500
Permit/License Issuance Staff Time (6% time)	\$6,200	\$6,200
Est. Expense	\$80,200	\$108,700
<hr/>		
Est. NET	\$20,600	\$77,300

All revenue estimates based on TOT collection averages from prior years. All expense estimates based on quoted consultant costs and fully loaded staffing costs as percentage of full-time equivalent.

Note: there are currently 163 Vacation Rentals listed on VRBO, considered the most widely used advertisement website for residential Vacation Rentals in Indian Wells. This number of rentals, based on historical annual average night's stay, average rental rate, and the 11.25% TOT rate, would generate as much as \$225,000 in TOT.

ATTACHMENTS:

1. Ordinance No. 2015-03
2. 17 Recommended Code Provisions for Enforcement

ORDINANCE BILL NO. 2015-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING CHAPTER 5.20 (TITLE 5 BUSINESS LICENSES AND REGULATIONS) OF THE INDIAN WELLS MUNICIPAL CODE, RELATING TO SHORT-TERM RESIDENTIAL RENTALS

WHEREAS, the City of Indian Wells ("City") has the authority under Article 11, Section 5 of the California Constitution and the City Charter to make and enforce all ordinances and regulations with respect to municipal affairs; and

WHEREAS, the City has the authority to regulate land uses and businesses operating within the City; and

WHEREAS, short-term rentals of private residences within the City are business ventures subject to the City's business licensing ordinance; and

WHEREAS, the City has authorized use of private residences for short-term rentals as a business consistent with the General Plan and Zoning Code; and

WHEREAS, short-term occupancies of private residences within the City are subject to the City's transient occupancy tax; and

WHEREAS, while the moratorium set forth in Urgency Ordinance No. 678 remains in full force and effect, except as superceded by amendments to Chapter 5.20 of the Indian Wells Municipal Code specifically set forth in this Ordinance which conflict with specific provisions of Ordinance No. 678; and

WHEREAS, the City wishes to enhance and maintain the residential character of its residential zones; and

WHEREAS, the City desires and intends to amend the Indian Wells Municipal Code to tighten and clarify provisions concerning short-term residential rentals, promote accurate collection of the transient occupancy tax, and enhance and maintain the residential character of its residential zones by providing regulations for short-term residential rentals within the City.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 5.20 of Title 5 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

**"Chapter 5.20
SHORT-TERM RESIDENTIAL RENTALS**

Sections:

- 5.20.010** Violation; nuisance; applicability.
- 5.20.020** Short-term residential rental, definitions.
- 5.20.030** Conditions of operation.
- 5.20.040** Business license.
- 5.20.050** Registration.
- 5.20.060** Personal availability.
- 5.20.070** Notice to occupants.
- 5.20.080** Transient occupancy tax.
- 5.20.090** Statement of occupancies.
- 5.20.100** Signs/Advertisement.
- 5.20.110** Noise.
- 5.20.120** Occupancy.
- 5.20.130** Maintenance of residential character.
- 5.20.140** Minimum duration of occupancy.
- 5.20.150** Parking.
- 5.20.160** ~~Suspension or~~ Revocation of Short-term Vacation Rental Permit and business license.
- 5.20.170** Administrative citation.

5.20.010 Violation; nuisance; applicability.

It is unlawful and a violation of this Chapter, and is hereby declared a public nuisance, for any person or entity owning, renting, leasing, occupying, or having charge, control or possession of any real or improved property within the City of Indian Wells to cause, permit, maintain or allow any violation of this Chapter to exist thereon. Any violation of this Chapter is punishable as a misdemeanor and/or as otherwise permitted by this Code. Each and every ~~day, or portion thereof, that a~~ violation of this Chapter that exists constitutes a separate and distinct violation as does each and every day, or portion thereof that any violation exists.

5.20.020 Short-term residential rental, definitions.

The following words and phrases, whenever used in this Chapter, shall have the meaning defined in this Section unless the context clearly requires otherwise:

"City" means the City of Indian Wells.

"Code" means the Indian Wells Municipal Code.

"Managing Agency or Agent" means a person, firm, or agency representing the Owner of the Short-term Residential Rental, or a person, firm, or agency owning or operating more than one Short-term Residential Rental.

"Owner" means any person or entity having fee-title ownership and/or appearing on the last equalized assessment roll of Riverside County showing controlling interest; ~~including any part owner and joint owner~~ of the Premises.

"Owner's Authorized Agent," or "Manager," or "Managing Agency" means an individual or business entity, or their representative, appointed by an Owner to solicit applications, execute agreements, or otherwise act on Owner's behalf in the rental of property as a Short-term Residential Rental.

"Premises" means the actual single-family house or other residential dwelling unit, including all of its improved real property, which is used as a Short-term Residential Rental.

"Short-term Residential Rental" means the rental of a residential dwelling unit by the Owner thereof to another party for a continuous period of less than thirty (30) days in the aggregate, in exchange for any form of monetary or non-monetary consideration such as but not limited to trade, fee, swap or any other in lieu of cash payment.

"Local Contact Person" means the person designated by the Owner, or Owner's authorized agent, who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (1) responding within forty-five (45) minutes to complaints regarding the condition, operation, or conduct of occupants of the Short-Term Residential Rental unit; and (2) taking any remedial action necessary to resolve any such complaints.

"Responsible Person" means the signatory of a short-term rental agreement for the use and occupancy of a short-term rental unit, who shall be an occupant of the subject short-term rental unit, and is legally responsible for ensuring that all occupants of the short-term rental unit, and/or their guests, comply with all applicable laws, rules and regulations pertaining to the use and occupancy of subject short-term rental unit, and who may be held liable for any violation of all applicable laws, rules and regulations set forth in this Chapter.

"Good Neighbor Brochure" means a document prepared by the City, as may be revised from time to time, that summarizes the general rules of conduct, consideration and respect pertaining to the use and occupancy of the short-term rental units.

"Transient Occupancy Tax" means the tax levied by the City in accordance with Chapter 3.12 of the Municipal Code. This tax is levied upon individuals or businesses engaged in the sale of sleeping accommodations to the public.

5.20.030 Conditions of operation.

(a) Pursuant to this Chapter and any other applicable provisions of this Code, Short-term Residential Rentals are permitted in the Very Low Density, Low Density, Medium Density, and Medium High Density residential zones of the City only if all the requirements of this Chapter are met.

(b) The requirements of this Chapter shall be met before a Short-term Residential Rental of a Premises is permitted.

5.20.040 Business license.

(a) Business License Required for Short-term Residential Rentals. The Short-term Residential Rental of any Premises in the City is deemed to be a "Business" as defined in Chapter 5.01 of this Code. It shall be unlawful for any person or entity, including without limitation the Owner of a Premises and Managing Agency or Agent, to engage in the business of Short-term Residential Rentals without both first obtaining and maintaining both a valid business license from the City pursuant to Chapter 5.01 of this Code for the purpose of operating any number of Short-term Residential Rentals and an operating permit for each property to be used as a Short-term Residential Rental. The business license or copy thereof shall be prominently displayed in a visible location at the Short-term Residential Rental Premises during any periods of occupancy thereof by any person other than the Owner(s) of the Premises. At no time shall the Short-term Residential Rental be used for activities such as weddings, receptions, and large parties attended by more than the occupants of the Short Term Residential Rental without first obtaining a Temporary Use Permit from the City, pursuant to Chapter 21.06 (Temporary Uses) of this Code.

(b) Upon or promptly following the City's issuance of a business license for purpose of conducting Short-term Residential Rentals on the Owner's Premises, and promptly upon any change in the information pertaining to the Local Contact Person for the Premises, the City shall send written notification of issuance of such license to property owners within two hundred feet (200') of the Premises, whose names are shown on the property tax assessment roll. Such notice shall include the name and related information of the Local Contact Person for the Premises. The fee payable by the Owner to the City to cover the costs of such notification shall be set forth by resolution of the City Council.

(c) Penalty for Violation. Failure to obtain and maintain a business license or continuing to operate a Short-term Residential Rental business after suspension or revocation of a business license, knowingly or intentionally misrepresenting to any officer or employee of this City any material fact in procuring a business license for Short-term Residential Rentals, or failing to pay the full amount of any business license tax when due, shall be punishable in accordance with the provisions of Section 5.01.0540 of this Code. An action against an Owner or any permittee of a business license for Short-term Residential Rentals who is in violation of any of the provisions of this Section may be

brought pursuant to Chapter 8.08 or Section 5.01.04~~50~~ of this Code, in addition to the business license suspension and revocation proceedings described Section 5.20.090.

5.20.050 Registration.

On a written form prepared by the Community Development Director of the City, the Owner shall register with the City as the point of contact for the Short-term Residential Rental Premises and shall be responsible for all requirements of this Chapter. However, such registration is deemed satisfied if accomplished by a Managing Agency or Agent on behalf of the Owner. The Owner of the Premises shall retain primary responsibility for all requirements of this Code related to Short-term Residential Rentals, notwithstanding registration by a Managing Agency or Agent. There shall be no subleasing of any Premises for short-term rental purposes; instead, only a rental agreement executed by the Owner shall be permitted for any Premises when used for Short-term Residential Rentals. A fee may be established by resolution of the City Council to cover ~~the reasonable~~ costs of processing the registration. Either the Owner of the Premises or a Managing Agency or Agent shall provide all of the following information to the City at the time of registration, and shall promptly upon change of any such information update such information to maintain accuracy:

- (a) Full legal name of the Owner of the Premises and if a business entity or trust, the individual who has responsibility to oversee its ownership of the Premises; and
- (b) Street and mailing addresses of the Owner of the Premises; and
- (c) Telephone number of the Owner of the Premises; and
- (d) Email address of the Owner of the Premises; and
- (e) Full legal name or business name of a Managing Agency or Agent, if any; and
- (f) Street and mailing addresses of a Managing Agency or Agent, if any; and
- (g) Telephone number of a Managing Agency or Agent, if any; and
- (h) Street and mailing addresses of the Short-term Residential Rental Premises; and
- (i) Telephone number of the Short-term Residential Rental Premises; and
- (j) List of all online websites used to advertise Premises for Short-term Vacation Rental along with all listing numbers; and
- (k) Full name and telephone number of 24 hour emergency Local Contact Person; and
- (l) Submit a Transit Occupancy Tax (TOT) registration fee as set by Resolution of the Indian Wells City Council; and
- (m) Submit a Short-term rental registration fee as set by Resolution of the Indian Wells City Council; and
- (n) Any other contact information the City may reasonably require; ~~and.~~

During the ongoing operation of the Short-term Residential Rental, the Owner or Managing Agency or Agent shall register the name and contact information for all responsible persons (as lessees) renting their Premises, through a City run online database, along with dates of stay, no later than forty-eight (48) hours prior to occupant arrival. The City shall have the authority to conduct random inspections of Premises to ensure compliance with provisions of this Chapter.

A current business license, TOT registration and Good Neighbor Brochure shall be hung and/or placed in a conspicuous location within the Premises at all times of the Short-term Residential Rental business operation. In addition, each Responsible Person for the Premises shall be provided with a copy of the City's Good Neighbor Brochure by the Owner or Managing Agency or Agent.

The Owner or Managing Agency or Agent shall provide language in their rental agreement allowing for immediate termination of the rental contract, and immediate eviction upon any violation of the Municipal Code by any occupant. The Responsible Person shall acknowledge understanding of all Indian Wells Short-term Residential Rental rules and their liability for any fines incurred by occupants.

5.20.060 Personal availability.

(a) For each Short-term Residential Rental, a Local Contact Person ~~Either the Owner or a Managing Agency or Contact~~ shall be available by telephone on a seven (7) day per week, twenty-four (24) hour per day basis to respond ~~via telephone~~ to public safety calls, nuisances, or other complaints regarding the use, condition, operation, or conduct of occupants on the Premises. ~~The Local Contact Person shall respond within 45 minutes to satisfactorily correct any alleged nuisance or violation of this Chapter by occupants occurring at the Premises. If the Local Contact Person does not respond within 45 minutes or does not satisfactorily correct the alleged nuisance or violation pertaining to the call, the Owner shall be subject to citation pursuant to Section 5.20.170 of this Code.~~

(b) Local Contact Person ~~Either the Owner or a Managing Agency or Contact~~ shall be physically present within the geographical limits of the City during the term of the Short-term Residential Rental or be otherwise physically available to respond by visiting the Premises in person, at the request of the City or the City's police authority, ~~within 45 minutes of contact concerning any alleged nuisance or violation of this Chapter.~~

5.20.070 Notice to occupants.

The Owner or ~~a~~ Managing Agency or Agent ~~or Contact~~ shall provide the Responsible Party Person ~~each occupant~~ of a Short-term Residential Rental with the following information prior to occupancy of the Premises and ~~be required to/or shall~~ post such information in a conspicuous place within the dwelling on the Premises:

(a) The name of the Owner or ~~the name of the~~ Managing Agency or Agent ~~or Contact if any~~, and a telephone number at which each may be reached on a seven (7) day per week, twenty-four (24) hour per day ~~a twenty-four hour (24)~~ basis; and

(b) Notification of the maximum number of overnight and daytime occupants ~~and the maximum number of daytime occupants~~ permitted on the Premises pursuant to this Chapter; and

(c) Notification of the City's noise standards, as provided in Chapter 9.06 of this Code, as may be amended from time to time; and

(d) Notification of the parking standards of this Chapter; and

(e) A copy of this Chapter of the Indian Wells Municipal Code, as may be amended from time to time; and

(f) Notification that an occupant may be cited or fined by the City, in addition to any other remedies available at law, for violating any provisions of this Chapter; and

(g) A copy of the "Good Neighbor Brochure"; and shall be given to the Responsible Person.

(h) Owner or Managing Agency or Agent shall keep on file a signed agreement acknowledging that the Responsible Person and occupants agree to the general rules summarized in the Good Neighbor Brochure and rental contract, including without limitation the immediate termination provision in the rental contract for any violation of the Municipal Code by any occupant.

5.20.080 Transient occupancy tax.

All Short-term Residential Rentals shall be subject to the City's Transient Occupancy Tax (TOT) as required by Chapter 3.12 of this Code. The Owner or Managing Agency or Agent shall remit TOT to the City, once per quarter, on or before March 31, June 30, September 30, and December 31 of each year, on a form prepared by the City or in a manner otherwise acceptable to the City.

5.20.090 Statement of occupancies.

~~Either~~The Owner or a Managing Agency or Agent shall register the name and contact information for all Responsible Persons renting their Premises, through a City run online database, along with dates of stay no later than forty-eight (48) hours prior to occupant arrival, submit to the City, once per quarter, on or before March 31, June 30, September 30, December 31 of each year on a form prepared by the City or in a manner otherwise acceptable to the City, a statement of occupancies The containing all of the following information shall be provided ~~(whether or not the Premises has actually been occupied during the respective quarter):~~

- (a) Dates of any Short-term Residential Rentals of the Premises; and
- (b) Number of persons staying on the Premises during each Short-term Residential Rental; and
- (c) ~~Consideration~~ Nightly rates collected for each Short-term Residential Rental; and
- ~~(d) Amount of Transient Occupancy Tax due and paid or payable to the City~~
- (d) Full name and telephone number of Responsible Person during each Short-term Residential Rental. The Responsible Person shall be at least thirty (30) years of age.

5.20.100 Signs/Advertisement.

No sign, as that term is defined in Section 17.04.030 of this Code, shall be posted on the Premises to advertise the availability of the Short-term Residential Rental unit to the public.

All advertisement, including online advertisement, shall include the following information:

- (a) The assigned short-term rental permit number; and
- (b) The number of occupants allowed to occupy the short-term rental. ~~and~~

Any sign or advertisement violations in violation of this Chapter shall be subject to a citation pursuant to Section 5.20.170 of this Code.

5.20.110 Noise.

It shall be unlawful for any owner, occupant, renter, lessee, person present upon, or person having charge or possession of the Premises to make or continue or cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area, or violates any provision of Chapter 9.06 (Noise) of this Code. For the purposes of determining whether a violation of this Section has occurred, the standards ~~of~~ set forth in Chapter Section 9.06.050 (a) and (b) of this Code shall apply. Fines for violation of the noise provisions in the Municipal Code, as applicable to Short-term Residential Rentals shall be those established pursuant to Section 5.20.170 of this Code

5.20.120 Occupancy.

The maximum overnight occupancy on the Premises of the Short-term Residential Rental, from the hours of 11:00 p.m. through 6:00 a.m. on the following morning, shall not exceed two (2) persons, ~~plus an additional be two (2) persons per bedroom with the an exception for children under the age of six who may additionally occupy the Premises, and no additional occupants on the Premises shall be permitted.~~ The maximum daytime occupancy on the Premises of the Short-term Residential Rental, from the hours of 6:00 a.m. through 11:00 p.m. on the same day, shall not exceed the maximum overnight occupancy, plus an additional one (1) person per bedroom. The Owner or Managing Agency or Agent shall only advertise available occupancy up to the maximum occupancy set forth above. consistent with this ordinance.

5.20.130 Maintenance of residential character.

The appearance of the Premises shall not conflict with the residential character of the neighborhood, either by the use of colors, materials, lighting, landscaping, window coverings or otherwise. All applicable development, design, and landscaping standards, including but not limited to Chapter 21 of this Code, are expressly made applicable to a Premises used for Short-term Residential Rentals.

5.20.140 Minimum duration of rental.

Upon the expiration of Ordinance No. 678 or any ordinance extending all or part of the moratorium thereunder, the duration of any lease or rental of Premises as a Short-term Residential Rental shall be for a minimum of three consecutive (3) nights days during which time there shall be no overlapping leases of or rental of the Premises. The Owner or Managing Agency or Agent shall not advertise availability of the Premises for rent for less than the minimum number of rental nights set forth above.

5.20.150 Parking.

During the term of any Short-term Residential Rental, a maximum of one (1) vehicle per bedroom shall be permitted for the Premises, and no additional vehicles shall be permitted. All vehicles of occupants of the Short Term Residential Rental shall be parked on the Premises only in an approved driveway or garage on the Premises.

5.20.160 ~~Suspension or~~ Revocation of Short-term Vacation Rental Permit and business license.

(a) Grounds for ~~Suspension or~~ Revocation. In addition to any other penalty authorized by law, a permit and business license for a Short-term Residential Rental ~~shall~~ may be ~~suspended or~~ revoked by the City if the Community Development Director finds, after notice to the licensee and opportunity to be heard, that the licensee or his or her agents or employees ~~has or have~~ violated, or failed to fulfill, the requirements of this Chapter or this Code.

The Community Development Director, or his designee, shall immediately revoke all rental permits from the Owner and Managing Agency or Agent upon five (5) violations of this Chapter pertaining to any combination of Premises owned by the Owner or managed by the Owner's Managing Agency or Agent within the City within any twelve (12) month period.

~~(1) Upon a finding by the Community Development Director of a first violation within any twelve (12) month period, the business license shall be suspended for thirty (30) days and during said time the Premises shall not be utilized for a Short-term Residential Rental.~~

~~(2) Upon a finding by the Community Development Director of a third violation within any twelve (12) month period, the business license shall be revoked and the Owner or the Managing Agency or Agent who had been issued the business license shall not again be issued a business license for Short-term Residential Rental for a period of twenty four (24) months and during said time the Premises shall not be utilized for a Short-term Residential Rental.~~

(b) Appeal from Denial or Suspension or Revocation of a Business License for Short-term Residential Rental. Any applicant for a business license for the Business of Short-term Residential Rentals whose application was denied by the Community Development Director, and any licensee whose business license for a Short-term Residential Rental is suspended or revoked by the Community Development Director, may, within ten (10) days following such decision, appeal such decision to the Planning Commission, in which event the decision of the Community Development Director shall be vacated and the Planning Commission shall determine whether to affirm, reverse, or modify the decision of the Community Development Director in accordance with the requirements for Short-term Residential Rentals set forth in this Chapter. At least fourteen (14) days prior to the Planning Commission's meeting to consider the appeal of

the applicant or licensee, the Community Development Director, City Clerk, or authorized designee, shall send, by United States mail, certified, return receipt requested, written notice to the applicant or licensee of the time and place at which the Planning Commission will consider the application, suspension or revocation, and the applicant or licensee shall be provided an opportunity to be heard by the Planning Commission prior to its decision being made. Subject to any appeal of the City Council as hereinafter permitted, the decision of the Planning Commission shall be final and the City Clerk shall notify the applicant or licensee, as applicable, in writing of the decision of the Planning Commission. If the Planning Commission affirms the decision of the Community Development Director denying an application or suspending or revoking a license, the applicant or licensee shall have the right to appeal the decision of the Planning Commission to the City Council in accordance with the provisions of Section 21.06.110 of this Code, as amended from time to time. The decision of the Planning Commission shall not be vacated during the pendency of any appeal to the City Council.

5.20.170 Administrative citation.

(a) The City, or the City's police authority, as that term is defined by Section 11.08.060 of this Code, may issue an administrative citation to any occupant, invitee, renter, lessee or Owner of the Premises, or Managing Agency or Agent, for a violation of any provision of this Chapter.

(b) All complaints against a Short-term Residential Rental for any violation of this Code may be handled by the City's police authority on a 24-hour basis. Any police report where the City's police authority has concluded that a violation of this Chapter has occurred, may be submitted to the City's Code Enforcement Department for review, ~~and~~ processing and issuance of an administrative citation. Each and every day, or portion thereof, that a violation of this Chapter exists constitutes a separate and distinct violation for which an administrative citation may be issued. Such an administrative citation shall be issued, notice given, and any appeals heard by the processes and in the manner prescribed by Sections 8.08.040 through 8.08.190 of this Code, as amended from time to time."

In addition or in the alternative, any violation of this Chapter shall constitute a misdemeanor which may be subject to the maximum punishment therefor as allowed by law.

Responsible Person:

The City may issue and the Responsible Person for Short-term Vacation Rentals may receive an administrative citation for any violation of the short-term rental ordinance, including without limitation violation of the City's noise ordinance, as follows:

1. First offense – Warning by City's police authority;

2. Second offense within any sixty (60) day period - \$500 fine;
3. Third and subsequent offenses within sixty (60) day period - \$1,000 fine.

Upon the first offense, the responding City's police authority will issue and post a notice of warning on the front door. The warning will be required to remain on the front door for sixty (60) days, notifying all occupants (current and future within said 60 days) that a second offense, or subsequent offenses, automatically result in citation(s) to the Owner, and Responsible Person of the Premises at that time. It is a violation of this Chapter to remove the warning within the sixty (60) day period, and the fine applicable to any citation issued for such violation shall be \$200 or as otherwise established by resolution of the City Council. .

Owner:

The City may issue and the Owner may receive an administrative citation for any violation of the Municipal Code, including without limitation the City's noise ordinance, by the Owner or Short Term Vacation Rental occupant as follows:

4. First offense - Warning by City's police authority;
5. Second offense within any twelve (12) month period - \$2,000 fine;
6. Third and subsequent offences within any twelve (12) month period - \$5,000 fine and revocation of the vacation rental permit for a period of twelve (12) months effective immediately;
7. Any offense occurring during any permit revocation period - \$5,000 fine."

SECTION 2. Ordinance No. 678. Ordinance No. 678, and any ordinance extending all or part of the moratorium set forth therein, shall remain in full force and effect except as superceded by amendments to Chapter 5.20 of the Code specifically set forth in this Ordinance which conflict with specific provisions of Ordinance No. 678 or any such successor ordinance.

SECTION 3. CEQA. This Ordinance does not commit the City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

SECTION 4. SEVERABILITY. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance, which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable. This Ordinance amends, adds to and deletes (as applicable) sections of the Indian Wells Municipal Code.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect and be in force 30 days after passage.

SECTION 6. PUBLICATION. The City Clerk is directed to publish this Ordinance within the manner and in the time prescribed by law.

PASSED APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on the 19th day of February 2015.

TY PEABODY
MAYOR

**STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF INDIAN WELLS)**

CERTIFICATION FOR ORDINANCE BILL NO. 2015-03

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance Bill No. 2015-03, having been regularly introduced at the meeting of February 5, 2015 was again introduced, the reading in full thereafter unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on this 19th day of February, 2015 and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES:
NOES:

and was thereafter on said day signed by the Mayor of said City of Indian Wells.

ATTEST:

APPROVED AS TO FORM:

**WADE G. MCKINNEY
CITY MANAGER/CITY CLERK**

**STEPHEN P. DEITSCH
CITY ATTORNEY**

17 Recommended Code Provisions for Enforcement:

1. Allow vacation rentals in Indian Wells only by fee-title property owners, or through an agent on behalf of a fee-title property owner.
2. Prohibit the subleasing of property for vacation rental purposes.
3. Require property owners to obtain a Short-term Rental Permit from the City for each property rented, and a business license for the owner and any managing agent – fee set by Council Resolution.
4. Require owners to provide an Emergency Contact required to respond to a nuisance complaint at a property within 45 minutes.
5. Require property owners to register renters through a City-run online database providing the name and contact information for the responsible party renting the property, along with dates of stay and number of occupants during stay. Must register at least forty-eight (48) hours prior to arrival.
6. Require each property to post a copy of the Rental Permit and City vacation rental rules in a conspicuous place, and provide each renter with a copy of the City's Good Neighbor Brochure (available at www.cityofindianwells.org/rentals).
7. Prohibit vacation rentals from activities such as weddings, receptions, and large parties without obtaining a Temporary Use Permit (TUP) from the City.
8. Require all rental agents representing properties on behalf of fee-title owners to register for, and maintain, a City Business License.
9. Require property owners to include language in their rental agreement allowing for immediate termination of the rental contract, and immediate eviction upon any violation of the Municipal Code by any occupant.
10. Require rental agreements to include responsible party acknowledgment of the Indian Wells Vacation Rental rules and their liability for any fines incurred by occupants.
11. Establish a two-tiered penalty for any violation of the Municipal Code for:
 - **Responsible Party for Vacation Rental** - may be cited with a misdemeanor fine upon any violation of the short-term rental ordinance, including violation of the noise ordinance, in the following manner:
 1. First Offense – Warning by Police or Code Enforcement;

2. Second Offense within any sixty (60) days of posting a notice of warning (see paragraph below) - \$500 misdemeanor citation;
3. Third and Subsequent Offenses within sixty (60) days of posting a notice of warning - \$1,000 misdemeanor citation.

Responding law enforcement will issue the First Offense warning by making contact with occupants and posting a Notice of Violation warning on the front door. The warning will be required to remain on the front door for sixty (60) days, notifying all occupants (current and future 60 days) that a Second Offense, or subsequent offenses, automatically results in citation to responsible person and property owner. Additionally, it will make it an automatic offense to remove the warning within the sixty (60) day period.

- **Property Owner** – will receive an administrative citation for any violation of the Municipal Code or noise ordinance by the owner or occupant in the following manner:
 1. First Offense - Warning by Police or Code Enforcement;
 2. Second Offense within any twelve (12) month period - \$2,000 administrative fine;
 3. Third Offense within any twelve (12) month period - \$5,000 administrative fine and revocation of the vacation rental permit for a period of twelve (12) months effective immediately;
 4. Any Offense during permit revocation period - \$5,000 misdemeanor violation for each offense and one additional year of permit revocation.
 5. All City fines get processed through a third-party vendor who sends violators to collections. Unpaid collections fines will be a mark reported to credit agencies. If non-payment persists after collections, a lien is recorded with the County and fines are collected through property tax bills.
- 12. Establish a multi-property ownership violation limitation of five (5) violations on any combination of owned properties within the City within any twelve (12) month period - upon five (5) violations, all owner Rental Permits will be revoked effective immediately.
- 13. Establish a multi-property agent violation limitation of five (5) violations on any combination of represented properties within the City within any twelve (12)

month period – upon five (5) violations, agent business license will be revoked immediately.

14. Require owners to remit quarterly Transient Occupancy Tax collected for vacation rentals.
15. Provide City authority to conduct random inspections of Vacation Rental properties to ensure compliance with provisions of the Vacation Rental code.
16. Require a permit number to be listed on all rental advertisements.
17. Create an administrative fine for any rental advertisement not in compliance with all vacation rental laws as established by City ordinance.

Policy Discussion Topics:

- **Neighbor Notification** – should property owners be required to notify all neighbors of intention to rent property short-term?
- **Age Restriction** – should the Responsible Party – person signing a rental agreement – be required to be a minimum age?
- **Occupancy Restriction** – should the current code of two occupants plus two per bedroom be reduced, or hard capped?
- **Parking Restriction** – should a City-wide parking restriction/permit program be created to prevent vacation renters from parking on the street?
- **Minimum Stay** – what should be the minimum stay in a vacation rental?

- 5A. Introduce Ordinance Amending Municipal Code Chapter 5.20 Regarding Short-Term Vacation Rentals, Provide Further Direction to Staff on Zoning Overlay for Establishing Minimum Stay Requirements, and Any Other Issues Related to Short-Term Vacation Rentals

Staff Report will be provided under separate cover Monday, February 2, 2015.

ORDINANCE BILL NO. 2015-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING CHAPTER 9.06 PERTAINING TO NOISE VIOLATIONS AND ENFORCEMENT

*as Revised - Intro Ordinance
& adopt this amended ordinance on 2-19-15*

WHEREAS, excessive, unnecessary or offensive noise within the City is detrimental to the public health, safety, welfare and the peace and quiet of the inhabitants of the City; and

changed time to 10 PM to 7 AM

WHEREAS, the establishment or clarification of maximum permissible noise levels will further the public health, safety, welfare and peace and quiet of City inhabitants.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 9.06.030(a) of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.030 Sound level measurement – General.

(a) Use of Sound Level Meter. Any noise level measurements made pursuant to the provisions of this Chapter shall be performed using a sound level meter as defined in Section 9.06.020. If the sound standard applied pursuant to this chapter is not measured in decibels, then sound level measurements are not required to establish a violation of this Chapter."

SECTION 2. Section 9.06.050(a) of Chapter 9.06 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.050 General noise regulations.

(a) General Prohibition. Notwithstanding any other provisions of this Chapter and in addition thereto, it is unlawful, between the hours of 10:00 p.m. and 7:00 a.m. (except for commercially licensed businesses on non-residentially zoned property which will be subject to this restriction from 10:00 p.m. to 7:00 a.m.) for any person to make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of ~~normal-sensitiveness residing in the area~~ ordinary sensibilities from any curb line, or behind the public right of way boundary, fronting the property from which the noise emanates."

SECTION 3. Section 9.06.051 is added to Chapter 9.06 of the Indian Wells Municipal Code to read in its entirety as follows:

"9.06.051 Declaration of certain acts constituting excessive noise.

The following activities are deemed to cause disturbing, excessive or offensive noises when they disturb the peace and quiet of any neighborhood or cause discomfort or annoyance to any reasonable person of ordinary sensibilities, and subject to the foregoing any of the following shall constitute prima facie evidence of a violation.

- A. Horns, signaling devices, muffler systems, car alarms, etc. intentionally or negligently initiated and unnecessary use or operation of horns, signaling devices, uncontrolled muffler noises, car alarms on vehicles of all types including motorcycles, and other equipment.
- B. The operation of any sound production or reproduction device, radio receiving set, musical instrument, drum, phonograph, television set, machine, loud speaker and or sound amplifier or similar machine or device in such a manner as to be plainly audible from any curb line, or behind the public right of way boundary, fronting the property from which the noise emanates, including without limitation emanating from any building, structure or vehicle in which it is located, or from the specific place on that property on which the source is resting, or moving at any one moment.
- C. The operation of any sound amplifier which is part of or connected to any radio, stereo receiver, compact disc player, cassette tape player, audible generating device or other similar device when operated in such a manner as to be plainly audible from any curb line, or behind the public right of way boundary, fronting the property from which the noise emanates, or ~~of~~ from the specific place on which the source is resting, or moving at any one moment, or when operated in such a manner as to cause a person to be aware of vibration at any distance from the specific place on which the source is resting, or moving at any one moment.
- D. The playing, use or operation of, or permitting to be played, used or operated, any sound production or reproduction device, radio receiving set, musical instrument, drums, phonograph, television set, loudspeakers and/or sound amplifiers or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of any reasonable person of normal sensitiveness not located on the property or the public right of way on which the source of the noise is located."

SECTION 4. Section 9.06.075 is added to Chapter 9.06 of the Indian Wells Municipal Code to read in its entirety as follows:

"9.06.075 Duty to cooperate.

No person shall refuse to cooperate with, or obstruct, any authorized person charged with the enforcement of this Chapter when such authorized person is engaged in the performance of his/her duties."

SECTION 5. Section 9.06.080 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.080 Violations – Penalty.

Any person violating any of the provisions of this chapter is guilty of an infraction and shall be subject to the maximum punishment set forth in State Law or applicable City Code Section 8.08.060, provided that the first citation shall be a fine of \$250 and each subsequent citation shall be a fine of \$500. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. The provisions of this Chapter shall not be construed as permitting conduct not proscribed herein and shall not affect the enforceability of any other applicable provisions of law."

SECTION 6. Severability. If any provision, clause, sentence or paragraph of this Ordinance, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 7. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after passage.

SECTION 8. Publication. The City Clerk is directed to publish this Ordinance, or a summary thereof, in the manner and in the time required by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting of the City Council held on 5th day of February, 2015.

**TY PEABODY
MAYOR**

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)ss.
CITY OF INDIAN WELLS)

CERTIFICATION FOR ORDINANCE BILL NO. 2015-01

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance Bill No. 2015-01, having been regularly introduced at the meeting of January 22, 2015, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at an adjourned regular meeting of the City Council held on this 5th day of February, 2015, and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES:
NOES:

and was thereafter on said day signed by the Mayor of the City of Indian Wells

ATTEST:

APPROVED AS TO FORM:

WADE G. MCKINNEY
CITY MANAGER/CITY CLERK

STEPHEN P. DEITSCH
CITY ATTORNEY

We, the residents of Indian Wells, support a 29-night minimum stay for vacation rentals in the non-gated, non-HOA region of Indian Wells.

Name	Address	Phone Number	Signature
H. LE MANSÉC	75570 Mary Lane	760 363 1416	<i>H. Le Manséc</i>
Cynthia Diaz	75235 Purple Hills	760 518 8165	<i>Cynthia Diaz</i>
Kurt Conroy	75250 Fairway	949 800 2433	<i>Kurt Conroy</i>
Cathe + Chip Dyer	45711 Indian Wells Lane	970 270 7898	<i>Cathe Dyer</i>
Josko Kov	75231 Rancho Desert	760 466 3799	<i>Josko Kov</i>
Judy Seuro	75-465 Montecito	760-562-3774	<i>Judy Seuro</i>
Wilford Swann	75 288 Palm Shadow	567-7221	<i>Wilford Swann</i>
Jane Stewart	75 288 Palm Shadow	346-6245	<i>Jane Stewart</i>
John Landa	75-284 Skyline Tr	30 913 5913	<i>John Landa</i>
Mark McDwan	76070 Via Chianti 1W	760 340 3337	<i>Mark McDwan</i>
Jillan Royer	75-465 Stardust Lane	760-316-3553	<i>Jillan Royer</i>
Paul + Jane Ramondi	75387 Stardust Ln	760-610-2426	<i>Paul + Jane Ramondi</i>
Don + Marie	75437 Montecito		<i>Don + Marie</i>
Michael Seuro	75465 Montecito	760 408 6418	<i>Michael Seuro</i>
Judy Seuro	75465 Montecito	760-415-2031	<i>Judy Seuro</i>
Rick Hofed	75289 Palm Shadow	415 994 9902	<i>Rick Hofed</i>
Peter Huckle	75451 Palm Shadow	206 883 5559	<i>Peter Huckle</i>
Carol Huckle	75451 " "	" "	<i>Carol Huckle</i>
Michael W. Clark	75475 Desert Park Dr.	(760) 346-1025	<i>Michael W. Clark</i>
Richard A. Coste	" " " "	" "	<i>Richard A. Coste</i>
John R. Burton	75270 Desert Park Dr.	951 712	<i>John R. Burton</i>
Ana C. White	75452 Desert Park Dr.		<i>Ana C. White</i>
James Tower	75403 Desert Park Dr.		<i>James Tower</i>
Don Mead	75340 " " "	" "	<i>Don Mead</i>
Green Kent Mead	75-340 Desert Park Dr 1W		<i>Green Kent Mead</i>

We, the residents of Indian Wells, support a 29-night minimum stay for vacation rentals in the non-gated, non-HOA region of Indian Wells.

Name	Address	Phone Number	Signature
John Schwarlowe	75309 Desert Park	760-340-1494	
Tom & Donna Lee	75391 Skylark trail	925-240-6008	
Jim & Kathy Howe	45600 Carlisle	760-610-2839	
Tom McPherson	75555 Mary Ln	562-889-5844	
Rebecca Andelson	75545 Mary Ln	760-861-3742	
Michael Andelson	75545 MARY LN	760-409-4917	
Richard E. Cottrell	45555 Camino Del Rey	760-973-9551	
Gene Vesic	75200 Palm Shadow Dr	760-898-6910	
Danuta Pejoni	75474 Palm Shadow Dr		

Anna Grandys

**To Council
02-05-15**

Subject: FW: Concerning short term rentals

From: David Gassaway
Sent: Thursday, February 05, 2015 12:55 PM
To: Anna Grandys
Subject: FW: Concerning short term rentals

This resident called me and asked this be put in the record as she is unable to attend the meeting today.

From: Lunddl [<mailto:lunddl@aol.com>]
Sent: Thursday, February 05, 2015 12:33 PM
To: David Gassaway
Subject: Concerning short term rentals

Dear City Council members,

This letter is to inform you that we are in favor of short term rentals and oppose placing limits on how long the home owner can rent out their property for the following reasons: We purchased our condo with the idea that we could rent it on occasion to allow us to be able to afford our home in the desert. We rent mostly to seniors who are so quite our neighbors have told us they do not even know someone is staying there. With the rent we receive we are able to maintain our home and offset some of the monthly expenses. We believe that it still looks better than other homes in the same area. We do not use real estate agents to rent our home and we carefully select who is coming into the home, and many of our friends rent from us. Right now, we pay the city tax of 11.25% on any rentals less than 30 days, and we are just barely making enough to keep our property. If we are not allowed short term rentals we will we will likely have to sell our home in the desert as we will not be able to afford it. How can you punish everyone for a very few who have made bad choices in renters? We believe that you should fine the people who are renting to bad tenants since it is not necessary to rent to people who are disturbing their neighbors. If you interview people and check them out before renting to them chances are very good that you can find out if they are going to be good people.

We have too much government control in our lives as it is, and people are feeling like the government is not on their side, so please show us it is different this time, and punish the bad landlords and not the good ones who need the income to survive.

If anything you might put a limit on the number of short term rentals to be no more than 12 annually, which would allow those of us who only have one or two rentals to survive. Also, February should be considered a 30 day month, since rentals are normally by the month.

Thank you for your consideration in this very important matter,

Dwayne & Mary Lund
Owners of 46835 Mountain Cove
Indian Wells, 92210
lunddl@aol.com

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We, the residents of Indian Wells, support a 29-night minimum stay for vacation rentals in the non-gated, non-HOA region of Indian Wells.

Name	Address	Phone Number	Signature
John Schwarlowe	75304 Desert Park	760-340-1494	
Tom & Donna Lee	75391 Skylark trail	925-240-6008	
Jim & Kathy Howe	45600 C. Blvd	760-610-2839	
Tom McPhay	75555 Mary Ln	562-889-5844	
Rebecca Andelson	75545 Mary Ln	760-861-3742	
Michael Andelson	75545 MARY LN	760-409-4917	
Richard E. Cottrell	45525 Camino Del Rey	760-773-9551	
Gene Vasic	75200 Palm Shadow Dr	760-898-6910	
Dariusz Pejoni	75474 Palm Shadow Dr		

At Dais, Item SA

Search by property number, keyword, or destination

Arrival Depart Search

I don't have dates yet

Rate: Any Sleeps: Any Bedrooms: Any Booking: Edit All filters: Add+ List



11/11/2015

Search by property number, keyword, or destination

Arrival

Depart

Search

I don't have dates yet

Rate: Any

Sleeps: Any

Bedrooms: Any

Booking: Edit

All filters: Add+

List

Map



Feedback

Map · Report a map error

From: Larry Bear Bonafide (larrybonafide@indianwells.com)
 Subject: Short Term Rental Policy Proposal
 Date: February 2, 2015 at 7:22 PM
 To: tpeabody@indianwells.com, dreed@indianwells.com, tmertens@indianwells.com, rbalocco@indianwells.com, dhanson@indianwells.com
 Cc: wmckinney@indianwells.com, City of Indian Wells (dgallegos@indianwells.com), Warren Morelion (wmorelion@indianwells.com), Stephen P Deitsch (stephen.deitsch@indianwells.com)

Honorable Mayor and Members of the Indian Wells City Council,

With the pending passage of stronger ordinances covering residential noise, occupancy and parking limits, along with the 17 + 4 short term rental regulations agreed to at the last Council Meeting, the City is well on its way to putting in place a plan that will contribute to preserving the exceptional quality of life we enjoy in Indian Wells.

"Minimum Stay Requirements", which is scheduled to be addressed at the February 5, 2015 Council Meeting, is by far the most controversial of all of the short term rental regulations. I respectfully ask that you consider adopting the following proposals:

ORDINANCE AMENDING MUNICIPAL CODE CHAPTER 5.20 REGARDING SHORT-TERM VACATION RENTALS "MINIMUM STAY REQUIREMENTS"

- Ø Any registered Indian Wells property owner may rent all or part of their single family residence, *hosted or not hosted*, as follows:
 - 1) No more than one rental contract/agreement per residence during any consecutive thirty (30) day time frame.
 - 2) The **Minimum Stay Requirements** of the rental contract /agreement must be at least seven (7) days.
 - 3) Exceptions:
 - § A legal registered Home Owners Association that has a different length of **Minimum Stay Requirements** specifically defined in it's CC& R's or other HOA covenant would be exempt.
 - § The City Council creates and approves, at it's discretion, a specific special area zoning exemption to the **Minimum Stay Requirements**.

PROPOSAL RATIONALE

- Ø Provides for a fair and balanced short term rental ordinance for all residential property owners.
- Ø Makes available some local controls of **Minimum Stay Requirements** by Homeowners Associations.
 - o Home Owners Associations would have the option to strengthen or weaken their **Minimum Stay Requirements** to suit their needs as follows:
 - o Choose to abide by the City's **Minimum Stay Requirements** Code/Ordinance and/or amend the provisions of their HOA's - CC&R's.
 - § Note: should a HOA deviate their standards from the City's **Minimum Stay Requirements**, said HOA would be responsible for enforcement of those standards and administration of any punitive penalties they have agreed to.

- o The City would not be responsible for and/or join in any enforcement of deviated standards and administration of any punitive penalties.

TYPES OF RENTALS THAT WOULD BE SUBJECT TO MUNICIPAL CODE CHAPTER 5.20 REGARDING SHORT-TERM VACATION RENTALS:

Because of the following property type descriptions, having a “one size fits all” **Minimum Stay Requirements** would be very complicated and most likely very unfair to those homeowners that are not a part of a Home Owners Association.

- Ø Un-Hosted Single Family Home = owner and/or other custodian not present on the property during the term of the rental.
 - o i.e. VRBO - <http://www.vrbo.com/vacation-rentals/usa/california/deserts/indian-wells>
- Ø Hosted room only rentals in a single family home = owner and/or other custodian is present on the property during the term of the rental.
 - o i.e. airbnb - https://www.airbnb.com/s/Indian-Wells--CA--United-States?checkin=03%2F03%2F2015&checkout=03%2F10%2F2015&guests=4&source=bb&ss_id=0ptippm2
 - § There don't appear to be any short term hosted rental ads on airbnb for Indian Wells at this time, but it is likely given how much the concept is growing, as are our local major events such as the Tennis tournament, Coachella, Stagecoach, etc.
 - o There have been several recent City Council decisions in other Cities that have taken this phenomena on and strengthened their codes where as the number of available hosted short term rentals (rooms) approach or exceed the number of hotel rooms in the City. San Francisco is one example that has been in the news recently.

TYPES OF RESIDENCES THAT ARE AND WOULD BE SUBJECT TO MUNICIPAL CODE CHAPTER 5.20 REGARDING SHORT-TERM VACATION RENTALS

- Ø All single family Residences within the City Limits should be covered by a universal short term rental municipal ordinance's frequency of rental per 30 day period and “**Minimum Stay Requirements**”.
 - ü Single Family Residences *in un-gated areas with no* Home Owners Association affiliation
 - ü Single Family Residences *in un-gated areas with a* Home Owners Association affiliation
 - ü Single Family Residences *in gated areas with no* Home Owners Association affiliation
 - ü Single Family Residences *in gated areas with a* Home Owners Association affiliation
 - ü HOA's with and without frequency of rental per 30 day period and “**Minimum Stay Requirements**” covenants in their CC & R's

**ENFORCEMENT OF INFRACTIONS OF THE PROPOSED MUNICIPAL CODE CHAPTER
5.20 REGARDING SHORT-TERM VACATION RENTALS**

- Ø Residences that are represented by an HOA and/or CC & R's:
 - When an HOA's CC & R's and/or covenants are silent on **Minimum Stay Requirements** and/or frequency of rental per consecutive 30 day period, said HOA would have the option to either defer to the City's ordinance or adopt their own **Minimum Stay Requirements**.
 - § If an HOA and/or Association decides to stay silent on **Minimum Stay Requirements** and/or frequency of rentals per 30 days standard, the City may be called on to enforce the City's Municipal Code standards.
 - § Should the HOA and/or Association option for **Minimum Stay Requirements** that deviate from the City's Municipal Code, that Association would have to enforce their own policy and administer any and all penalties without help from the City.
- Ø Residences inside or outside of a gated community that are not represented by an HOA and/or Association would subject to all of the City's Short Term Rental conditions and penalties for infractions.

I submit that issue under consideration is as much the frequency of rentals per 30 day period as it is the **Minimum Stay Requirements**.

Thank you for considering this proposal and I look forward to discussion of this matter at the next council meeting under Item 5 – Ordinances For Introduction.

Respectfully,

Larry "Bear" Bonafide

CC/HA ACTION _____ MTG. DATE: 2-5-15
 APPROVED DENIED _____ REC/FILE _____ CONT. _____
 OTHER _____
 VOTE: YES 5 NO 0 ABSTAIN _____

Indian Wells City Council

February 5, 2015

Coachella Valley Conservation Commission

Approve Agreement for Public Sale of Tax Default Property to Coachella Valley Conservation Commission

RECOMMENDED ACTIONS:

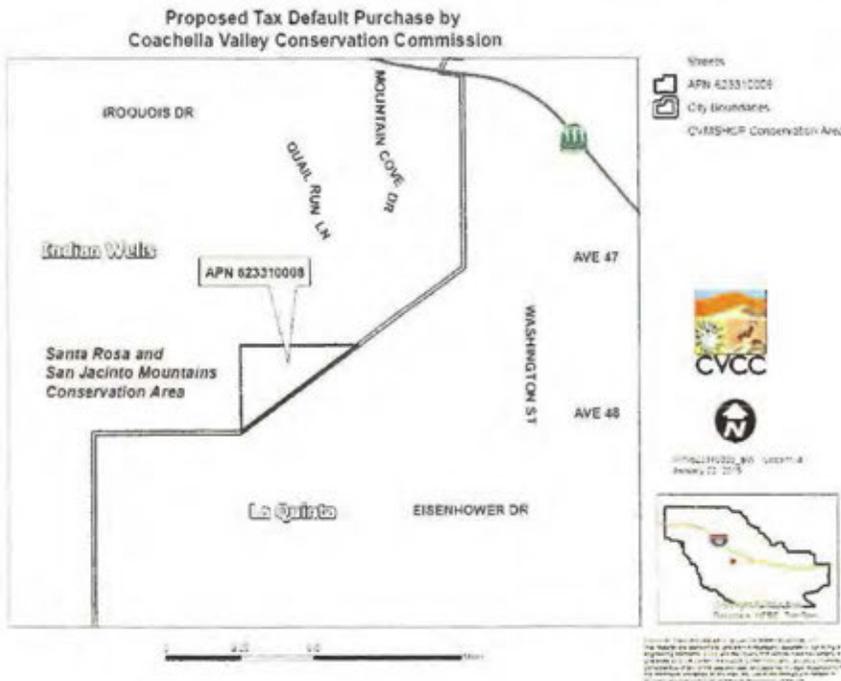
Council **APPROVES** Agreement 4398 for the Public Sale of Tax Default Assessor's Parcel Number 623-310-008 from the Riverside County Treasurer-Tax Collector to the Coachella Valley Conservation Commission (CVCC); and

AUTHORIZE and **DIRECT** the Mayor to execute same.

DISCUSSION:

The Coachella Valley Conservation Commission (CVCC) routinely purchases land available through tax defaults, such as the subject parcel, within Conservation Areas of the Coachella Valley Multiple Species Habitat Conservation Plan.

The Riverside County Treasurer-Tax Collector publishes a list of tax-default parcels annually which can be pursued for acquisition through a chapter 8 tax sale. CVCC has applied for and objected to the public sale of Assessor's Parcel Number (APN) 623-310-008 located in the mountains above and within the City of Indian Wells. The parcel is mountainous and essentially undevelopable.



In compliance with Section 3793.1 (a) of the California Revenue and Taxation Code, CVCC is required to pay for all costs of the sale, including a legal notice

published in the Press Enterprise newspaper as per Attachment A. A notice of tax default has been mailed to the landowner and the parcel has been in default since 2005. The landowner has not redeemed the parcel to date. Therefore the Riverside County Tax Collector has decided to move forward with the Notice of Default and sale to the CVCC. The purchase of this parcel was approved by the CVCC at their February 2014 meeting.

Since this parcel is located within the City of Indian Wells, a signature from the city is required by the Riverside County Tax Collector in order to move forward and complete this tax default acquisition agreement.

FISCAL IMPACT:

The City of Indian Wells will not incur any costs for this transaction. The CVCC will hold title to and manage the property.

ATTACHMENT:

1. CVCC Agreement 4398

AGREEMENT TO PURCHASE TAX-DEFAULTED PROPERTY

This Agreement, **4398**, is made this ___ day of _____, 20___, by and between the Board of Supervisors of Riverside County State of California, and the Coachella Valley Conservation Commission ("PURCHASER"), pursuant to the provisions of Division 1, Part 6, Chapter 8, of the Revenue and Taxation Code.

On **October 24, 2013** the Coachella Valley Conservation Commission applied to purchase the subject properties (Exhibit "A").

The real property situated within said County, hereinafter set forth and described in Exhibit "B" attached hereto and made a part hereof, is tax-defaulted and is subject to the Power of Sale by the Tax Collector (Exhibit: "C") of said County for the nonpayment of taxes, pursuant to provisions of law.

A certified copy of the Resolution authorizing the purchase of the property by Coachella Valley Conservation Commission is attached as (Exhibit "D").

It is mutually agreed as follows:

- 1 That, as provided by Section 3800 of the Revenue and Taxation Code, the cost of giving notice of this Agreement shall be paid by the PURCHASER, and
- 2 That the PURCHASER agrees to pay the sum of **\$527,564.31** for the real property described in (Exhibit "B") within **fourteen (14)** days after the date this Agreement becomes effective. Upon payment of said sum to the Tax Collector, the Tax Collector shall execute and deliver a deed conveying title of said property to PURCHASER
- 3 That the PURCHASER agrees to use the parcels(s) for public purpose under the following intent: Preservation of open space and conservation of habitat under the CVMSHCP (Coachella Valley Multiple Species Habitat Conservation Plan).
4. That, if said purchaser is a taxing agency as defined in Revenue and Taxation Code, or any other agency that receives its revenue share under the provisions of Division 1, Part 8, Chapter 3 of the Revenue and Taxation Code, it will not share in the distribution of the payment required by the Agreement as defended by section 3791 and section 3720 of the Revenue and Taxation Code.
- 5 If the intended schedule and effective date of agreement is delayed, the Purchaser and the Board of Supervisors will renegotiate the increase of the purchase price amount: accordingly

If all or any portion of any individual parcel described in this agreement is redeemed prior to the effective date of this agreement, this agreement shall be null and void as to that individual parcel. This agreement shall also become null and void and the right of redemption restored upon the PURCHASER'S failure to comply with the terms and condition of this Agreement

AGREEMENT 4398
COACHELLA VALLEY CONSERVATION COMMISSION

The undersigned hereby agree to the terms and conditions of this Agreement and are duly authorized to sign for said agencies.

This document is being executed in counterpart, each of which constitutes an original.

ATTEST:

COACHELLA VALLEY CONSERVATION COMMISSION
(Purchaser)

(Seal)

By _____
(Signature and Title)

(Print)

ATTEST:

KECIA HAPER-IHEM
Clerk to the Board of Supervisors

By _____
Deputy

(Seal)

BOARD OF SUPERVISORS

By _____
Chairman of the Board of Supervisors

AGREEMENT 4398
COACHELLA VALLEY CONSERVATION COMMISSION

EXHIBIT "A"

PURCHASE APPLICATION

CHAPTER 7 FORM 11 DATED – N/A

CHAPTER 7 PUBLICATION – N/A

**AGREEMENT 4398
COACHELLA VALLEY CONSERVATION COMMISSION**

EXHIBIT A

Application to Purchase Tax-Defaulted Property from County

This application is to be completed by eligible purchasing entities to commence purchase of tax-defaulted property by agreement sale from the county under applicable provisions of the California Revenue and Taxation Code. Complete the following sections and supply supporting documentation accordingly. Completion of this application does not guarantee purchase approval.

A. Purchaser Information

1. Name of Organization: Coachella Valley Conservation Commission
2. Corporate Structure - check the appropriate box below and provide corresponding information:
 - Nonprofit Organization - provide Articles of Incorporation
 - Public Agency - provide Mission Statement (If redevelopment agency or special district, include agency survey map.)

B. Purchasing Information

Determine which category the parcel falls under and check the appropriate box as it relates to the purchasing entity's corporate structure and the intended use of the parcel. (Note: From the six choices, check only one box.)

Category A: Parcel is currently scheduled for a Chapter 7 tax sale

- Purchase by tax agency or revenue district to preserve its lien
- Purchase by tax agency, revenue or special district, or redevelopment agency for public purpose
- Purchase by nonprofit to use parcel(s) for low-income housing purpose or to preserve open space

Category B: Parcel is not currently scheduled for a Chapter 7 tax sale

- Purchase by taxing agency for public purpose
- Purchase by State, county, revenue or special district or redevelopment agency for public purpose
- Purchase by nonprofit to use parcel(s) for low-income housing purpose or to preserve open space

C. Property Detail

Provide the following information. If more space is needed, exhibits may be attached.

1. County where the parcel(s) is located: Riverside County
2. Assessor's Parcel Number (for each parcel): See attached parcel list: EXHIBIT A
3. Purpose and intended use (for each parcel): Preserve open space and conserve habitat under the Coachella Valley Multiple Species Habitat Conservation Plan.

D. Acknowledgement Detail

Provide the signature of the purchasing entity's authorized officer.



Authorizing Signature

Executive Director

Title

10/24/13

Date

EXHIBIT A

The land referred to herein is located in the State of California, County of Riverside, described as follows:

<u>APN</u>	<u>Parcel Legal Description</u>	<u>Purchase Price</u>	<u>Purpose and Intended Use</u>
516120055	3.80 ACRES M/L IN POR NE 1/4 OF SEC 12 T3S R3E	\$6,354.07	Preservation of open space and conservation of habitat under the CVMSHCP.
623310008	36.32 ACRES M/L IN POR SE 1/4 OF SEC 25 T5S R6E	\$7,045.43	Preservation of open space and conservation of habitat under the CVMSHCP.
Received 1047030004	42.94 ACRES IN POR NW 1/4 OF SEC 19 T3S R6E	\$10,063.64	Preservation of open space and conservation of habitat under the CVMSHCP.
Received 1648170021	2.20 ACRES IN PAR 3 RS 024/039	\$32,758.34	Preservation of open space and conservation of habitat under the CVMSHCP.
659170006	5.00 ACRES IN POR NE 1/4 OF SEC 24 T3S R5E	\$13,150.49	Preservation of open space and conservation of habitat under the CVMSHCP.
Received 1660260004	5.00 ACRES IN POR SW 1/4 OF SEC 28 T3S R5E	\$3,811.06	Preservation of open space and conservation of habitat under the CVMSHCP.
661020001	160.00 ACRES IN POR NW 1/4 OF SEC 22 T2S R4E	\$472,244.42	Preservation of open space and conservation of habitat under the CVMSHCP.
664060030	.51 ACRES M/L IN POR PAR 4 RS 030/037	\$7,675.90	Preservation of open space and conservation of habitat under the CVMSHCP.
707120011	40.00 ACRES IN POR SW 1/4 OF SEC 19 T4S R9E	\$4,517.61	Preservation of open space and conservation of habitat under the CVMSHCP.
Received 1709440034	40.00 ACRES IN POR NW 1/4 OF SEC 35 T6S R13E	\$2,609.80	Preservation of open space and conservation of habitat under the CVMSHCP.
715150012	25.52 ACRES IN POR SW 1/4 OF SEC 7 T6S R11E	\$2,775.80	Preservation of open space and conservation of habitat under the CVMSHCP.
Received 175271005	92.64 ACRES M/L IN POR SEC 16 T6S R11E	\$4,831.41	Preservation of open space and conservation of habitat under the CVMSHCP.
727260011	5.00 ACRES IN POR SE 1/4 OF SEC 18 T7S R9E	\$8,042.67	Preservation of open space and conservation of habitat under the CVMSHCP.
727260012	5.00 ACRES IN POR SE 1/4 OF SEC 18 T7S R9E	\$11,567.71	Preservation of open space and conservation of habitat under the CVMSHCP.
733090003	15.21 ACRES IN PARS 10, 11, 12 & 13 RS 037/085	\$5,757.92	Preservation of open space and conservation of habitat under the CVMSHCP.

JON CHRISTENSEN
ASSISTANT TREASURER-TAX COLLECTOR
SUE BAUER
SR. CHIEF DEPUTY TREASURER-TAX COLLECTOR
DEBBIE BASHE
INFORMATION TECHNOLOGY OFFICER II
GIOVANE PIZANO
INVESTMENT MANAGER



DON KENT
TREASURER

GARY COTTERILL
CHIEF DEPUTY TREASURER-TAX COLLECTOR
MATT JENNINGS
CHIEF DEPUTY TREASURER-TAX COLLECTOR
MELISSA JOHNSON
CHIEF DEPUTY TREASURER-TAX COLLECTOR
ADRIANNA GOMEZ
ADMINISTRATIVE SERVICES MANAGER I

RE: Coachella Valley Conservation Commission
Agreement Number: 4398

The parcel numbers listed below are not part of a publication because they have not been on a tax sale.

516120055-1
661020001-4
715150012-0

623310008-9
664060030-5
727260011-6

659170006-6
707120011-7
733090003-9

EXHIBIT A - PAGE 4

EXHIBIT "B"
LEGAL DESCRIPTION
MAPS

AGREEMENT 4398
COACHELLA VALLEY CONSERVATION COMMISSION

EXHIBIT B

PARCEL 1

OUTSIDE THE CITY

Parcel Number: 516120055-1
First Year Delinquent: 2007-2008
Purchase Price: \$6,354.07

Assessment Number: 516120055-1
Default Number: 2008-516120055-0000
TRA: 055-036

Situs Address: NONE

Last Assessed To: NILAKOUT, BOB

Legal Description .

THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 3 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

EXCEPTING THEREFROM THE SOUTHERLY 158.68 FEET OF SAID EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 3 EAST, SAN BERNARDINO BASE AND MERIDIAN

PARCEL 2

IN THE CITY OF INDIAN WELLS

Parcel Number: 623310008-9
First Year Delinquent: 2007-2008
Purchase Price: \$7,045.43

Assessment Number: 623310008-9
Default Number: 2008-623310008-0000
TRA: 016-000

Situs Address: NONE

Last Assessed To: IVANHOE LA QUINTA COVE

Legal Description....

THOSE PORTIONS OF GOVERNMENT LOTS 9 & 10, IN FRACTIONAL SECTION 25, TOWNSHIP 5 SOUTH, RANGE 6 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF INDIAN WELLS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, LYING NORTHWESTERLY OF THE CITY OF INDIAN WELLS AND LA QUINTA CITY LIMITS BOUNDARY LINE.

PARCEL 3

OUTSIDE THE CITY

Parcel Number: 659170006-6
First Year Delinquent: 2007-2008
Purchase Price: \$13,150.49

Assessment Number: 659170006-6
Default Number: 2008-659170006-0000
TRA: 061-052

Situs Address: NONE

Last Assessed to: PACE, MARGARET

Legal Description. .

THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF

AGREEMENT 4398
COACHELLA VALLEY CONSERVATION COMMISSION

PARCEL 4

IN THE CITY OF DESERT HOT SPRINGS

Parcel Number: 661020001-4
First Year Delinquent: 2007-2008
Purchase Price: \$472,244.42

Assessment Number: 661020001-4
Default Number: 2008-661020001-0000
TRA: 014-067

Situs Address: NONE

Last Assessed to: FIRENZA HOLDINGS & BELTULA INV & NIMROD INV

Legal Description.

THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF

PARCEL 5

IN THE CITY OF DESERT HOT SPRINGS

Parcel Number: 664060030-5
First Year Delinquent: 2007-2008
Purchase Price: \$7,675.90

Assessment Number: 664060030-5
Default Number: 2008-664060030-0000
TRA: 014-066

Situs Address: NONE

Last Assessed to: SUCU, JACKLINA M

Legal Description ..

PORTION OF PARCEL 4 OF RECORDS OF SURVEY, AS SHOWN BY MAP ON FILE IN BOOK 30, PAGE 37 OF RECORDS OF SURVEY, RECORDS OF RIVERSIDE COUNTY LYING NORTHEAST OF THE FOLLOWING DESCRIBED LINE;

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL 4, THENCE SOUTH 31°24'37" EAST, 320.70 FEET TO A POINT IN THE EAST LINE OF SAID PARCEL 4

PARCEL 6

OUTSIDE THE CITY

Parcel Number: 707120011-7
First Year Delinquent: 2007-2008
Purchase Price: \$4,517.61

Assessment Number: 707120011-7
Default Number: 2008-707120011-0000
TRA: 058-002

Situs Address: NONE

Last Assessed to: N R L L EAST

Legal Description. .

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 9 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

AGREEMENT 4398
COACHELLA VALLEY CONSERVATION COMMISSION

PARCEL 7

OUTSIDE THE CITY

Parcel Number: 715150012-0
First Year Delinquent: 2007-2008
Purchase Price \$2,775.80

Assessment Number: 715150012-0
Default Number: 2008-715150012-0000
TRA 058-002

Situs Address: NONE

Last Assessed to: COLLINS, ALLEN & COLLINS, FLORENCE A

Legal Description ...

GOVERNMENT LOT 9, FRACTIONAL SECTION 7, TOWNSHIP 6 SOUTH, RANGE 11 EAST, SAN BERNARDINO BASE AND MERIDIAN. EXCEPT A RIGHT OF WAY FOR HIGHWAY PURPOSES OVER ALL THOSE PORTIONS GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED SEPTEMBER 5, 1936, IN BOOK 293, PAGE 268 OF OFFICIAL RECORDS, RIVERSIDE COUNTY RECORDS.

PARCEL 8

OUTSIDE THE CITY

Parcel Number: 727260011-6
First Year Delinquent: 2007-2008
Purchase Price \$8,042.67

Assessment Number: 727260011-6
Default Number: 2008-727260011-0000
TRA 058-116

Situs Address: NONE

Last Assessed to: DAMUS, ELAINE ANN & HARRINGTON, WILLIAM D & HABER, BRETT & SINCLAIR, ELAINE & BYRD, CHERYL & GRAMMER, BRUCE & HABER, BRAD

Legal Description.....

THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 7 SOUTH, RANGE 9 EAST, SAN BERNARDINO BASE AND MERIDIAN.

PARCEL 9

OUTSIDE THE CITY

Parcel Number: 733090003-9
First Year Delinquent: 2007-2008
Purchase Price \$5,757.92

Assessment Number: 733090003-9
Default Number: 2008-733090003-0000
TRA 058-016

Situs Address: NONE

Last Assessed to: CLARK, CHARLES & WRIGHT, NANCY & LIENAU PAULETTE

Legal Description. .

PARCEL 10, 11, 12, 13 OF RECORD OF SURVEY, AS SHOWN BY MAP ON FILE IN BOOK 37, PAGE 85 OF RECORDS OF SURVEY, RECORDS OF RIVERSIDE COUNTY.

Parcel numbers 647030001-1, 648170021-9, 660260004-2, 709440034-1, 715271005-8, and 727260012-7 are no longer available for purchase.

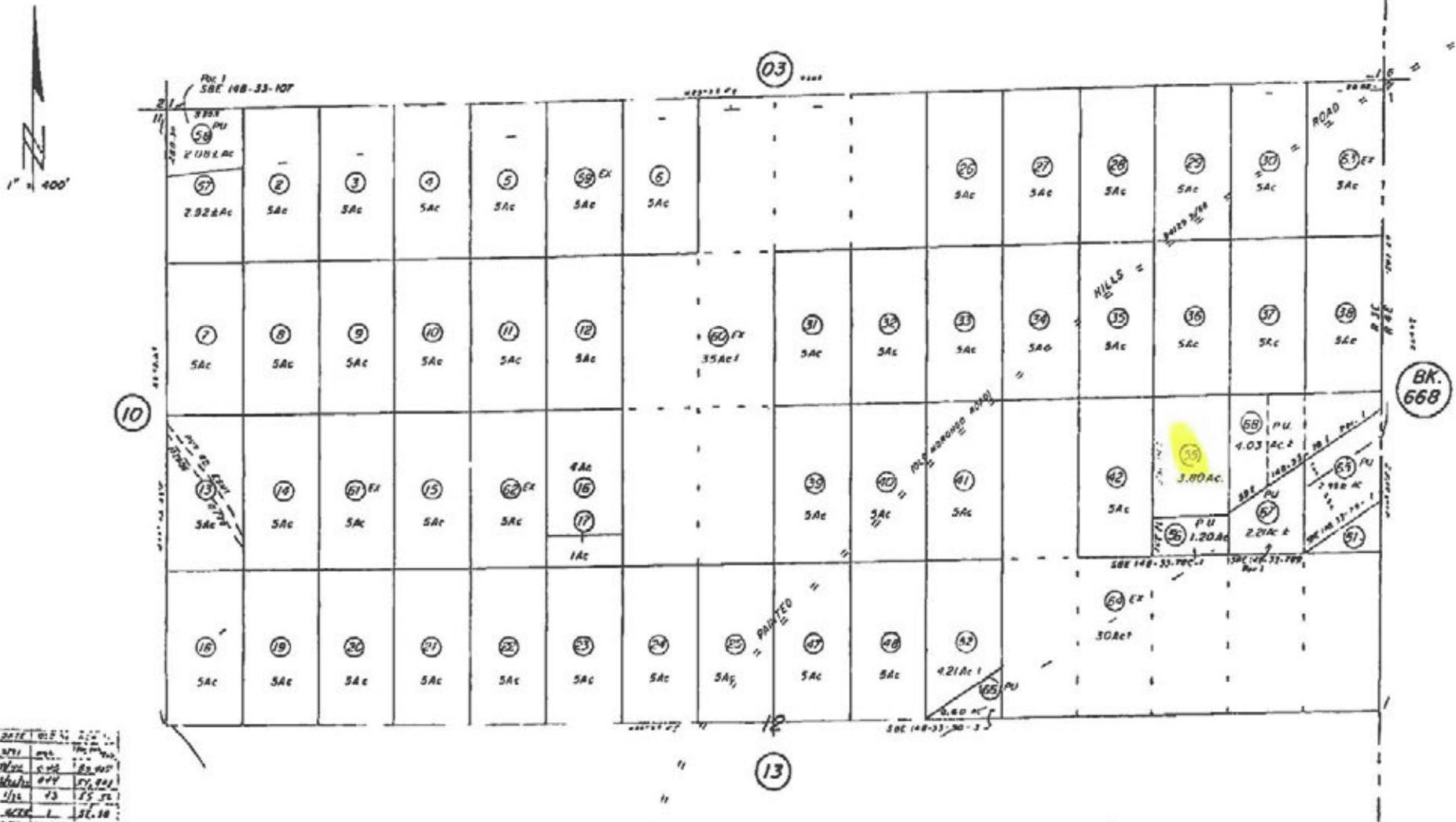
AGREEMENT 4398
COACHELLA VALLEY CONSERVATION COMMISSION

516-12

24-36

T. C. A. 5536

N1/2 SEC. 12, T. 3S, R. 3E



2074	01.5	2.1
2071	01.5	2.1
2072	01.5	2.1
2073	01.5	2.1
2074	01.5	2.1
2075	01.5	2.1
2076	01.5	2.1
2077	01.5	2.1
2078	01.5	2.1
2079	01.5	2.1
2080	01.5	2.1
2081	01.5	2.1
2082	01.5	2.1
2083	01.5	2.1
2084	01.5	2.1
2085	01.5	2.1
2086	01.5	2.1
2087	01.5	2.1
2088	01.5	2.1
2089	01.5	2.1
2090	01.5	2.1

TABLE PLAT, TOPD MAP
OF MAP 516-12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60

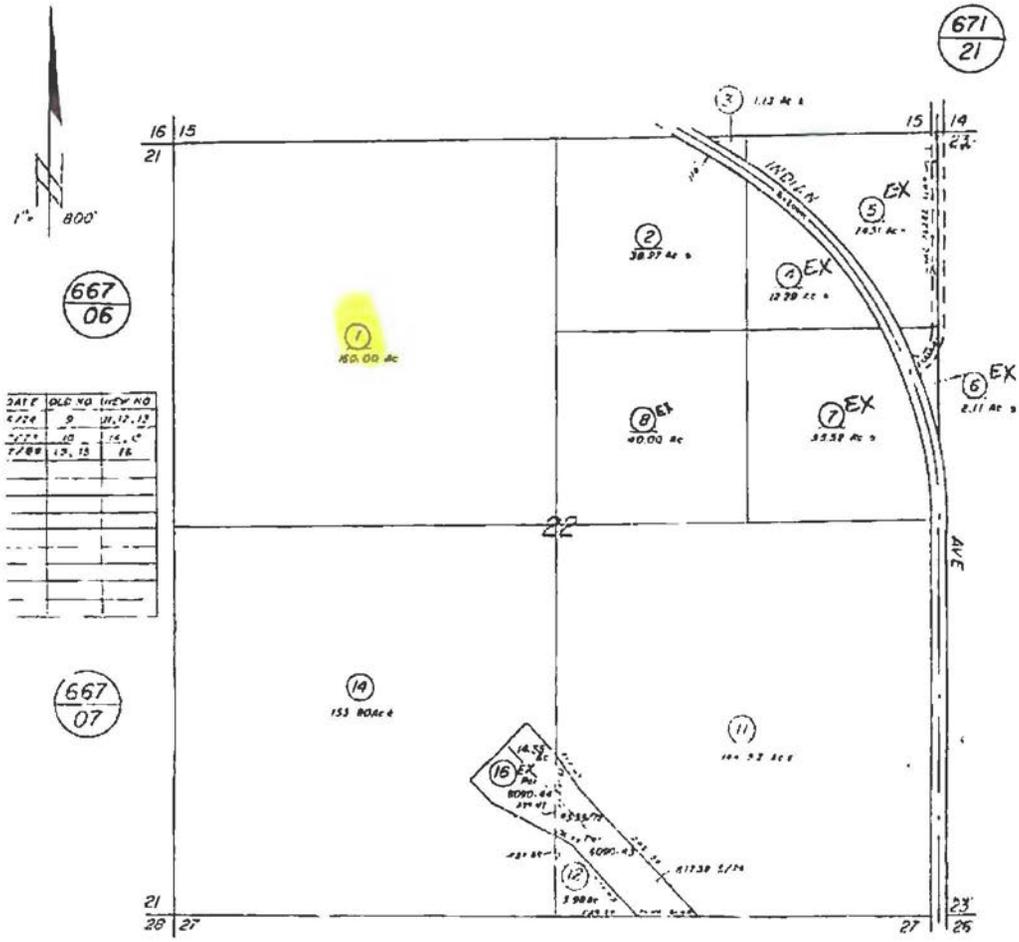
EXHIBIT B - PAGE 5

662-08
661-02

T. C. A. 014 - 067

SEC. 22 T2S-R4E

THIS MAP IS FOR
ASSESSMENT PURPOSES ONLY



664
02

DATA: GLO PLAT
155 - G (6C)
CRA R137A-2
RS 52/91, 59/72-79

ASSESSOR'S MAP BK. 661 PG.
RIVERSIDE COUNTY CALIF

664-06⁶⁵²⁻²²

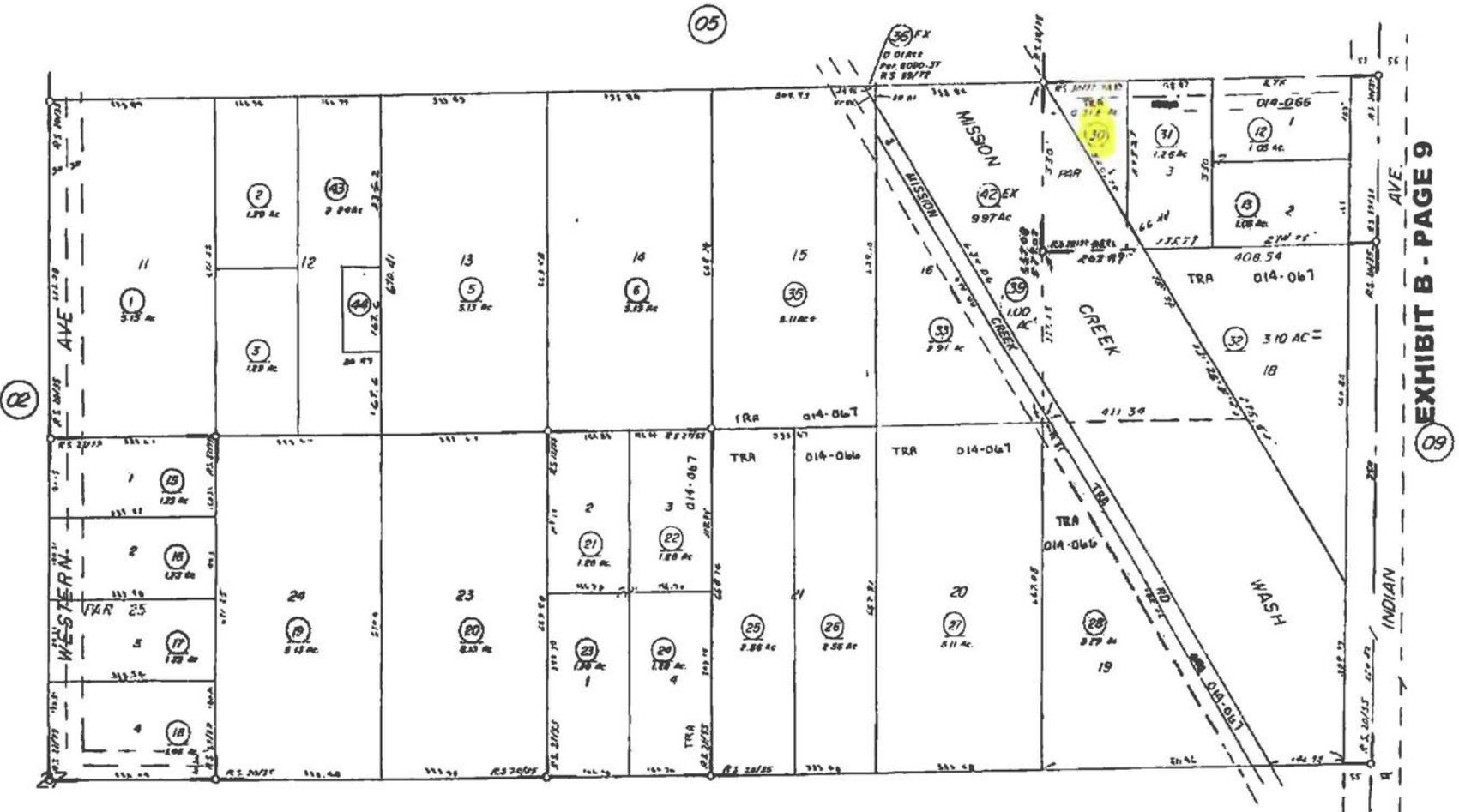
T.C.A 014-066
014-067

S² NE⁴ SEC. 27 T.2S. R.4E.

THIS MAP IS FOR
ASSESSMENT PURPOSES ONLY



DATE	TRD NO	ACRES
12/22	8, 807	22.9
12/25	10, 71	30.31
12/27	74	32.24
1/20	1	30.26
2/25	29, 32	37
7/25	27	38.37
12/1/12	100-038	10.14
1/1/89	0, 0, 0, 0, 1	40
8-03	0	0.3, 0.4



RECORD of SURVEY 20 / 35
 " " 27 / 55
 " " 27 / 79
 " " 30 / 37

EXHIBIT B - PAGE 9

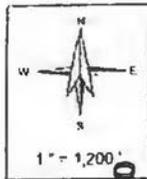
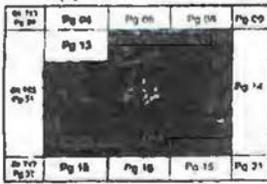
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

SEC 16,17,18,19,20,21 T4SR9E

TRA 058-002

707-12

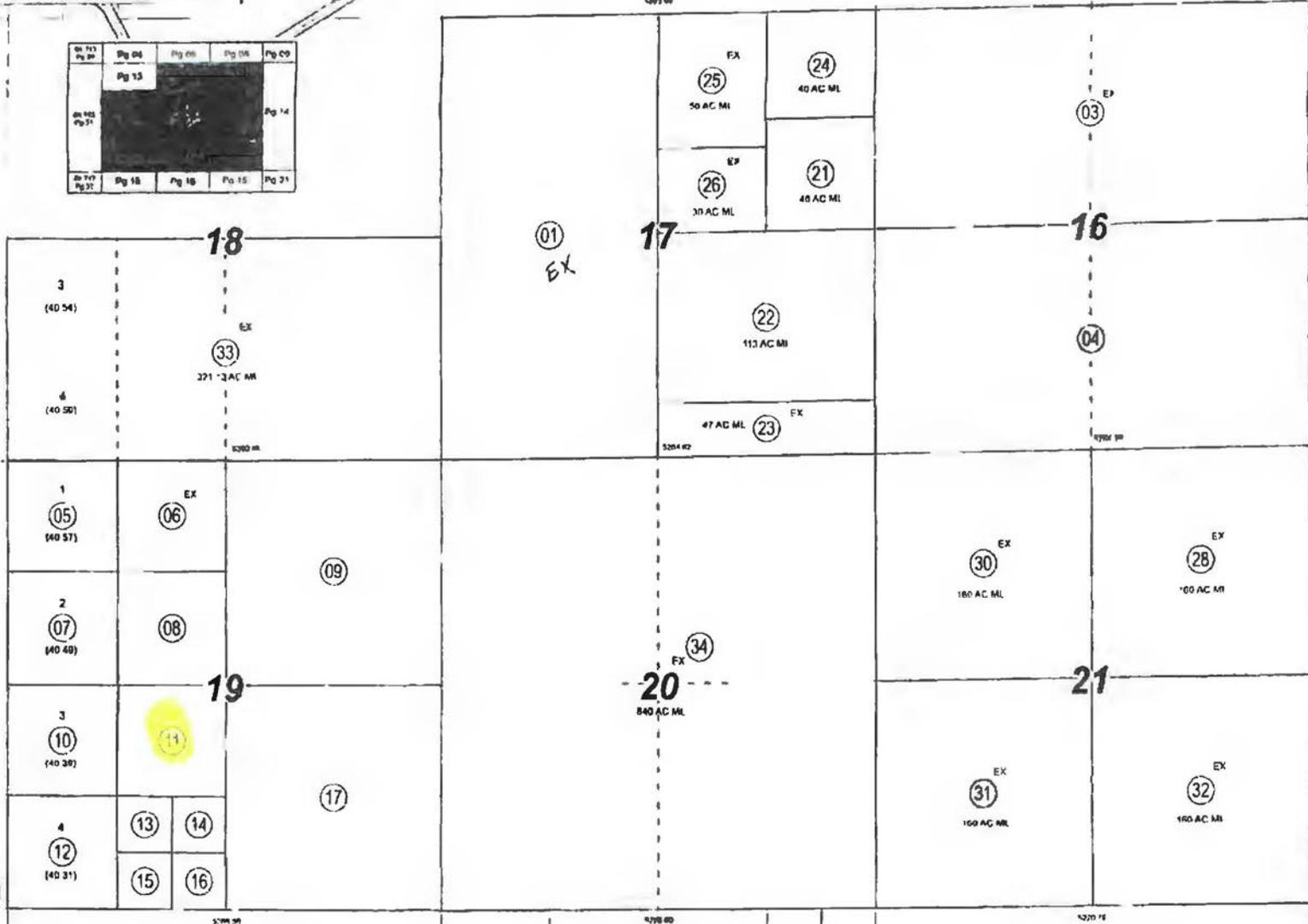
26-29-1
26-29-3



Legend

- - - Left Line
- - - Right Of Way
- - - Old Lot Lines
- - - Reference Lines
- - - Other Easements
- - - Lodge Area
- - - Subdivisions

EXHIBIT B - PAGE 10



OID	OID Number	Area	Acres
0100000	1	16.47	
1600000	10	20.22	
1700000	20	24.26	
1800000	21	27.26	
1900000	22	28.26	
2000000	23	29.26	
2100000	24	30.26	

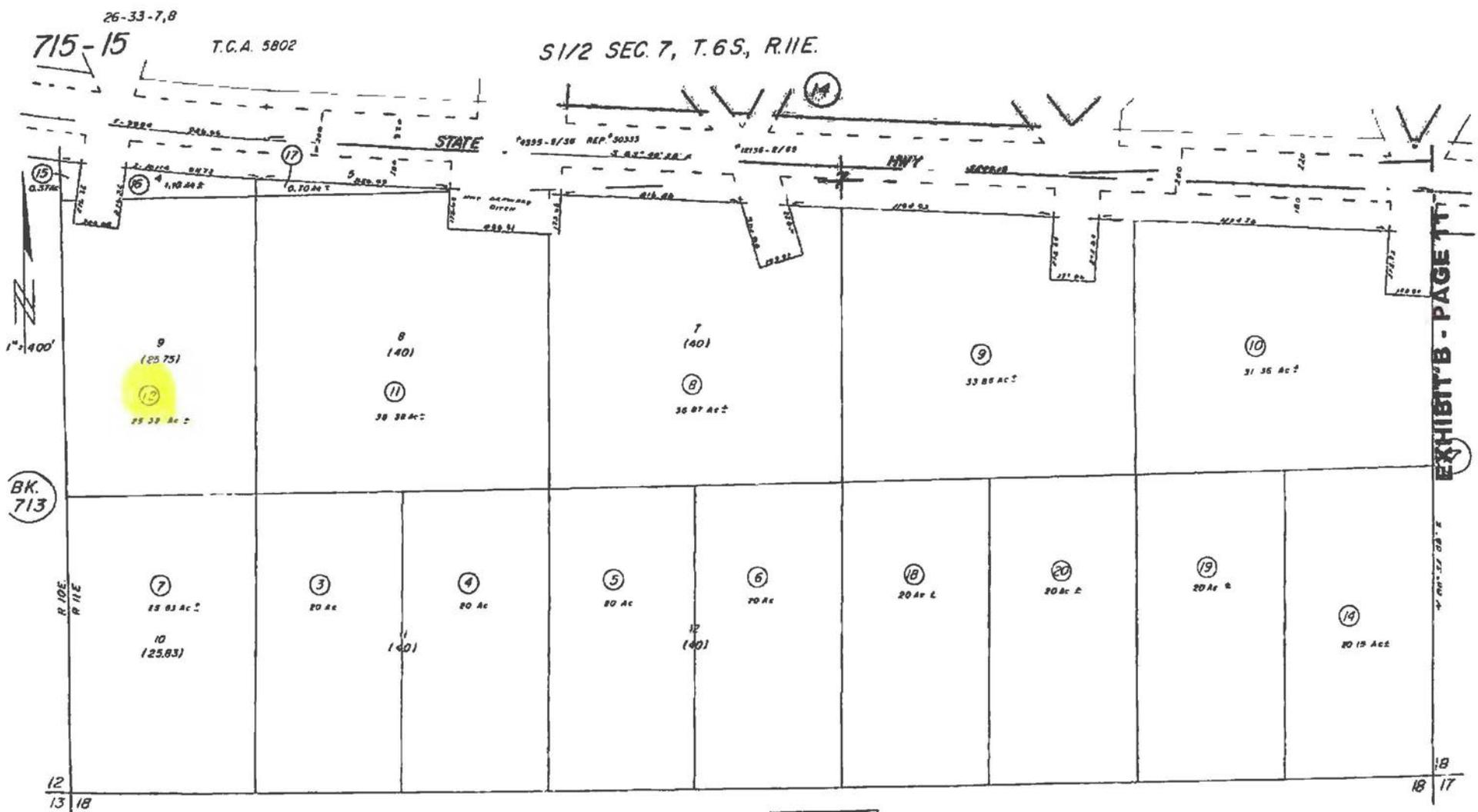


EXHIBIT B - PAGE 11

BK. 713

26

DATE	OLD No	NEW No
1/73	1	2-12
2/73	2	13, 14
3/73	15	15, 16

Data G.L.O
NWY. MAPS

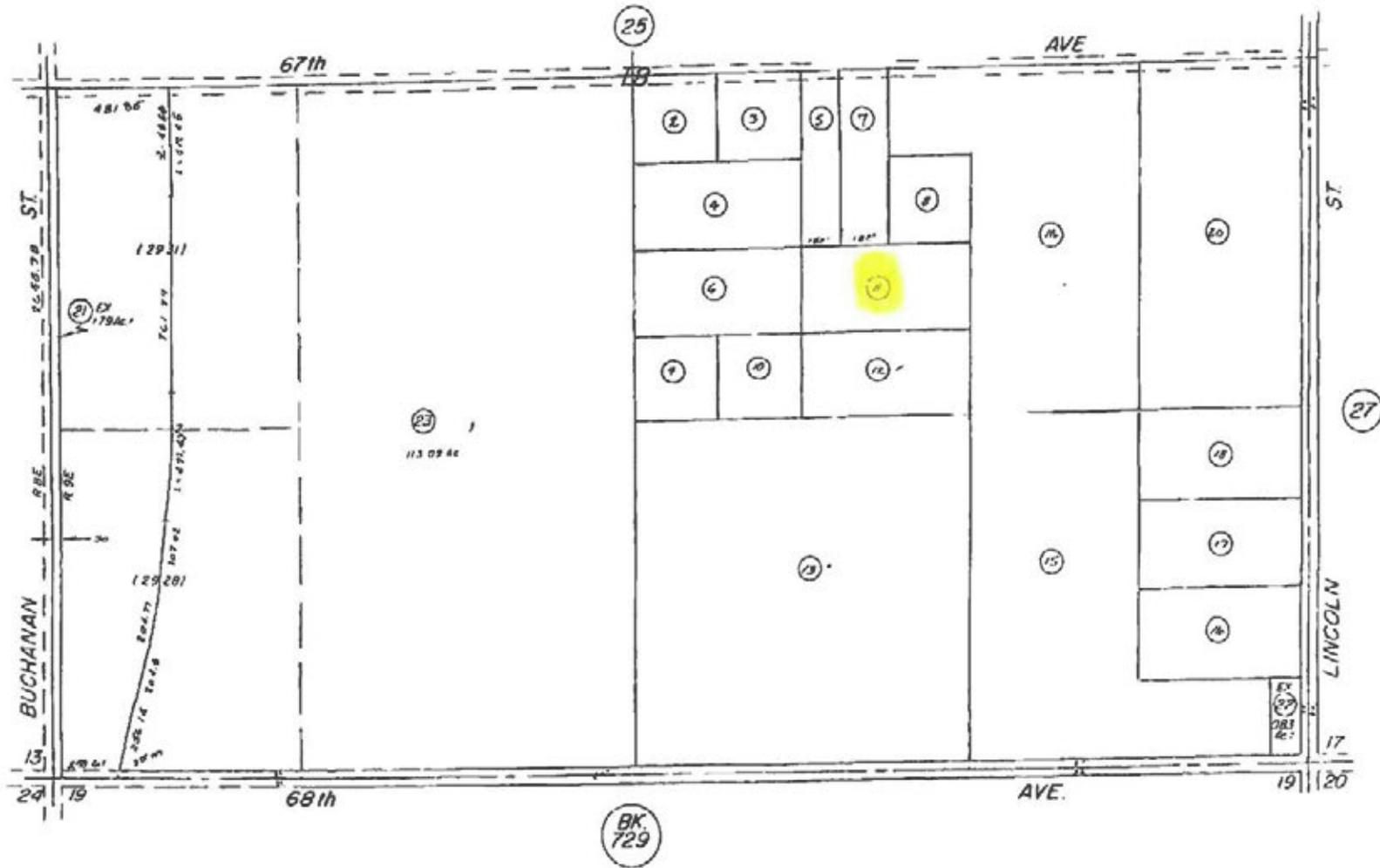
727-26
26-7

TRA. 058-116

SI/2, SEC. 18, T. 7S, R. 9E.



BK. 749



DATE	DESCRIPTION	BY
12-27-91		

DATA GOV'T PLAT, R.S. 28/91, Co RD MAP P-143
RS 103/38-61

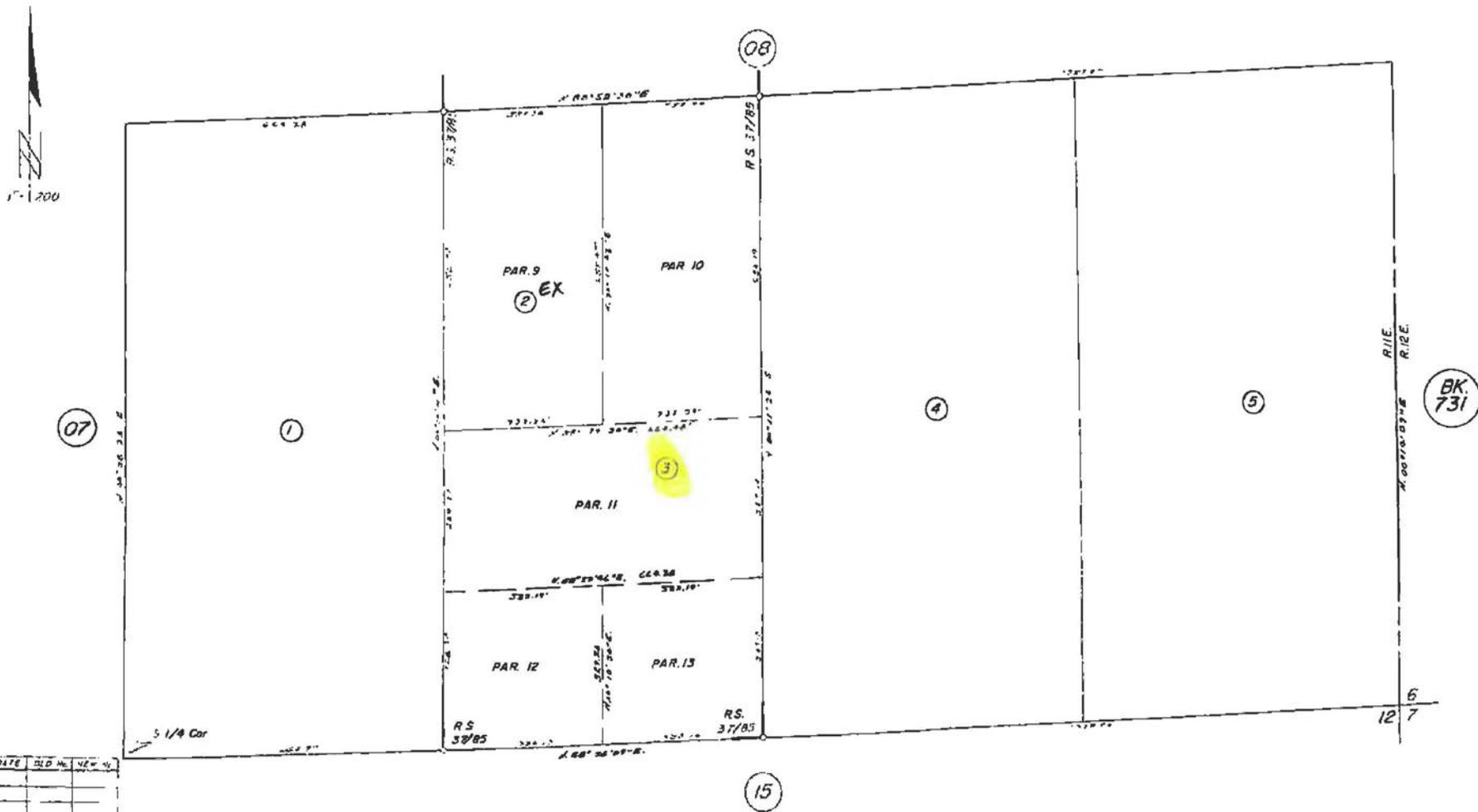
80' Pds per Inset
32692 4/59

ASSESSOR'S MAP BK 727 . 3
RIVERSIDE COUNTY, CALIF

26-20-3
733-09

T.C.A. 5816

S1/2, SE 1/4, SEC. 1, T. 8S, R. 11E.



DATE	OLD No.	NEW No.

P.S. 37/85

1. GOV'T PLAT.

EXHIBIT B - PAGE 13

EXHIBIT "C"

NOTICE OF POWER TO SELL TAX-DEFAULTED PROPERTY

AGREEMENT 4398
COACHELLA VALLEY CONSERVATION COMMISSION

EXHIBIT C

TREASURER-TAX COLLECTOR
STOP 1110

DON KENT
TAX COLLECTOR
4080 LEMON ST - 4TH FLOOR
RIVERSIDE, CALIFORNIA 92501

DOC # 2013-0406293

08/20/2013 10:34A Fee:NC

Page 1 of 2

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
						T:	CTY	UNI	

03317 RECORD GAZETTE

NOTICE OF POWER TO SELL TAX-DEFAULTED PROPERTY



Which, pursuant to law was declared to be Tax-Defaulted on JUNE 30, 2008 for the nonpayment of delinquent taxes in the amount of \$179.10 for the fiscal year 2007-2008, Default Number 2008-516120055-0000.

Notice is hereby given by the Tax Collector of RIVERSIDE County that pursuant to Revenue and Taxation Code §3691 the property described herein is subject to sale for nonpayment of taxes and will be sold unless the amount required to redeem the property is paid to the Tax Collector of said County before sale. The real property subject to this notice is assessed to: NILAKOUT, BOB and is situated in said county, State of California, described as follows:

Assessor's Parcel Number 516120055-1

SEE PAGE 2 ENTITLED LEGAL DESCRIPTION

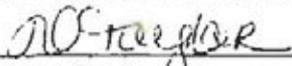
State of California Executed on
RIVERSIDE County JULY 1, 2013

By 
Tax Collector

On 07/24/2013, before me Larry W Ward, Assessor, Clerk-Recorder, personally appeared Don Kent, Treasurer and Tax Collector for Riverside County, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal
Larry W Ward, Assessor, Clerk Recorder


Deputy

Seal



§§3691, 3691.1 3691.2 R&T Code

EXHIBIT C - PAGE 2

TDL 7-01 (1-98)

LEGAL DESCRIPTION

OUTSIDE CITY

THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 3 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

EXCEPTING THEREFROM THE SOUTHERLY 158.68 FEET OF SAID EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 3 EAST, SAN BERNARDINO BASE AND MERIDIAN.

TREASURER-TAX COLLECTOR
STOP 1110

DON KENT
TAX COLLECTOR
4080 LEMON ST - 4TH FLOOR
RIVERSIDE, CALIFORNIA 92501

DOC # 2013-0409225
08/21/2013 09:25A Fee:NC
Page 1 of 2
Recorded in Official Records
County of Riverside
Larry W Ward
Assessor, County Clerk & Recorder



S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
							T:	CTY	UNI

02127 DESERT SUN

NOTICE OF POWER TO SELL TAX-DEFAULTED PROPERTY



Which, pursuant to law was declared to be Tax-Defaulted on JUNE 30, 2008 for the nonpayment of delinquent taxes in the amount of \$179.20 for the fiscal year 2007-2008. Default Number 2008-623310008-0000

Notice is hereby given by the Tax Collector of RIVERSIDE County that pursuant to Revenue and Taxation Code §3691 the property described herein is subject to sale for nonpayment of taxes and will be sold unless the amount required to redeem the property is paid to the Tax Collector of said County before sale. The real property subject to this notice is assessed to IVANHOE LA QUINTA COVE and is situated in said county, State of California, described as follows:

Assessor's Parcel Number 623310008-9

SEE PAGE 2 ENTITLED LEGAL DESCRIPTION

State of California Executed on
RIVERSIDE County JULY 1, 2013 By Don Kent
Tax Collector

On 07/24/2013, before me, Larry W Ward Assessor, Clerk-Recorder, personally appeared Don Kent, Treasurer and Tax Collector for Riverside County, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal
Larry W Ward, Assessor, Clerk Recorder

Al... ..
Deputy

Seal



§§3691, 3691 1, 3691 2 R&T Code

EXHIBIT C - PAGE 4

TDL 7-01 (1-98)

LEGAL DESCRIPTION

IN THE CITY OF INDIAN WELLS

THOSE PORTIONS OF GOVERNMENT LOTS 9 & 10, IN FRACTIONAL SECTION 25, TOWNSHIP 5 SOUTH, RANGE 6 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF INDIAN WELLS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, LYING NORTHWESTERLY OF THE CITY OF INDIAN WELLS AND LA QUINTA CITY LIMITS BOUNDARY LINE.

TREASURER-TAX COLLECTOR
STOP 1110

DON KENT
TAX COLLECTOR
4080 LEMON ST - 4TH FLOOR
RIVERSIDE, CALIFORNIA 92501

DOC # 2013-0409439

08/21/2013 09:39A Fee:NC

Page 1 of 2

Recorded in Official Records
County of Riverside
Larry W. Ward
Assessor, County Clerk & Recorder



S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
					T.		CTY	UNI	

04070 DESERT SUN

NOTICE OF POWER TO SELL TAX-DEFAULTED PROPERTY

C
078

Which, pursuant to law was declared to be Tax-Defaulted on JUNE 30, 2008 for the nonpayment of delinquent taxes in the amount of \$1,411.38 for the fiscal year 2007-2008, Default Number 2008-659170006-0000.

Notice is hereby given by the Tax Collector of RIVERSIDE County that pursuant to Revenue and Taxation Code §3691 the property described herein is subject to sale for nonpayment of taxes and will be sold unless the amount required to redeem the property is paid to the Tax Collector of said County before sale. The real property subject to this notice is assessed to: PACE, MARGARET and is situated in said county, State of California, described as follows

Assessor's Parcel Number 659170006-6

SEE PAGE 2 ENTITLED LEGAL DESCRIPTION

State of California Executed on
RIVERSIDE County JULY 1, 2013 By Don Kent
Tax Collector

On 07/24/2013, before me, Larry W Ward, Assessor, Clerk-Recorder, personally appeared Don Kent, Treasurer and Tax Collector for Riverside County, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Larry W Ward, Assessor, Clerk Recorder

Don Kent Seal
Deputy



§§3691, 3691 1, 3691 2 R&T Code

EXHIBIT C - PAGE 6

TDL 7-01 (1-98)

LEGAL DESCRIPTION

OUTSIDE CITY

THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

TREASURER-TAX COLLECTOR
STOP 1110

DON KENT
TAX COLLECTOR
4080 LEMON ST - 4TH FLOOR
RIVERSIDE CALIFORNIA 92501

DOC # 2013-0409443

08/21/2013 09:39A Fee:NC

Page 1 of 2

Recorded in Official Records

County of Riverside

Larry W. Ward

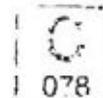
Assessor, County Clerk & Recorder



S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
							T:	CTY	UNI

02052 DESERT SUN

NOTICE OF POWER TO SELL TAX-DEFAULTED PROPERTY



Which, pursuant to law was declared to be Tax-Defaulted on JUNE 30, 2008 for the nonpayment of delinquent taxes in the amount of \$122,474.05 for the fiscal year 2007-2008, Default Number 2008-661020001-0000

Notice is hereby given by the Tax Collector of RIVERSIDE County that pursuant to Revenue and Taxation Code §3691 the property described herein is subject to sale for nonpayment of taxes and will be sold unless the amount required to redeem the property is paid to the Tax Collector of said County before sale. The real property subject to this notice is assessed to: FIRENZA HOLDINGS & BELTULA INV & NIMROD INV and is situated in said county, State of California, described as follows:

Assessor's Parcel Number 661020001-4

SEE PAGE 2 ENTITLED LEGAL DESCRIPTION

State of California Executed on
RIVERSIDE County JULY 1, 2013 By Don Kent
Tax Collector

On 07/24/2013, before me, Larry W. Ward, Assessor, Clerk-Recorder, personally appeared Don Kent, Treasurer and Tax Collector for Riverside County, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal
Larry W. Ward, Assessor, Clerk Recorder

Don Kent
Deputy

Seal



§§3691, 3691.1, 3691.2 R&T Code

EXHIBIT C - PAGE 8

TDL 7-01 (1-98)

LEGAL DESCRIPTION

IN THE CITY OF DESERT HOT SPRINGS

THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF

TREASURER-TAX COLLECTOR
STOP 1110

DON KENT
TAX COLLECTOR
4080 LEMON ST - 4TH FLOOR
RIVERSIDE, CALIFORNIA 92501

DOC # 2013-0409456

08/21/2013 09:39A Fee:NC

Page 1 of 2

Recorded in Official Records
County of Riverside
Larry W. Ward
Assessor, County Clerk & Recorder



S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
M	A	L	485	426	PCOR	NCOR	SMF	NCHG	EXAM
							T:	CTY	UNI

02051 DESERT SUN

NOTICE OF POWER TO SELL TAX-DEFAULTED PROPERTY

C
078

Which, pursuant to law was declared to be Tax-Defaulted on JUNE 30, 2008 for the nonpayment of delinquent taxes in the amount of \$217.36 for the fiscal year 2006-2007, Default Number 2008-664060030-0000.

Notice is hereby given by the Tax Collector of RIVERSIDE County that pursuant to Revenue and Taxation Code §3691 the property described herein is subject to sale for nonpayment of taxes and will be sold unless the amount required to redeem the property is paid to the Tax Collector of said County before sale. The real property subject to this notice is assessed to: SUCU, JACKLINA M and is situated in said county, State of California, described as follows:

Assessor's Parcel Number 664060030-5

SEE PAGE 2 ENTITLED LEGAL DESCRIPTION

State of California Executed on
RIVERSIDE County JULY 1, 2013 By Don Kent
Tax Collector

On 07/24/2013, before me, Larry W. Ward, Assessor, Clerk-Recorder, personally appeared Don Kent, Treasurer and Tax Collector for Riverside County, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal
Larry W. Ward, Assessor, Clerk Recorder

y Debbie
Deputy

Seal



§§3691, 3691.1, 3691.2 R&T Code

EXHIBIT C - PAGE 10

TDL 7-01 (1-98)

LEGAL DESCRIPTION

IN THE CITY OF DESERT HOT SPRINGS

PORTION OF PARCEL 4 OF RECORDS OF SURVEY, AS SHOWN BY MAP ON FILE IN BOOK 30, PAGE 37 OF RECORDS OF SURVEY, RECORDS OF RIVERSIDE COUNTY, LYING NORTHEAST OF THE FOLLOWING DESCRIBED LINE;

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL 4; THENCE SOUTH 31°24'37" EAST, 320.70 FEET TO A POINT IN THE EAST LINE OF SAID PARCEL 4.

TREASURER-TAX COLLECTOR
STOP 1110

DON KENT
TAX COLLECTOR
4080 LEMON ST - 4TH FLOOR
RIVERSIDE, CALIFORNIA 92501

DOC # 2013-0409591

08/21/2013 09:50R Fee:NC

Page 1 of 2

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
							T:	CTY	UNI

03717 DESERT SUN

NOTICE OF POWER TO SELL TAX-DEFAULTED PROPERTY

078

Which, pursuant to law was declared to be Tax-Defaulted on JUNE 30, 2008 for the nonpayment of delinquent taxes in the amount of \$201.96 for the fiscal year 2007-2008. Default Number 2008-707120011-0000.

Notice is hereby given by the Tax Collector of RIVERSIDE County that pursuant to Revenue and Taxation Code §3691 the property described herein is subject to sale for nonpayment of taxes and will be sold unless the amount required to redeem the property is paid to the Tax Collector of said County before sale. The real property subject to this notice is assessed to, N R L L EAST and is situated in said county, State of California, described as follows:

Assessor's Parcel Number 707120011-7

SEE PAGE 2 ENTITLED LEGAL DESCRIPTION

State of California Executed on
RIVERSIDE County JULY 1, 2013 By Don Kent
Tax Collector

On 07/24/2013, before me, Larry W Ward, Assessor, Clerk-Recorder, personally appeared Don Kent, Treasurer and Tax Collector for Riverside County, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument; the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Larry W Ward, Assessor, Clerk Recorder

[Signature]
Deputy

Seal



§§3691, 3691.1, 3691.2 R&T Code

EXHIBIT C - PAGE 12

TDL 7-01 (1-98)

LEGAL DESCRIPTION

OUTSIDE CITY

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 9 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

TREASURER-TAX COLLECTOR
STOP 1110

DON KENT
TAX COLLECTOR
4080 LEMON ST - 4TH FLOOR
RIVERSIDE, CALIFORNIA 92501

DOC # 2013-0409594

08/21/2013 09:50A Fee:NC

Page 1 of 2

Recorded in Official Records

County of Riverside

Larry W Ward

Assessor, County Clerk & Recorder



S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
T:							CTY	UNI	

03724 DESERT SUN

NOTICE OF POWER TO SELL TAX-DEFAULTED PROPERTY

078

Which, pursuant to law was declared to be Tax-Defaulted on JUNE 30, 2008 for the nonpayment of delinquent taxes in the amount of \$89.52 for the fiscal year 2007-2008. Default Number 2008-715150012-0000.

Notice is hereby given by the Tax Collector of RIVERSIDE County that pursuant to Revenue and Taxation Code §3691 the property described herein is subject to sale for nonpayment of taxes and will be sold unless the amount required to redeem the property is paid to the Tax Collector of said County before sale. The real property subject to this notice is assessed to COLLINS, ALLEN & FLORENCE A and is situated in said county, State of California, described as follows

Assessor's Parcel Number 715150012-0

SEE PAGE 2 ENTITLED LEGAL DESCRIPTION

State of California Executed on
RIVERSIDE County JULY 1, 2013 By Don Kent
Tax Collector

On 07/24/2013, before me, Larry W Ward, Assessor, Clerk-Recorder, personally appeared Don Kent, Treasurer and Tax Collector for Riverside County, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal
Larry W. Ward, Assessor, Clerk Recorder

Larry W. Ward
Deputy

Seal



§§3691, 3691.1, 3691.2 R&T Code

EXHIBIT C - PAGE 14

TDL 7-01 (1-98)

LEGAL DESCRIPTION

OUTSIDE CITY

GOVERNMENT LOT 9, FRACTIONAL SECTION 7, TOWNSHIP 6 SOUTH, RANGE 11 EAST, SAN BERNARDINO BASE AND MERIDIAN. EXCEPT A RIGHT OF WAY FOR HIGHWAY PURPOSES OVER ALL THOSE PORTIONS GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED SEPTEMBER 5, 1936, IN BOOK 293, PAGE 268 OF OFFICIAL RECORDS, RIVERSIDE COUNTY RECORDS.

TREASURER-TAX COLLECTOR
STOP 1110

DON KENT
TAX COLLECTOR
4080 LEMON ST - 4TH FLOOR
RIVERSIDE, CALIFORNIA 92501

DOC # 2013-0409665

08/21/2013 09:55A Fee:NC

Page 1 of 2

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
							T:	CTY	UNI

03826 DESERT SUN

NOTICE OF POWER TO SELL TAX-DEFAULTED PROPERTY

C
027

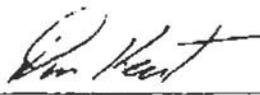
Which, pursuant to law was declared to be Tax-Defaulted on JUNE 30, 2008 for the nonpayment of delinquent taxes in the amount of \$118.57 for the fiscal year 2005-2006, Default Number 2008-727260011-0000

Notice is hereby given by the Tax Collector of RIVERSIDE County that pursuant to Revenue and Taxation Code §3691 the property described herein is subject to sale for nonpayment of taxes and will be sold unless the amount required to redeem the property is paid to the Tax Collector of said County before sale. The real property subject to this notice is assessed to PAMUS, ELAINE ANN & HARRINGTON, WILLIAM D & HABER, BRETT & BYRD, CHERYL ETAL and is situated in said county, State of California, described as follows.

Assessor's Parcel Number 727260011-6

SEE PAGE 2 ENTITLED LEGAL DESCRIPTION

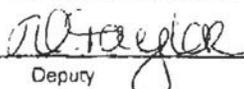
State of California Executed on
RIVERSIDE County JULY 1, 2013

By 
Tax Collector

On 07/24/2013, before me, Larry W Ward, Assessor, Clerk-Recorder, personally appeared Don Kent, Treasurer and Tax Collector for Riverside County, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Larry W. Ward, Assessor, Clerk Recorder


Deputy

Seal



§§3691, 3691.1, 3691.2 R&T Code

EXHIBIT C - PAGE 16

TDL 7-01 (1-98)

80

LEGAL DESCRIPTION

OUTSIDE CITY

THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 7 SOUTH, RANGE 9 EAST, SAN BERNARDINO BASE AND MERIDIAN

TREASURER-TAX COLLECTOR
STOP 1110

DON KENT
TAX COLLECTOR
4080 LEMON ST - 4TH FLOOR
RIVERSIDE, CALIFORNIA 92501

DOC # 2013-0409671

08/21/2013 09:55A Fee:NC

Page 1 of 2

Recorded in Official Records
County of Riverside

Larry W. Ward
Assessor, County Clerk & Recorder



S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
							T:	CTY	UNI

03741 DESERT SUN

NOTICE OF POWER TO SELL TAX-DEFAULTED PROPERTY

C
027

Which, pursuant to law was declared to be Tax-Defaulted on JUNE 30, 2008 for the nonpayment of delinquent taxes in the amount of \$316.68 for the fiscal year 2007-2008, Default Number 2008-733090003-0000

Notice is hereby given by the Tax Collector of RIVERSIDE County that pursuant to Revenue and Taxation Code §3691 the property described herein is subject to sale for nonpayment of taxes and will be sold unless the amount required to redeem the property is paid to the Tax Collector of said County before sale. The real property subject to this notice is assessed to: CLARK, CHARLES & WRIGHT, NANCY & LIENAU, PAULETTE and is situated in said county, State of California, described as follows:

Assessor's Parcel Number 733090003-9

SEE PAGE 2 ENTITLED LEGAL DESCRIPTION

State of California Executed on
RIVERSIDE County JULY 1, 2013 By Don Kent
Tax Collector

On 07/24/2013 before me, Larry W. Ward, Assessor, Clerk-Recorder, personally appeared Don Kent, Treasurer and Tax Collector for Riverside County, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Larry W. Ward, Assessor, Clerk Recorder

Donna
Deputy

Seal



§§3691, 3691.1, 3691.2 R&T Code

EXHIBIT C - PAGE 18

TDL 7-01 (1-98)

LEGAL DESCRIPTION

OUTSIDE CITY

PARCEL 10, 11, 12, 13 OF RECORD OF SURVEY, AS SHOWN BY MAP ON FILE IN BOOK 37, PAGE 85 OF RECORDS OF SURVEY, RECORDS OF RIVERSIDE COUNTY.

EXHIBIT "D"
RESOLUTION NUMBER 14-003
MISSION STATEMENT

AGREEMENT 4398
COACHELLA VALLEY CONSERVATION COMMISSION

EXHIBIT D

Resolution No: 14-003

**A RESOLUTION OF THE
COACHELLA VALLEY CONSERVATION COMMISSION
AUTHORIZING OBJECTION TO PUBLIC SALE OF 15 TAX DEFAULT PARCELS**

WHEREAS, the Coachella Valley Conservation Commission ("Commission") is a public agency of the State of California formed by a Joint Exercise of Powers Agreement ("JPA"); and

WHEREAS, the Commission implements the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan ("Plan"); and

WHEREAS, the primary means of conservation under the Plan is acquisition of land from willing sellers; and

WHEREAS, Assessor's Parcel Numbers as described in Exhibit A which is hereby incorporated by reference, are located within the Commission's boundaries;

NOW, THEREFORE, be it resolved in regular session of the Governing Board of the Coachella Valley Conservation Commission that the Commission objects to the public sale of the 15 parcels identified in Exhibit A; and

FURTHER, the Commission's purpose in acquiring the land would be to hold it as open space for the protection of its environmental and wildlife resource values;

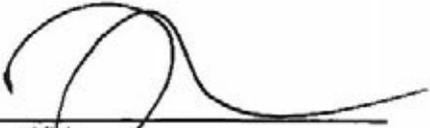
FURTHER, the Commission hereby authorizes the Executive Director to execute purchase agreements substantially in the form presented to the Board in an aggregate amount not to exceed \$593,207.17 plus up to 10% administration fee, and costs of notice, as well as Escrow Instructions, Amendments to Escrow Instructions, Certificate of Acceptance, and any and all other documents that may be necessary to effect the acquisition of this property.

The foregoing Resolution was passed by the Coachella Valley Conservation Commission this 13th day of February 2014.

APPROVED:



Richard W. Kite
Chair



Tom Kirk
Executive Director

EXHIBIT A

The land referred to herein is located in the State of California, County of Riverside, described as follows:

<u>APN</u>	<u>Parcel Legal Description</u>	<u>Purchase Price</u>	<u>Purpose and Intended Use</u>
516120055	3.80 ACRES M/L IN POR NE 1/4 OF SEC 12 T3S R3E	\$6,354.07	Preservation of open space and conservation of habitat under the CVMSHCP.
623310008	36.32 ACRES M/L IN POR SE 1/4 OF SEC 25 T5S R6E	\$7,045.43	Preservation of open space and conservation of habitat under the CVMSHCP.
1047030001	42.94 ACRES IN POR NW 1/4 OF SEC 19 T3S R6E	\$10,063.64	Preservation of open space and conservation of habitat under the CVMSHCP.
648170024	2.20 ACRES IN PAR 3 RS 024/039	\$32,758.34	Preservation of open space and conservation of habitat under the CVMSHCP.
659170006	5.00 ACRES IN POR NE 1/4 OF SEC 24 T3S R5E	\$13,150.49	Preservation of open space and conservation of habitat under the CVMSHCP.
660260004	5.00 ACRES IN POR SW 1/4 OF SEC 28 T3S R5E	\$3,844.96	Preservation of open space and conservation of habitat under the CVMSHCP.
661020001	160.00 ACRES IN POR NW 1/4 OF SEC 22 T2S R4E	\$472,244.42	Preservation of open space and conservation of habitat under the CVMSHCP.
664060030	.51 ACRES M/L IN POR PAR 4 RS 030/037	\$7,675.90	Preservation of open space and conservation of habitat under the CVMSHCP.
707120011	40.00 ACRES IN POR SW 1/4 OF SEC 19 T4S R9E	\$4,517.61	Preservation of open space and conservation of habitat under the CVMSHCP.
709440034	40.00 ACRES IN POR NW 1/4 OF SEC 35 T6S R13E	\$2,609.80	Preservation of open space and conservation of habitat under the CVMSHCP.
715150012	25.52 ACRES IN POR SW 1/4 OF SEC 7 T6S R11E	\$2,775.80	Preservation of open space and conservation of habitat under the CVMSHCP.
715271005	92.64 ACRES M/L IN POR SEC 16 T6S R11E	\$4,831.44	Preservation of open space and conservation of habitat under the CVMSHCP.
727260011	5.00 ACRES IN POR SE 1/4 OF SEC 18 T7S R9E	\$8,042.67	Preservation of open space and conservation of habitat under the CVMSHCP.
727260012	5.00 ACRES IN POR SE 1/4 OF SEC 18 T7S R9E	\$11,567.71	Preservation of open space and conservation of habitat under the CVMSHCP.
733090003	15.21 ACRES IN PARS 10, 11, 12 & 13 RS 037/085	\$5,757.92	Preservation of open space and conservation of habitat under the CVMSHCP.

COACHELLA VALLEY CONSERVATION COMMISSION



Cathedral City • Coachella • Desert Hot Springs • Indian Wells • Indio • La Quinta • Palm Desert • Palm Springs
Rancho Mirage • County of Riverside • Coachella Valley Water District • Imperial Irrigation District

Coachella Valley Conservation Commission

Mission Statement

The Coachella Valley Conservation Commission ("CVCC") is a joint powers authority responsible for implementation, oversight, and administration of the Coachella Valley Multiple Species Habitat Conservation Plan. The CVCC was formed by the Local Permittees, including elected officials representing member agencies, pursuant to the requirements of the California Government Code and other appropriate legal authorities.

EXHIBIT D - PAGE 4

73-710 Fred Waring Drive, Suite 200 • Palm Desert, CA 92260 • (760) 346-1127 • Fax (760) 340-5949

))
FIRE ACCESS MAINTENANCE DISTRICT (FAMD)
02/05/2015 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
46708	2/5/2015		WILLDAN FINANCIAL SERVICES		
		010-26482	FAMD LEVY SERVICES FOR JAN TO MAR, 2015	1,125.60	1,125.60
46707	2/5/2015		POWERFUL PEST		
		100425	FAMD CLUB & MANITOU GATEHOUSE PEST CONTROL SERVICE FOR SEPT, 2014	61.80	
		100425	FAMD CLUB & MANITOU GATEHOUSE PEST CONTROL SERVICE FOR OCT, 2014	61.80	123.60
2 checks in this report					
TOTAL FAMD WARRANTS: 46707-46708					1,249.20

CC/MA ACTION 78 MTG. DATE: 2-5-15
 APPROVED DENIED REC/FILE CONT.
 OTHER _____
 VOTE: YES 4 NO 0 ABSTAIN 1
Rec'd

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**CITY OF INDIAN WELLS
02/05/2015 MEETING WARRANT LIST**

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
46633	2/5/2015	2014/15 #1	BURRTEC WASTE & RECYCLING SOLID WASTE FEES PASS THROUGH FOR FY 2014/15 (SS1)	500,270.87	500,270.87
46704	2/5/2015	SI-153773	VINTAGE ASSOCIATES (19) CITYWIDE GENERAL FUND & LLMDS LANDSCAPE MAINT FOR JAN, 2015	43,855.13	43,855.13
46619	12/30/2014		PLATINUM PLUS FOR BUSINESS		
		1864	(1) NEW VEHICLE TRANSMISSION FOR 2005 CHEVY TRAIL BLAZER	3,182.50	
		7384	(1) ICE MACHINE MAKER WITH CONDENSATE DRAIN PUMP FOR CONF ROOM KITCHENETTE	2,618.00	
		2000	OUTGOING COUNCIL MEMBER/RETIREMENT DINNER FOR M.ROCHE & P.MULLANY ON DEC 3, 2014	2,438.10	
		5061	CALPELRA 2014 ANNUAL CONFERENCE HOTEL EXPENSE FOR D.GASSAWAY ON NOV 18-21, 2014	797.49	
		2000	2015 LCC NEW MAYORS & COUNCIL MEMBERS ACADEMY REGISTRATION FOR W.MCKINNEY	550.00	
		2000	2015 LCC NEW MAYORS & COUNCIL MEMBERS ACADEMY REGISTRATION FOR T.PEABODY	550.00	
		2000	2015 LCC NEW MAYORS & COUNCIL MEMBERS ACADEMY REGISTRATION FOR D.REED	550.00	
		2000	2015 LCC NEW MAYORS & COUNCIL MEMBERS ACADEMY REGISTRATION FOR R.BALOCCO	550.00	
		2000	2015 LCC NEW MAYORS & COUNCIL MEMBERS ACADEMY REGISTRATION FOR D.HANSON	550.00	
		2000	2015 LCC NEW MAYORS & COUNCIL MEMBERS ACADEMY REGISTRATION FOR T.MERTENS	550.00	
		2000	EMPLOYEE RECOGNITION RECEPTION DEPOSIT FOR DEC 19, 2014	500.00	
		1864	(4) ID CARD FILM CATRIDGES FOR 2015 PROPERTY OWNER ID CARD PRINTING	492.52	
		1566	RESIDENT SUNNYLANDS DEPOSIT FOR DEC 10, 2014	450.00	
		7384	(10) UNIFORM PANTS FOR PUBLIC WORKS L.BURR & R.BOWEN	415.00	
		4964	AMAZON WEB OFFSITE BACKUP SERVICES FOR NOV, 2014	379.41	
		2000	CITY COUNCIL MEETING LUNCH FOR NOV 20, 2014	231.60	
		1864	EBAY FINAL VALUE & INSERTION FEE FOR EMBROIDERY MACHINE ONLINE SALE	202.21	
		1566	VETERAN'S DAY EVENT GIFT CARDS FOR SPEAKER, SINGER & PASTOR ON NOV 11, 2014	200.00	
		5061	MMASC ANNUAL CONFERENCE HOTEL EXPENSE FOR D.GASSAWAY ON NOV 12-13, 2014	190.38	
		2000	COUNCIL/EMPLOYEE BREAKFAST CELEBRATION FOR HWY 111 LANDSCAPE PROJECT COMPLETION	177.57	
		7384	(3) JACKETS FOR PUBLIC WORKS K.SEUMALO, L.BURR & E.GUTIERREZ	173.80	
		5061	CALPELRA 2014 ANNUAL CONFERENCE HOTEL EXPENSE FOR D.GASSAWAY ON NOV 18-21, 2014	172.20	
		2000	2015 IAAP MEMBERSHIP REGISTRATION FOR C.TERRONES EXECUTIVE ASSISTANT TO COUNCIL	141.00	
		4964	2-YEAR STANDARD SSL DOMAIN NAME RENEWAL-CITYOFINDIANWELLS.ORG	139.98	
		2000	2015 LCC NEW MAYORS & COUNCIL MEMBERS ACADEMY FLIGHT EXPENSE FOR T.MERTEN	119.70	
		2000	COFFEE SUPPLY FOR COUNCIL CHANGEOVER/SWEARING IN MEETING ON DEC 4, 2014	119.60	
		2000	COUNCIL AGENDA REVIEW MEETING LUNCH FOR NOV 12, 2014	106.23	
		7384	THE STAR12 TRAINING PASS UNLIMITED TRAINING REGISTRATION FOR M.HERNANDEZ	100.00	
		5061	VEHICLE TOWING SERVICE FOR 2005 TRAIL BLAZER ON NOV 14, 2014	90.00	
		5493	(3) BOOKS-LEADERSHIP AND THE ART OF STRUGGLE, LEADERSHIP CHALLENGE & DIMENSIONS	57.06	
		2000	(12) 5X7 & (10) 8X10 PHOTO PRINTS FOR MAYOR'S PHOTO ALBUM	52.00	
		4964	ADOBE CREATIVE CLOUD MONTHLY FEE FOR NOV, 2014	49.99	
		5061	CALPELRA 2014 ANNUAL CONFERENCE MEAL EXPENSE FOR D.GASSAWAY ON NOV 19, 14	42.37	
		4964	3-YEAR PRIVATE DOMAIN NAME REGISTRATION-INDIANWELLS.ORG	41.97	
		5061	CALPELRA 2014 ANNUAL CONFERENCE MEAL EXPENSE FOR D.GASSAWAY ON NOV 18, 2014	39.44	

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CITY OF INDIAN WELLS
02/05/2015 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
		2000	CITY COUNCIL MEETING SNACKS FRUIT, & ASSORTED COOKIES	36.50	
		2000	EMPLOYEE RECOGNITION RECEPTION INVITATIONS FOR DEC 19, 2014	32.40	
		5493	(2) BOOKS FOR CITY CODE ENFORCEMENT DEPT LAWS OF LEADERSHIP & CREATIVITY INC	32.32	
		5061	CALPELRA 2014 ANNUAL CONFERENCE MEAL EXPENSE FOR D.GASSAWAY ON NOV 18, 2014	31.84	
		1864	SATELLITE PHONE SERVICE USAGE FOR OCT, 2014	24.68	
		5493	MONTHLY FORECLOSURE COMPLETE PROPERTY PROFILE SEARCH SERVICE FOR NOV, 2014	20.00	
		4964	1-YEAR .COM DOMAIN NAME RENEWAL & PRIVATE DOMAIN NAME REGISTRATION	18.46	
		7384	(1) 3-V LITHIUM BATTERY FOR MASTER TRAFFIC CONTROLLER ON HWY 111 & MILES	17.90	
		2000	CITY COUNCIL MEETING SNACKS ASSORTED COOKIES FOR NOV 20, 2014	14.97	
		1864	DIGITAL ACCESS OF THE DESERT SUN FOR DEC, 2014	10.00	
		2000	MAYOR OUTGOING GIFT WRAPPING ACCESSORIES FOR DEC 3, 2014	4.30	
		7384	CREDIT OF (10) UNIFORM PANTS FOR PUBLIC WORKS L.BURR & R.BOWEN	-408.05	16,855.44
46661	2/5/2015		J.H. THOMPSON & SONS, INC.		
		7894	WARNER TRAIL ASPHALT PATCHES REPAIR SERVICE FOR DEC, 2014	9,485.00	9,485.00
46668	2/5/2015		LATHROP DEVELOPMENT		
		2021	BUILD & INSTALL CABINETS & LAMINATE COUNTERTOPS AT IW FIRE STATION #55-FINAL	5,239.20	5,239.20
46688	2/5/2015		RIVERSIDE COUNTY ECONOMIC		
		2015-14	RIVERSIDE COUNTY FAIR & NATIONAL DATE FESTIVAL SPONSORSHIP FOR FY 2014/15	5,000.00	5,000.00
46682	2/5/2015		PIXELPUSHERS, INC. DBA CIVICA		
		2967	CITYOFINDIANWELLS.ORG WEBSITE HOSTING FEE FOR JAN-MAR, 2015	4,500.00	4,500.00
46658	2/5/2015		HIGH TECH MAILING SERVICES		
		29987	NEWSLETTER MAILING, UPDATING MAILING LIST, IMPRINT ADDRESSES FOR JAN, 2015	4,378.74	4,378.74
46643	2/5/2015		COMCATE SOFTWARE, INC.		
		5797	CODE ENFORCEMENT SOFTWARE & GIS ENTERPRISE EDITION IMPLEMENTATION FEE	4,298.00	4,298.00
46632	2/5/2015		BEST, BEST & KRIEGER, L.L.P.		
		740151	CODE ENFORCEMENT LEGAL SVC-EMAIL, RESEARCH, REVISED STATUS SHEETS FOR DEC, 2014	1,151.79	
		740155	45-595 HOPI RD CODE ENFORCEMENT LEGAL SVC-EMAIL ABATEMENT CORRESPONDENCE FOR DEC	937.40	
		740156	75535 KACHINA CODE ENFORCEMENT LEGAL SVC-EMAIL ABATEMENT CORRESPONDENCE FOR DEC	915.60	
		740153	77324 SIOUX DRIVE CODE ENFORCEMENT LEGAL SVC EMAIL CORRESPONDENCE FOR DEC, 2014	705.97	
		740154	44100 MOJAVE CT CODE ENFORCEMENT LEGAL SVC-ABATEMENT EMAILS, CONFERENCES FOR DEC	305.20	
		740152	77310 SKY MESA CODE ENFORCEMENT LEGAL SVC-EMAIL CORRESPONDENCE/ABATEMENT FOR DEC	87.20	4,103.16
46638	2/5/2015		CARLISLE, MARILOUISE		
		91-CIW-15-1	CURRENT TRENDS IN COMMUNICATION SKILLS WORKSHOP FOR JAN 5-6, 2015	4,000.00	4,000.00
46693	2/5/2015		SITEIMPROVE, INC.		
		41149	WEBSITE QUALITY IMPROVEMENT SERVICES FOR JAN 9, 2015-JAN 8, 2016	3,995.00	3,995.00

CITY OF INDIAN WELLS
02/05/2015 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
46640	2/5/2015	76752	CLEANSTREET CITYWIDE STREET SWEEPING FOR DEC, 2014	3,702.43	3,702.43
46689	2/5/2015	FC0000014728	RIVERSIDE COUNTY FLOOD CONTROL IW SHARE WHITEWATER NPDES MUNICIPAL STORMWATER PUBLIC EDUCATION FOR FY 2014/15	3,498.07	3,498.07
46706	2/5/2015	010-26482	WILLDAN FINANCIAL SERVICES LLD LEVY SERVICES FOR JAN TO MAR, 2015	3,427.35	3,427.35
46631	2/5/2015		B.G. STRUCTURAL ENGINEERING		
		917.506	42-659 VIA PRATO PLAN CHECK SVCS-ENGINEER, ARCHITECTURE, ADMINISTRATION	1,125.00	
		917.491	46-400 AMETHYST DRIVE PLAN CHECK SVCS-ENGINEER, ARCHITECTURE, ADMINISTRATION	537.50	
		917.543	42-629 VIA PRATO PLAN CHECK SVCS-ENGINEER, ARCHITECTURE, ADMINISTRATION	325.00	
		917.535	46-390 DOVE ROAD PLAN CHECK SVCS-ENGINEER, ARCHITECTURE, ADMINISTRATION	237.50	
		917.528	B00-011-969 PLAN CHECK SVCS-ENGINEER, ARCHITECTURE, ADMINISTRATION	175.00	
		917.537	44-083 SILVER CREEK CIR PLAN CHECK SVCS-ENGINEER, ARCHITECTURE, ADMINISTRATION	137.50	
		917.547	74-175 DESERT ROSE LANE PLAN CHECK SVCS-ENGINEER, ARCHITECTURE, ADMINISTRATION	137.50	
		917.536	74-100 MOCKINGBIRD TRL PLAN CHECK SVCS-ENGINEER, ARCHITECTURE, ADMINISTRATION	137.50	
		917.546	46-405 MANITOU DRIVE PLAN CHECK SVCS-ENGINEER, ARCHITECTURE, ADMINISTRATION	137.50	
		917.541	46-211 LOU CIRCLE PLAN CHECK SVCS-ENGINEER, ARCHITECTURE, ADMINISTRATION	137.50	
		917.538	47-305 VINTAGE DRIVE EAST PLAN CHECK SVCS-ENGINEER, ARCHITECTURE, ADMINISTRATION	137.50	
		917.545	45-600 CIELITO DRIVE PLAN CHECK SVCS-ENGINEER, ARCHITECTURE, ADMINISTRATION	137.50	3,362.50
46621	1/26/2015	BE001042391	DELTA DENTAL DENTAL INSURANCE FOR FEB 2015	3,310.00	3,310.00
46647	2/5/2015		DANNA ELECTRIC, INC.		
		99-44754D2	44754 DAKOTA ELECTRICAL, CABLE & COMMUNICATIONS CONDUIT INSTALLATION (RULE 20B)	1,050.00	
		99-44732D2	44732 DAKOTA ELECTRICAL, CABLE & COMMUNICATIONS CONDUIT INSTALLATION (RULE 20B)	1,035.00	
		99-44463D2	44463 DAKOTA ELECTRICAL, CABLE & COMMUNICATIONS CONDUIT INSTALLATION (RULE 20B)	960.00	3,045.00
46681	2/5/2015	27515	PERFECT IMAGES JANITORIAL INC. CIVIC CENTER & CLUB DR BUILDING JANITORIAL SVCS FOR DEC, 2014	3,045.00	3,045.00
46662	2/5/2015	24939	JOE A. GONSALVES & SON LEGISLATIVE ADVOCACY SERVICES FOR JAN, 2015	3,000.00	3,000.00
46694	2/5/2015		SOUTHERN CALIFORNIA EDISON CO.		
		2-01-570-2186	44-900 ELDORADO DR FIRE STATION UTILITIES FOR JAN, 2015	741.35	
		2-26-379-6526	77-601 1/2 & 77-801 1/2 MILES PED UTILITIES FOR JAN, 2015	266.85	
		2-10-366-7440	44-210 1/2 COOK & 76-105 1/2 FRED WARING UTILITIES FOR DEC, 2014	166.53	
		2-30-405-2939	75-254 1/2 HWY 111 UTILITIES FOR JAN, 2015	164.34	
		2-02-275-6597	76-884 1/2 INCA DR UTILITIES FOR JAN, 2015	124.34	
		2-26-446-8521	77-440 1/2 MILES AVE TC1 UTILITIES FOR JAN, 2015	119.51	
		2-28-811-9811	75-595 1/2 FAIRWAY DR UTILITIES FOR JAN, 2015	117.46	
		2-28-811-8029	78-496 HWY 111 TC1 UTILITIES FOR JAN, 2015	116.98	

CITY OF INDIAN WELLS
02/05/2015 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
		2-28-811-8524	79 DESERT HORIZON/HWY 111 SIGNAL UTILITIES FOR JAN, 2015	104.49	
		2-04-013-0916	45-277 CLUB DR UTILITIES FOR JAN, 2015	98.64	
		2-33-975-8682	45-200 CLUB DR UNIT B2 UTILITIES FOR JAN, 2015	90.48	
		2-19-255-7163	75980 1/2 HWY 111 UTILITIES FOR JAN, 2015	87.75	
		2-10-366-7580	44-950 ELDORADO, 45-826 1W LN, ELDORADO/FW & PORTOLA/VINTAGE UTILITIES FOR DEC	81.83	
		2-30-405-3051	75-256 1/2 HWY 111 UTILITIES FOR JAN, 2015	75.15	
		2-26-702-6078	45-002 1/2 MILES AVE PED UTILITIES FOR JAN, 2015	73.09	
		2-28-811-8367	79 HIGHWAY 111 CLUB LOT UTILITIES FOR JAN, 2015	57.66	
		2-28-811-8466	79 HWY 111-ELDORADO SIGNAL UTILITIES FOR JAN, 2015	56.95	
		2-28-811-8276	79 HIGHWAY 111 MILES LOT UTILITIES FOR JAN, 2015	56.69	
		2-31-473-5101	45-280 1/2 COOK ST LOT UTILITIES FOR JAN, 2015	52.20	
		2-28-811-8425	INDIAN WELLS/HWY 111 TC1 UTILITIES FOR JAN, 2015	52.12	
		2-36-295-8456	MILES AVE & WARNER TRL UTILITIES FOR DEC, 2014	45.08	
		2-35-253-2683	45-324 1/2 INDIAN WELLS LN UTILITIES FOR JAN, 2015	35.70	
		2-32-400-4498	45-300 CLUB DR UTILITIES FOR JAN, 2015	27.59	
		2-01-570-2202	77-250 SANDPIPER DR LOT UTILITIES FOR JAN, 2015	18.83	
		2-35-530-3157	FAIRWAY DR & WILLIAMS RD STREET LIGHT UTILITIES FOR DEC, 2014	11.30	2,842.91
46656	2/5/2015		GRAPHTEK INTERACTIVE		
		9136-1	NEWSLETTER DESIGN, LAYOUT & PROJECT MANAGEMENT SERVICES FOR NOV 2014 ISSUE	2,500.00	2,500.00
46691	2/5/2015		SILVER INK COMMUNICATIONS		
		15-0101	FEB 2015 NEWSLETTER EDITORIAL PLANNING, INTERVIEW, RESEARCH, WRITING, EDIT/PROOF	2,400.00	2,400.00
46671	2/5/2015		LUMPKIN, RUSSELL L.		
		DTD 1/16/15	BUILDING INSPECTION, PLAN REVIEW, PERMIT ISSUANCE & CODE ENFORCEMENT JAN 2-16, 15	2,304.00	2,304.00
46696	2/5/2015		STEVENSON ENGINEERING, INC		
		181	STRUCTURAL ENGINEERING SERVICES FOR CITY STORAGE BUILDING AT 45300 CLUB DRIVE	2,100.00	2,100.00
46657	2/5/2015		HEPTAGON SEVEN CONSULTING, INC.		
		20150104	1W VILLAGE RULE 20B UTILITY UNDERGROUNDING MGMT SVCS FOR DEC 13, 14-JAN 9, 15	2,092.50	2,092.50
46654	2/5/2015		GLOBAL CTI		
		110317	1 YEAR GLOBAL SHIELD SHORTEL PHONE SYSTEM SUPPORT FOR 2015	1,987.00	1,987.00
46636	2/5/2015		CANON FINANCIAL SERVICES, INC		
		14533521	IRC5051 & IR5075 CANON COPIERS LEASES & PROPERTY TAXES FOR FEB, 2015	1,489.33	
		14491534	CW300 & SCEXPN WIDE FORMAT COPIER/SCANNER LEASE FOR JAN, 2015	447.12	1,936.45
46683	2/5/2015		PRINTING PLACE		
		142529	PRINT (5,000) 8-PAGE JANUARY, 2015 NEWSLETTERS	1,695.00	1,695.00
46623	1/26/2015		UNION SECURITY INSURANCE CO.		
		4015595	SHORT/LONG TERM DISABILITY FOR FEB 2015	1,624.64	1,624.64

CITY OF INYON WELLS
02/05/2015 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
46675	2/5/2015		MCKINNEY, WADE G.		
		SACRAMENTO	LCC NEW MAYORS & COUNCIL MEMBERS ACADEMY TRAVEL EXPENSE REIMB FOR 1/13-1/16/15	1,577.43	1,577.43
46701	2/5/2015		TYLER TECHNOLOGIES, INC.		
		045-123627	EDEN CONTRACT MANAGEMENT SOFTWARE ANNUAL MAINTENANCE & SUPPORT	1,350.00	
		045-123626	EDEN CONTRACT MANAGEMENT MAINTENANCE & SUPPORT FOR NOV-DEC, 2014	225.00	1,575.00
46705	2/5/2015		WEX BANK		
		39324098	PW VEHICLE FLEET FUEL SUPPLY FOR DEC, 2014	1,563.71	1,563.71
46685	2/5/2015		PRUDENTIAL OVERALL SUPPLY		
		20971015	CITY TOWEL, MATS & AIR FRESHENER SUPPLIES FOR DEC 10, 2014	140.72	
		20984471	CITY TOWEL, MATS & AIR FRESHENER SUPPLIES FOR JAN 7, 2015	140.72	
		20956425	CITY TOWEL, MATS & AIR FRESHENER SUPPLIES FOR NOV 12, 2014	140.72	
		20949572	CITY TOWEL, MATS & AIR FRESHENER SUPPLIES FOR OCT 29, 2014	140.71	
		20978033	CITY TOWEL, MATS & AIR FRESHENER SUPPLIES FOR DEC 24, 2014	140.71	
		20963396	CITY TOWEL, MATS & AIR FRESHENER SUPPLIES FOR NOV 26, 2014	140.71	
		20959897	CITY TOWEL, MATS & AIR FRESHENER SUPPLIES FOR NOV 19, 2014	112.63	
		20980973	CITY TOWEL, MATS & AIR FRESHENER SUPPLIES FOR DEC 31, 2014	112.63	
		20966947	CITY TOWEL, MATS & AIR FRESHENER SUPPLIES FOR DEC 3, 2014	112.63	
		20973932	CITY TOWEL, MATS & AIR FRESHENER SUPPLIES FOR DEC 17, 2014	112.63	
		20988051	CITY TOWEL, MATS & AIR FRESHENER SUPPLIES FOR JAN 14, 2015	112.63	
		20953021	CITY TOWEL, MATS & AIR FRESHENER SUPPLIES FOR NOV 5, 2014	112.63	1,520.07
46699	2/5/2015		TOTALFUNDS BY HASLER		
		2578	CITY HALL POSTAGE METER ADVANCE DEPOSIT FOR JAN, 2015	1,500.00	1,500.00
46690	2/5/2015		SHARK POOLS, INC.		
		15200105	IW LANE EAST FOUNTAINS MAINTENANCE FOR JAN, 2015	380.00	
		15200104	IW LANE WEST FOUNTAIN MAINTENANCE FOR JAN, 2015	380.00	
		14201206	INSTALL (12) SKIMMER BASKETS EACH FOR IW LANE EAST & IW LANE WEST FOUNTAINS	224.76	
		15200103	WALK OF HONOR FOUNTAIN MAINTENANCE FOR JAN, 2015	180.00	
		15200102	ARROWHEAD (CITY HALL FLAGPOLE) FOUNTAIN MAINTENANCE FOR JAN, 2015	140.00	1,304.76
46660	2/5/2015		INNOVATIVE DOCUMENT SOLUTIONS		
		150266	CANON IR5075 & IRC5051 COPIERS MAINTENANCE FOR DEC, 2014	999.20	
		150265	CANON IR7105 & CANON IR4045 COPIER MAINTENANCE FOR DEC, 2015	293.61	1,292.81
46673	2/5/2015		MARTIN SWEEPING		
		6871	CITYWIDE STORM DRAIN FACILITIES MAINTENANCE FOR DEC, 2014	1,183.75	1,183.75
46692	2/5/2015		SIMPLOT PARTNERS		
		208043565	(42) BAGS OF CALCIUM NITRATE FOR LANDSCAPE MAINTENANCE SUPPLIES	623.70	
		208042898	(1) BISHOP COMBO KIT WITH PRUNER & SAW AND (3) CORONA LOPPERS FOR PW DEPT	379.65	1,003.35
46642	2/5/2015		COACHELLA VALLEY WATER DIST.		
		331197-849962	LLMD S. HWY 111 @ MANITOU UTILITIES DEC, 2014	742.13	
		317055-849582	LLMD A2 RANCHO PALMERAS DR UTILITIES FOR DEC, 2014	125.13	867.26

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CITY OF INDIAN WELLS
02/05/2015 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
46645	2/5/2015	81376955	CORELOGIC INFORMATION REALQUEST ONLINE REAL ESTATE DATA FOR DEC, 2014	825.00	825.00
46663	2/5/2015	70557241 70521475 70564122 70562712 70564940 70565174 70567235	JOHN DEERE LANDSCAPES PVC PIPE, FITTINGS, COVERS & TEFLON TAPE FOR HWY 111 & MILES ZONE-A21 PVC FITTINGS, COUPLING SOCKETS & CABLE SAW FOR HWY 111 ZONE-A21 PVC NIPPLES, FITTINGS, COUPLING SOCKETS & BOXES HWY 111 WAS OF MILES ZONE-A21 ICV & IVC BOX AND COVERS FOR HWY 111 & EAS OF CLUB DR ZONE-C OVERLAPPING ICV COVERS & PVC CEMENT CITY LANDSCAPING SUPPLIES PCV CONDUIT, FITTINGS, ADAPTERS & COVERINGS FOR HWY 11 & CLUB DR ZONE C (1) 14X19 IVC GREEN BOX & COVER FOR HWY 111 & EAST OF CLUB DR ZONE-C	281.35 197.72 110.82 76.05 66.83 59.18 24.11	816.06
46625	1/26/2015	121858900001	VISION SERVICE PLAN - (CA) VISION INSURANCE FOR FEB 2015	815.32	815.32
46626	2/5/2015	12430	AEGIS ITS, INCOPORATED TRAFFIC SIGNALS MAINT/REPAIRS FOR HWY 111, ELDORADO & CLUB DR FOR DEC, 2014	765.70	765.70
46700	2/5/2015	03002862	TROON RESTAURANT HOLDINGS, LLC HARASSMENT & ETHICS TRAINING FOOD & BEVERAGE FOR DEC 9, 2014	737.86	737.86
46653	2/5/2015	341160 341161	FULTON DISTRIBUTING TOILET PAPER, FACIAL TISSUE, TOWELS, & 12-45 GALLON LINERS CUP SLEEVES, FORKS, HOT SIP LIDS, PLATES, TYLENOL, ADVIL, COKE & DIET COKE	371.09 357.08	728.17
46684	2/5/2015	2310 2059	PROPER SOLUTIONS CITY CLERK/COMMUNITY DEVELOPMENT TEMP SVCS FOR JAN 2TO JAN 8, 2015 COMMUNITY DEVELOPMENT TEMP SVCS FOR NOV 12 TO NOV 13, 2014	396.00 316.80	712.80
46665	2/5/2015	11890	JP TREE CARE CERTIFD ARBORIST CITY HALL HOLIDAY TREE LIGHTING & DECORATION REMOVAL SERVICE	704.00	704.00
46620	1/16/2015	101637688	STATE BOARD OF EQUALIZATION SALES AND USE TAX DUE FOR OCT TO DEC, 2014	687.00	687.00
46639	2/5/2015	1433801-1 0009 1433801-1 0012 1433801-1 0010	CERTIFIED COMFORT SYSTEMS INC REFUND DUPLICATE BUILDING PERMIT #B00-0011-992 FOR 44-826 ORO GRANDE CIRCLE REFUND DUPLICATE BUILDING PERMITS #B00-011-995 FOR E. ELDORADO DR REFUND DUPLICATE BUILDING PERMIT #B00-011-993 FOR 76-101 VIA MONTELENA	265.25 236.25 153.25	654.75
46664	2/5/2015	280903	JOHNSTONE SUPPLY (7) DRIKING WATER FILTERS FOR CITY HALL, EOC BUILDING & FIRE STATION	625.14	625.14
46622	1/26/2015	643033	STANDARD INSURANCE COMPANY LIFE INSURANCE/AD&D FOR FEB 2015	551.27	551.27

CITY OF INDIAN WELLS
02/05/2015 MEETING, WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
46641	2/5/2015	CV15110-15	COACHELLA VALLEY ASSOC OF GOVT JEFFERSON ST. AND INTERSTATE 10 INTERCHANGE PROJECT SUB-REIMBURSEMENT FY 2014/15	529.50	529.50
46695	2/5/2015	16312760008 16102760622 15892760008	SOUTHERN CALIFORNIA GAS CO. 44950 ELDORADO DRIVE CITY HALL UTILITIES FOR DEC 1-DEC 31, 2014 44900 ELDORADO DRIVE FIRE STATION UTILITIES FOR DEC 1-DEC 31, 2014 44860 ELDORADO CORP YARD UTILITIES FOR DEC 1-DEC 31, 2014	268.75 182.36 44.98	496.09
46697	2/5/2015	63324777-0	TELEPACIFIC COMMUNICATIONS CITY HALL PHONE SERVICE FOR JAN 16-FEB 15, 2015	491.43	491.43
46666	2/5/2015	4694 4755 4875 5029	JUDICIAL DATA SYSTEMS CORP. PARKING CITATIONS REVIEWS/HEARING PROCESSING ADMINISTRATION FEES FOR JUL, 2014 PARKING CITATIONS REVIEWS/HEARING PROCESSING ADMINISTRATION FEES FOR AUG, 2014 PARKING CITATIONS REVIEWS/HEARING PROCESSING ADMINISTRATION FEES FOR OCT, 2014 PARKING CITATIONS REVIEWS/HEARING PROCESSING ADMINISTRATION FEES FOR NOV, 2014	100.00 100.00 100.00 100.00	400.00
46687	2/5/2015	B00-011-921-1	RA STRUCTURAL ENGINEERING 47200 ELDORADO DRIVE PLAN CHECK SERVICES FOR NOV 11 & DEC 16, 2014	390.00	390.00
46672	2/5/2015	5589 5590	MARK CIESLIKOWSKI PHOTOGRAPHY CITY HOLIDAY PARTY PHOTOGRAPHY SHOOTING FEE & DVD BURNING SVCS ON DEC 19, 2014 (1) 11X17 HOSPITALITY AWARDS CUSTOM PRINT	286.20 81.00	367.20
46679	2/5/2015	SI42226	OMEGA INDUSTRIAL SUPPLY, INC TRUCK & SHOP DOOR CLEANING SUPPLIES FOR PW DEPT	354.47	354.47
46634	2/5/2015	44-WO 494032 44-BS 405166	BURRTEC WASTE & RECYCLING (5) LARGE TRASH BINS & TONNAGE CHARGES FOR STORM FLOOD DAMAGE DEBRIS CLEAN UP ONSITE STORAGE RENTAL FOR CHRISTMAS TREE DECORATIONS FOR JAN, 2015	229.68 80.00	309.68
46667	2/5/2015	11839	LASR-INK (3) LASER PRINTER INK CARTRIDGES	299.16	299.16
46674	2/5/2015	92977 93039	MAXIMUM SECURITY COUNCIL CHAMBERS PANIC BUTTON TEST & REPAIR SERVICE CALL ON DEC 23, 2014 SOFTWARE UPDATE DOWNLOAD SERVICE CALL ON JAN 6, 2015	197.60 92.50	290.10
46650	2/5/2015	0014695700 0014693560	DESERT PIPE & SUPPLY SINK FAUCET & TEFLON TAPE FOR IW FIRE STATION #55 PLUMBING REPAIR PLUMBING REPAIR PARTS FOR IW FIRE STATION #55	147.10 134.06	281.16
46648	2/5/2015	17926	DESERT BUSINESS INTERIORS (1) WORKSTATION FABRICATION & INSTALLATION FOR J.MOON FINAL 50%	280.80	280.80
46617	1/16/2015	17926	DESERT BUSINESS INTERIORS (1) WORKSTATION FABRICATION & INSTALLATION FOR J.MOON 50% DEPOSIT	280.80	280.80

CITY OF INDIAN WELLS
02/05/2015 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
46652	2/5/2015	558322	FIRST CHOICE SERVICES COFFEE SUPPLY FOR JAN 16, 2015	277.54	277.54
46627	2/5/2015	SI-599663 SI-600147	ARMSTRONG GROWERS (12) 8" POINSETTIA RED PLANTS & (12) GOLD POT COVERS FOR CITY HALL (40) POINSETTIA MINI STAR PINK PLANTS FOR CITY HALL	187.14 63.72	250.86
46630	2/5/2015	SCHOOL REIMB	AVILA, ANGELICA EDUCATION REIMBURSEMENT FOR SEPT 2-DEC 19, 2014	234.50	234.50
46646	2/5/2015	AN0000000415	COUNTY OF RIVERSIDE ANIMAL SHELTER, FIELD SVC, LICENSES, OPERATIONS & MAINT. FOR DEC, 2014	208.57	208.57
46686	2/5/2015	16440	PUBLIC RECORD CLERKS DEPT LEGAL NOTICE OF ORDINANCE NO.683 ON DEC, 9 2014	204.00	204.00
46677	2/5/2015	219125 222261	NAPA AUTO PARTS COUPLER, ADAPTER, PLUGS, AIR HOSE & TIRE VALVE FOR IW FIRE STATION WIRING SUPPLIES FOR CITY WATER TRAILER	175.46 10.69	186.15
46635	2/5/2015	66309 66512 66451	CAM STONE'S AUTOMOTIVE 2008 FORD F150 OIL, LUBE, FILTER CHANGE, TIRE ROTATION, INSPECTION & RPL BULB 2006 FORD F150 OIL FILTER CHANGE, TIRE ROTATION & PRESSURE INSPECTION 2012 TACOMA LUBE, OIL, FILTER, TIRE MAINT & EXHAUST NOISE CHECK & REPORT	60.18 57.56 54.00	171.74
46651	2/5/2015	84579 84578 84580	FERNANDO'S BUST-A-BUG CIVIC CENTER EXTERIOR & INTERIOR PEST CONTROL SERVICE FOR JAN, 2015 FIRE STATION PEST CONTROL SERVICE FOR JAN, 2015 WALK OF HONOR PEST CONTROL SERVICE FOR JAN, 2015	96.00 50.00 20.00	166.00
46698	2/5/2015	63342945-0	TELEPACIFIC COMMUNICATIONS EMERGENCY PHONE SERVICES FOR JAN 16-FEB 15, 2015	156.86	156.86
46649	2/5/2015	S2147809.001 S2156735.001 S2155066.001	DESERT ELECTRIC SUPPLY CITY WATER TRAILER LIGHTING SUPPLIES (4) PODIUM LIGHTS FOR CITY COUNCIL CHAMBERS TERMINAL ADAPTER & LANDSCAPE LIGHTING SUPPLIES	89.95 33.84 29.57	153.36
46659	2/5/2015	5012565 5012581 5110918 3011467	HOME DEPOT ELECTRICAL CHISEL & (7) POT HOLE BLACKTOP PATCHES FOR PW DEPT GROUT FOR IW FIRE STATION TILE JOB TILE SPACER & GROUT SAW FOR IW FIRE STATION TILE JOB (1) BLACKTOP PATCH BIKE STENCIL FOR MILES & WASHINGTON	89.10 12.97 12.25 11.12	125.44
46644	2/5/2015	5725-779179	CONSOLIDATED ELECTRICAL DIST. (1) MULTITESTER TOOL FOR PUBLIC WORKS DEPT	113.35	113.35
46628	2/5/2015	150100106101	AROUND-THE-CLOCK AFTER HOURS PHONE ANSWERING SERVICE FOR DEC 16, 2014-JAN 12, 2015	109.00	109.00

CITY OF INDIAN WELLS
02/05/2015 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
46676	2/5/2015		MOON, JILL		
		ONTARIO	ADMIN ASSISTANTS CONFERENCE TRAVEL EXPENSE REIMB FOR JAN 6, 2015	103.75	103.75
46670	2/5/2015		LEAGUE OF CALIFORNIA CITIES		
		1684	CITY CLERK ANNUAL MEMBERSHIP DUES FOR 2015	100.00	100.00
46655	2/5/2015		GOVERNMENT FINANCE OFFICERS		
		2778836	BEST PRACTICES FOR BUDGETING & FISCAL POLICY REGISTRATION FOR S.LEONG ON FEB 12	85.00	85.00
46680	2/5/2015		PALM DESERT ACE HARDWARE		
		189698	AIR COMPRESSOR REPAIR SUPPLIES FOR IW FIRE STATION	38.43	
		189768	(1) 10 OZ TEXTURE SPRAY CAN FOR 45-200 CLUB DRIVE BUILDING MAINTENANCE	15.11	
		189950	(1) TAPE MEASURE FOR PW DEPT TOOLS	10.79	
		189677	(2) AIR HOSES FOR AIR COMPRESSOR REPAIR AT IW FIRE STATION	4.95	69.28
46702	2/5/2015		UNITED WATER WORKS, INC.		
		S100013512.001	RING GASKETS,NUTS/BOLT KIT, BLUE DETECTABLE WATER TAPE, SLIP FLANGE FOR HWY 111	68.91	68.91
46637	2/5/2015		CANON SOLUTIONS AMERICA, INC.		
		988375785	SCEXPN WIDE FORMAT COPIER/SCANNER MAINTENANCE FOR JAN, 2015	50.12	
		988366060	COLORWAVE 300 COLOR PRINTER USAGE & MAINTENANCE FOR DEC, 2014	18.33	68.45
46703	2/5/2015		VERIZON CALIFORNIA		
		200-1815	TRAFFIC SIGNAL PHONE LINE FOR JAN 13-FEB 12, 2015	59.89	59.89
46669	2/5/2015		LCC RIVERSIDE COUNTY DIVISION		
		1706	LCC RIVERSIDE DIVISION GENERAL MEETING REGISTRATION FOR COUNCIL MEMBER D.HANSON	36.00	36.00
46624	1/26/2015		UNITED WAY OF THE DESERT		
		352000006506	PAYROLL EMPLOYEE CONTRIBUTIONS FOR JAN 16, 2015	27.00	27.00
46629	2/5/2015		AT&T MOBILITY		
		287243904839	RAINBIRD LANDSCAPE CONTROLLER SIM CARD DATA SVC FOR DEC 12, 2014-JAN 11, 2015	22.53	22.53
46678	2/5/2015		NEXTEL COMMUNICATIONS		
		627757319-158	R.BOWEN LANDSCAPE SPECIALIST PUSH TO TALK CELL SVC FOR DEC 12, 2014-JAN 11, 2015	20.21	20.21

89 checks in this report

TOTAL CITY WARRANTS 46617-46706: 683,653.38

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CITY OF INDIAN WELLS
02/05/2015 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
Wires :					
1520	1/23/2015		CALIFORNIA PUBLIC EMPLOYEES		
		100000014457915	MEDICAL INSURANCE FOR FEB 2015	65,839.71	65,839.71
1519	1/21/2015		INTERNAL REVENUE SERVICE		
		95-2489139	FWT, FICA & MEDICARE FOR JAN 16, 2015	65,630.84	65,630.84
1518	1/21/2015		ICMA		
			CONTRIBUTIONS 401A, 457 & ROTH IRA FOR JAN 16, 2015	44,353.98	44,353.98
1522	1/21/2015		CALIFORNIA, STATE OF		
		925-0060-2	SDI & SWT DEPOSIT FOR JAN 16 2015	12,627.83	12,627.83
1521	1/22/2015		CALPERS RETIREMENT SYSTEM		
		6392517834	PAYROLL CONTRIBUTIONS FOR JAN 22, 2015	8,839.49	8,839.49
2880	1/15/2015		INDIAN WELLS EMPLOYEE ASSOC.		
		2379795	PAYROLL EE DUES FOR JAN 16, 2015	210.00	210.00
TOTAL PAYROLL WIRE DISBURSEMENTS 1518-1522 & 2880:					197,501.85

CITY OF INDEPENDENT WELLS
02/05/2015 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
			EFT 1368-1368	108,295.28	
			2881	1,000.00	
			Total Net Payroll 01/16/15	109,295.28	
			EFT 1368-13715	76,866.70	
			2883	2,820.20	
			Total Net Payroll 01/30/15	79,686.90	
TOTAL CITY DISBURSEMENTS:				1,070,137.41	

Note: Warrants 46617-46620 were issued prior to City Council approval.

CC/HA ACTION CC/HA ACTION _____ MTG. DATE: 2-5-15
 APPROVED DENIED _____ REC/FILE _____ CONT _____
 OTHER _____
 VOTE: YES 4 NO 0 ABSTAIN 1
Reed

CC/HA ACTION _____ MTG. DATE: 2-5-15
APPROVED DENIED _____ REC/FILE _____ CONT. _____
OTHER _____
VOTE: YES 4 NO _____ ABSTAIN 1

Indian Wells City Council

Recuse - Hanson
February 5, 2015

Mayor Pro Tem Reed

Request to Hold Council Assignments Draft on February 19, 2015 for All Seated Council Members

① distribute a proposed governance policy (code of conduct) on Feb 11/12, 2015 strategic planning sessions, ② adopt

RECOMMENDED ACTIONS:

Policy on Feb 19, 2015 & have a Committee Draft for all Council members on March 5, 2015.

Council **AGENDIZES** on February 19, 2015 a Council assignments draft be held for all seated Council Members.

I propose that at our February 19, 2015 Council meeting, we conduct a new draft for committee assignments, pursuant to the seniority and other rules set forth in the City's Policy Manual, and that all Councilmembers be permitted to fully and equally participate. The new appointments would become effective on the first day of the next calendar month, March 1, 2015.

I would like the Council to acknowledge that there is no nexus between this proposed action and the lawsuit filed by Councilmember Hanson and that Councilmember Hanson will be under no legal obligation to dismiss his lawsuit as a result of today's action. Specifically, by the Council adopting this proposal, Councilmember Hanson is not being asked to waive any rights he may possess in order to be allowed to serve on any Council committees

CC/HA ACTION _____ MTG. DATE: 2-5-15
APPROVED DENIED _____ REC/FILE _____ CONT. _____
OTHER _____
VOTE: YES 5 NO 0 ABSTAIN _____

Indian Wells City Council

February 5, 2015

Staff Report – Finance

Receive and File City's Financial Overview Report

RECOMMENDED ACTION:

Council **RECEIVES** and **FILES** the City's Financial Overview report.

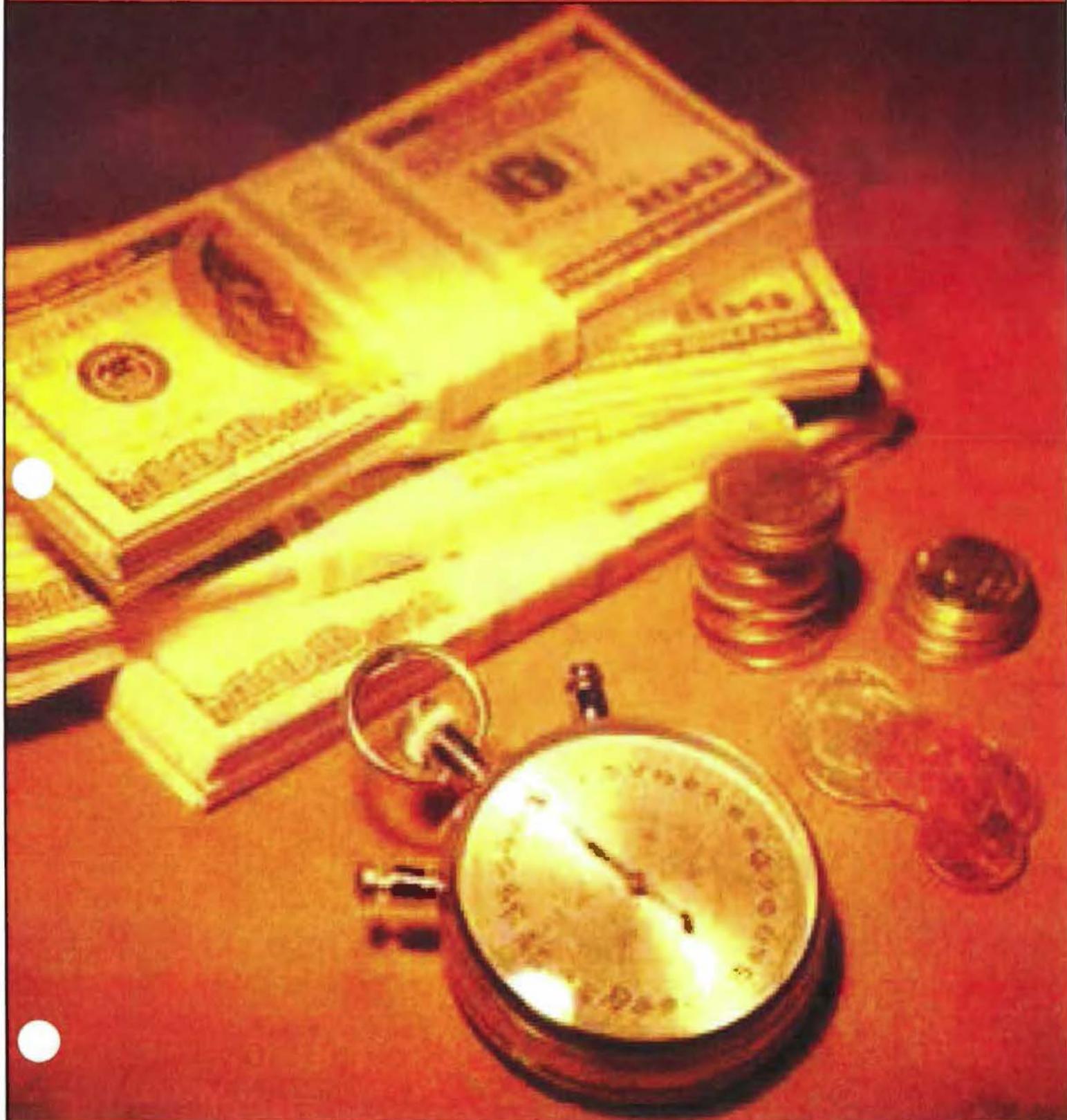
DISCUSSION:

Staff has prepared a financial overview report to provide the City Council and the community a picture of the City's financial position and long-term financial sustainability. The report addresses the General Fund revenues and operating costs, as well as long-term cash flows and capital reserves.

ATTACHMENTS:

1. Financial Overview Report

City of Indian Wells Financial Overview



Introduction

PRESERVE QUALITY PUBLIC SERVICES FOR THE COMMUNITY THROUGH LONG-TERM FINANCIAL SUSTAINABILITY

This Financial Overview Report is designed to provide a picture of the City's financial position and long-term financial sustainability. In addition, the City Council uses this information to set strategic goals for Indian Wells.

Post-Redevelopment

Fiscal years 2015/16 and 2016/17 will be the first two-year budget since the dissolution of redevelopment. The dissolution of redevelopment significantly changed the City's budget and long-term capital plans.

Prior to dissolution in 2012, the City allocated approximately \$3.2 million in administrative costs to the Redevelopment Agency. After dissolution, administrative costs transferred back to the City. This resulted in an 18% reduction of the City's workforce and cutbacks to non-essential services.

In addition, the City adopted a capital contribution policy to reserve \$1.4 million annually to maintain and replace infrastructure that historically had been covered by redevelopment funds.

Fiscal Year 2015/16 Overview

Revenues are anticipated to increase \$600,000 to approximately \$16.3 million. Early analysis indicates the majority of this growth will come from a strengthening tourism economy. Overall, an invigorated economy increases TOT (Transient Occupancy Tax), sales tax revenue, and home values. Early analysis indicates property values are projected to reach \$5.2 billion generating a solid \$2.4 million in tax collections.

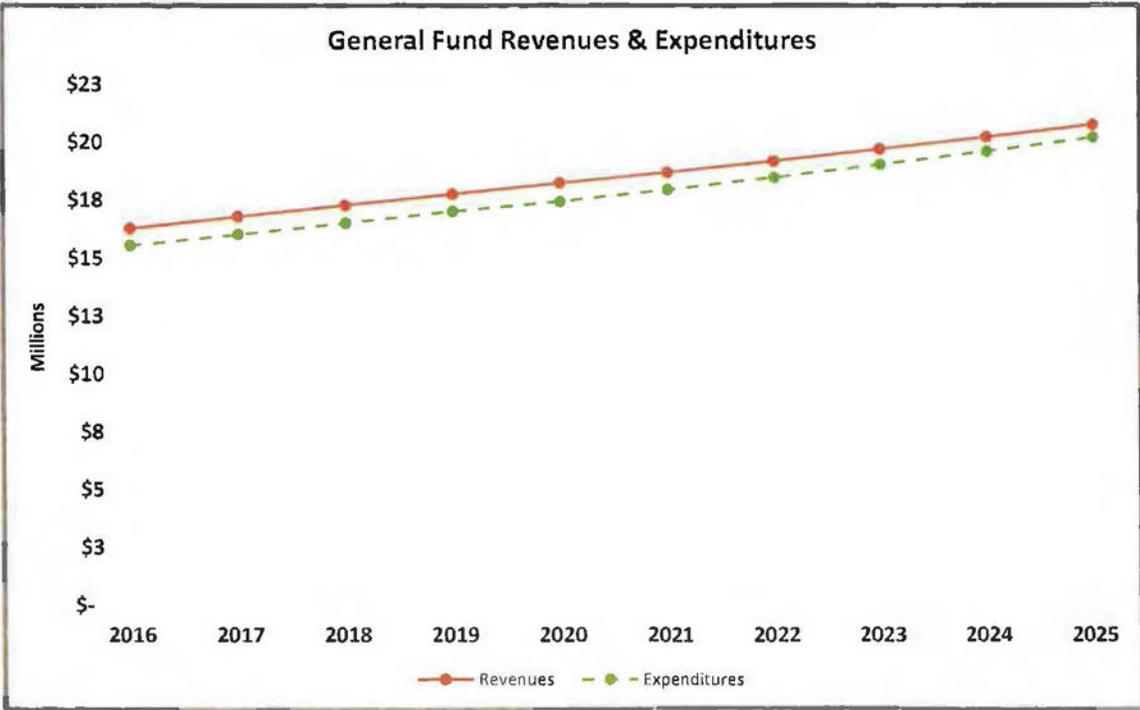
Operating costs are projected to increase \$600,000 to \$15.6 million. Staff anticipates employee services will rise \$230,000 due to recent changes at California Public Employees' Retirement System, which now requires additional payments to reduce unfunded pension liabilities.

The Riverside County Sheriff’s Department anticipates a 6.0% increase for police services based upon existing labor obligations. This equates to a \$200,000 increase based upon existing service levels. Staff anticipates professional services will rise 3.0% in order to maintain existing vendor contracts and current service levels. Based upon historical averages, the remainder of the operating costs categories such as community outreach, office expense, and training will increase between 2.5% and 3.0% due to inflationary price increases and existing contract obligations.

Looking Forward

The cash flow projections, in this report, are based on revenue growth from existing sources. Revenues from potential opportunities, such as future commercial development, expanded marketing efforts, or grant opportunities are not considered in these cash flow projections.

Over the next ten-year period, the City will see conservative growth of approximately 2.7% per year. The growth is largely inflationary in nature, although small growth should continue from expanding hotel occupancy and tennis tournament attendance.



The operating cost projections represent current service levels. The analysis does not assume any changes in staffing levels, police services, current maintenance and landscaping levels, and other City services. Over the next ten-year period, Staff expects to see operating cost increases of approximately 3.0% per year. Cost increases reference historical trends and are largely inflationary in nature.

Cash Flow Projections

In preparation of the Council's upcoming strategic planning and development of the new two-year City budget, Staff has prepared a long-term cash flow projection. The cash flow provides two years of audited figures (labeled as 2013A and 2014A), an updated projection of the 2015B budget, and ten years of forecasted projections (labeled as 2016F through 2025F).

The cash flow projection is an excellent planning tool to get a broader perspective of how the organization will fare especially since the redevelopment dissolution in 2012. The 2013A and 2014A audited figures provide comparative trend data since the redevelopment dissolution in 2012.

**CITY OF INDIAN WELLS, CA, GENERAL FUND
GENERAL FUND SUMMARY**

	*2013A	*2014A	*2015B	*2016F	*2017F	*2018F	*2019F	*2020F	*2021F	*2022F	*2023F	*2024F	*2025F
BEGINNING FUND BALANCE	7,717,941	7,347,418	8,095,432	8,770,694	9,444,827	10,168,042	10,894,808	11,582,963	12,314,224	12,992,074	13,609,310	14,158,473	14,631,869
REVENUES & SOURCES, BY ACCOUNT GROUP													
01-PROPERTY TAXES	2,213,843	2,305,106	2,332,184	2,425,471	2,486,108	2,548,261	2,599,226	2,651,211	2,704,235	2,758,319	2,813,486	2,869,756	2,927,151
02-SALES TAXES	945,359	1,016,141	1,020,824	1,051,449	1,082,992	1,115,482	1,148,947	1,183,415	1,218,918	1,255,485	1,293,150	1,331,944	1,371,902
03-TRANSIENT OCCUPANCY TAX	6,341,825	6,407,454	6,624,803	6,823,547	7,014,606	7,189,972	7,369,721	7,553,964	7,742,813	7,936,383	8,134,793	8,338,163	8,546,617
04-FRANCHISE TAXES	860,303	886,891	936,325	969,096	998,169	1,028,114	1,058,957	1,090,726	1,123,448	1,157,151	1,191,866	1,227,622	1,264,451
05-OTHER TAXES	97,822	131,294	131,294	133,920	136,598	139,330	142,117	144,959	147,858	150,816	153,832	156,908	160,047
06-REAL PROPERTY TRANSFER TAX	194,120	217,975	155,000	158,100	161,262	164,487	167,777	171,133	174,555	178,046	181,607	185,239	188,944
07-ADMISSIONS TAX	1,816,400	2,244,125	2,425,100	2,594,857	2,750,548	2,888,076	3,003,599	3,108,725	3,201,987	3,298,046	3,396,988	3,498,897	3,603,864
08-LICENSE & PERMIT FEES	437,537	425,848	391,985	399,825	407,821	415,978	424,297	432,783	441,439	450,268	459,273	468,459	477,828
09-FINES & FORFEITURES	95,257	52,631	54,900	55,998	57,118	58,260	59,426	60,614	61,826	63,063	64,324	65,611	66,923
10-INTEREST INCOME	6,682	116,375	120,000	130,800	143,880	159,707	178,872	202,125	228,401	258,093	291,645	329,559	372,402
11-USE OF MONEY & PROPERTY	44,476	42,201	42,201	43,045	43,906	44,784	45,680	46,593	47,525	48,476	49,445	50,434	51,443
12-INTERGOVERNMENTAL	381,405	386,696	507,103	517,245	527,589	538,141	548,904	559,882	571,080	582,501	594,151	606,034	618,155
13-CURRENT SERVICE CHARGES	911,752	665,711	734,966	749,665	764,659	779,952	795,551	811,462	827,691	844,245	861,130	878,352	895,919
14-OTHER REVENUES	168,731	247,865	153,050	156,111	159,233	162,418	165,666	168,980	172,359	175,806	179,322	182,909	186,567
15-DEVELOPMENT AGREEMENT FEES	86,681	76,659	79,992	81,592	83,224	84,888	86,586	88,318	90,084	91,886	93,723	95,598	97,510
TOTAL - REVENUES & SOURCES	14,602,193	15,222,972	15,709,727	16,290,721	16,817,715	17,317,850	17,795,325	18,274,889	18,754,219	19,248,585	19,758,736	20,285,486	20,829,722
EXPENDITURES & USES, BY ACCOUNT GROUP													
SALARIES & BENEFITS	4,038,374	4,392,654	4,375,730	4,605,168	4,733,009	4,864,671	5,000,271	5,139,934	5,283,786	5,431,959	5,584,588	5,741,813	5,903,778
08-POLICE CONTRACT	3,064,414	3,187,408	3,543,283	3,755,880	3,962,453	4,180,388	4,410,310	4,652,877	4,908,785	5,178,768	5,463,600	5,764,098	6,081,124
09-PROFESSIONAL SERVICES	2,055,849	2,463,652	1,858,587	1,914,345	1,971,775	2,030,928	2,091,856	2,154,612	2,219,250	2,285,828	2,354,402	2,425,035	2,497,786
10-BUILDINGS & GROUNDS MAINTENANCE	726,626	813,753	926,996	954,806	983,450	1,012,953	1,043,342	1,074,642	1,106,881	1,140,088	1,174,290	1,209,519	1,245,805
11-UTILITIES	103,167	144,937	227,775	234,608	241,646	248,896	256,363	264,054	271,975	280,135	288,539	297,195	306,111
12-COMMUNITY INFORMATION	186,020	226,765	316,726	323,060	329,522	336,112	342,834	349,691	356,685	363,819	371,095	378,517	386,087
13-COMMUNITY ACTIVITIES	416,310	403,648	462,059	471,300	480,726	490,340	500,147	510,150	520,353	530,760	541,375	552,203	563,247
14-MARKETING	875,132	947,782	1,074,336	1,095,823	1,117,739	1,140,094	1,162,896	1,186,154	1,209,877	1,234,075	1,258,756	1,283,931	1,309,610
15-COMMUNITY ASSISTANCE	370,917	256,000	350,742	357,757	364,912	372,210	379,654	387,248	394,992	402,892	410,950	419,169	427,553
16-OFFICE EXPENSE	398,049	448,325	558,690	564,276	569,919	575,618	581,375	587,188	593,060	598,991	604,981	611,031	617,141
17-TRAINING	12,139	27,423	50,212	51,216	52,240	53,285	54,351	55,438	56,547	57,678	58,831	60,008	61,208
18-INSURANCE EXPENSES	588,579	625,534	683,183	703,678	724,789	746,533	768,928	791,996	815,756	840,229	865,436	891,399	918,141
19-CONTRIBUTIONS TO CAPITAL	1,450,000	500,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	1,000,000	975,000	950,000	925,000	900,000	875,000
20-REIMBURSABLE CREDITS FROM OTHER FUNDS	(508,481)	(529,834)	(551,250)	(573,300)	(596,232)	(620,081)	(644,885)	(670,680)	(697,507)	(725,407)	(754,424)	(784,601)	(815,985)
SUBTOTAL-OTHER EXPENDITURES	9,738,721	9,515,393	10,601,338	10,953,449	11,302,940	11,667,277	12,047,172	12,343,369	12,731,655	13,137,853	13,562,832	14,007,503	14,472,826
TOTAL - EXPENDITURES & USES	13,777,095	13,908,047	14,977,068	15,558,617	16,035,949	16,531,948	17,047,442	17,483,303	18,015,441	18,569,812	19,147,420	19,749,316	20,376,604
SET ASIDE OF OPERATIONAL RESERVES - OPERATING	825,098	1,314,925	732,659	732,104	781,766	785,902	747,883	791,586	738,778	678,773	611,316	536,170	453,119
16-TRANSFERS IN	6,400,000	-	-	-	-	-	-	-	-	-	-	-	-
21-TRANSFERS OUT	7,595,621	566,911	57,397	57,971	58,551	59,136	59,728	60,325	60,928	61,537	62,153	62,774	63,402
SET ASIDE OF OPERATIONAL RESERVES - TOTAL	(370,523)	748,014	675,262	674,133	723,215	726,766	688,155	731,261	677,850	617,236	549,163	473,396	389,717
ENDING FUND BALANCE	7,347,418	8,095,432	8,770,694	9,444,827	10,168,042	10,894,808	11,582,963	12,314,224	12,992,074	13,609,310	14,158,473	14,631,869	15,021,586

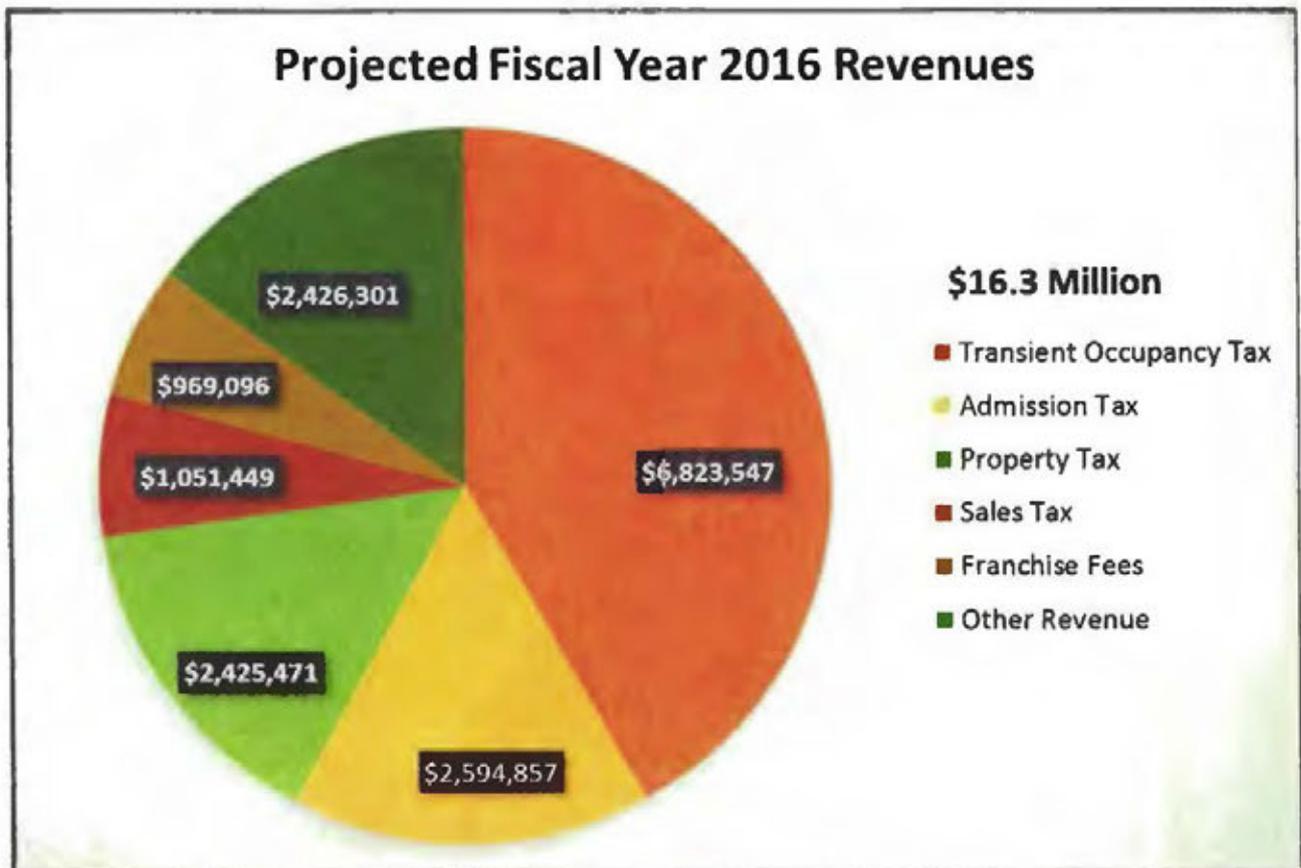
Key Metrics

- *A = Audited
- *B = Budgeted
- *F = Forecasted
- New two year budget cycle

General Fund Revenues

The General Fund is the City's primary operating fund, providing resources for most of the City's ongoing activities including police, public works, community development, and general government services. The General Fund revenue section provides a detailed description of the revenue categories including background information describing methods of allocation, growth trends, and economic factors affecting the revenue source.

The City anticipates receiving \$16.3 million in General Fund operating revenues during fiscal year 2015/16. The City's top five General Fund revenues are 1) Transient Occupancy Tax, 2) Admissions Tax, 3) Property Tax, 4) Sales Tax, and 5) Franchise Fees. Collectively, these five revenue sources account for 85% of General Fund revenues. This section will review these income sources in detail and provide a series of forecast assumptions for fiscal years 2016 through 2025.



Transient Occupancy Tax (TOT)

Property Taxes
42%
\$6,800,000

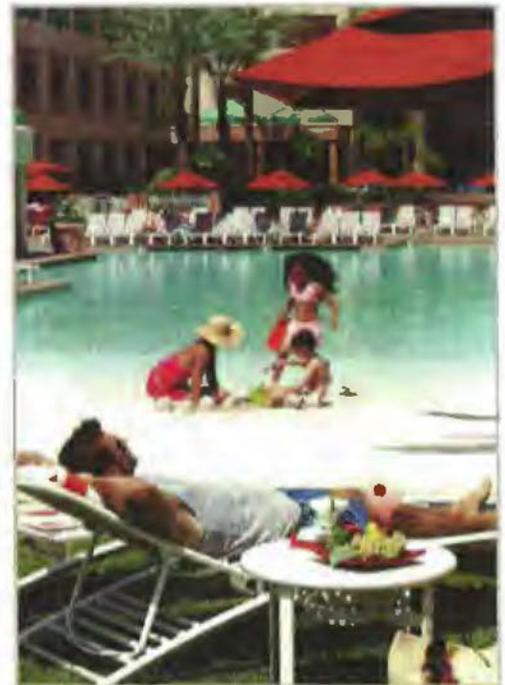
Transient occupancy tax revenues play a vital role in the financial success of the City as they account for 42% of General Fund revenues.

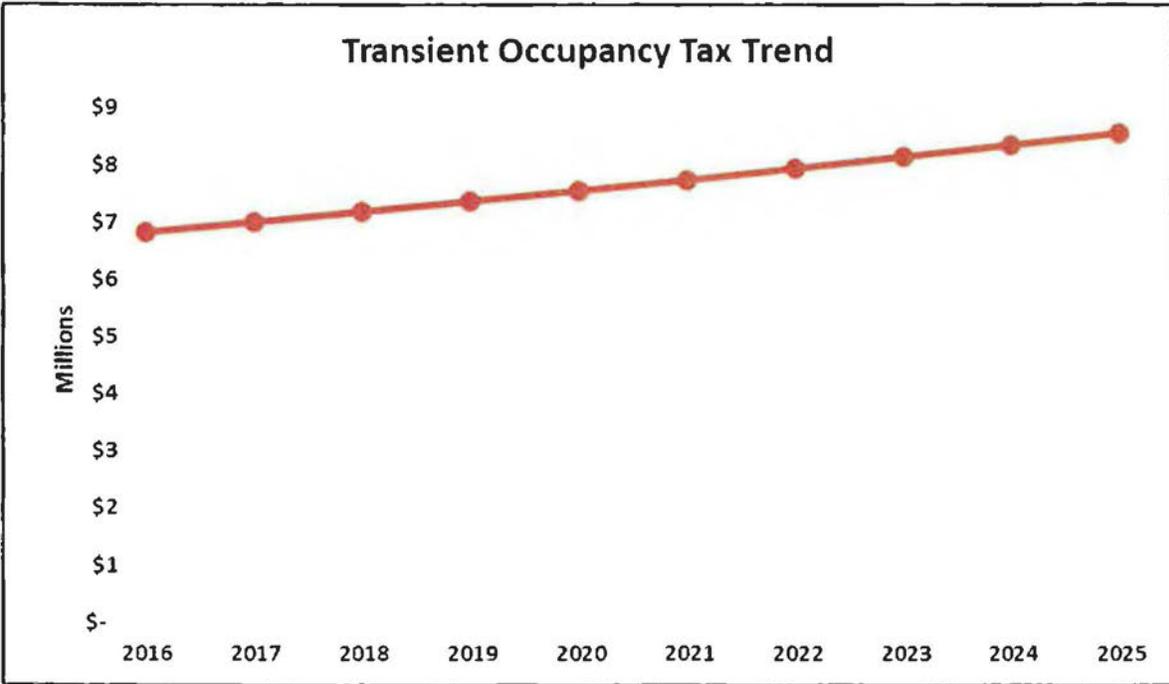
Guests staying at one of the City's four hotels pay transient occupancy taxes. The tax is calculated on the gross room rate and other required charges such as resort fees. The tax rate is 11.25%.



Coachella Valley tourism is improving. In part; this is because the U.S. economy continues gaining strength, having added 9.5 million jobs through August 2014. An improving U.S. economy is important to the Coachella Valley, as national tourism is a major driver:

- According to the Greater Palm Springs Convention and Visitors Bureau, the average daily hotel room rate was \$142.48 for the first eight months of 2014. That was up 6.8% from that period of 2013. For the eight-month 2014 period, average occupancy was 61.6%, approaching the pre-recession figure of 63.6% in 2007.
- Passenger traffic at Palm Springs International Airport was up 9.4% through July 2014 at 1.9 million passengers.
- Car rentals at the airport rose 4.0% in 2013 and 5.9% in 2014 to reach an estimated \$56.7 million.





Forecast assumptions:

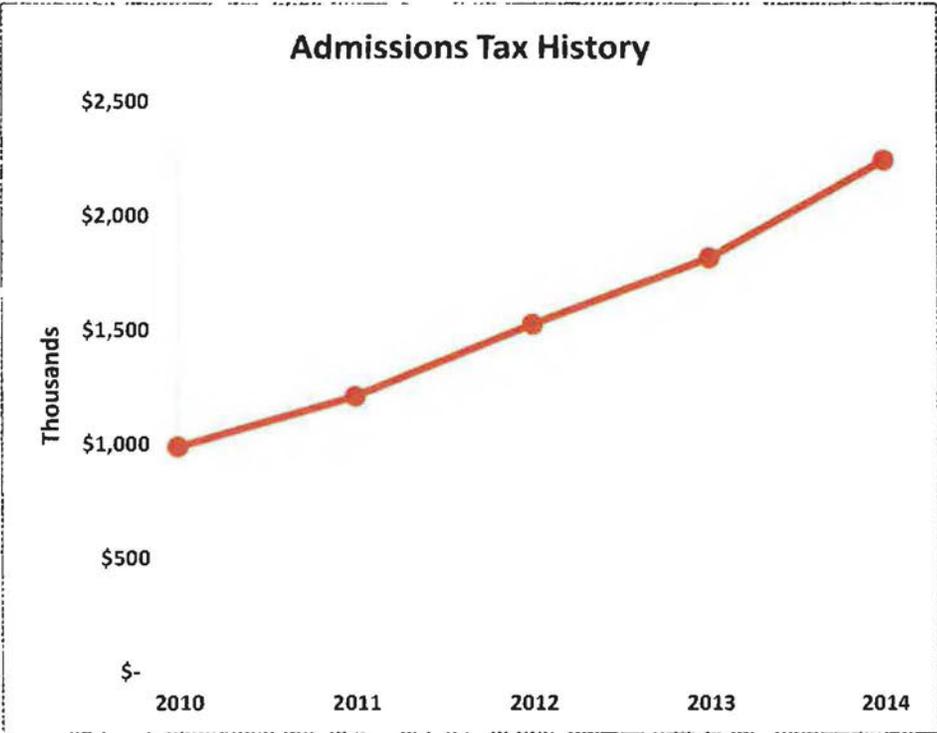
- 2015/16 – Transient occupancy tax estimates are generated using forecast data gathered from hotel partners. Early analysis assumes tourism growth increases of 3.0% from existing hotel partners. The majority of this growth will come from a strengthening tourism economy. The assumption does not speculate on any new hotel or tourism related commercial development.
- 2016/17 – Similar to assumptions gleaned in 2015/16. The analysis assumes an increase of 2.75% due to increased occupancy and daily room rates.
- 2017/18–2024/25 - The analysis assumes an inflationary combination of increased annual occupancy and daily room rates to grow gross room sales by 2.5%.

Admissions Tax

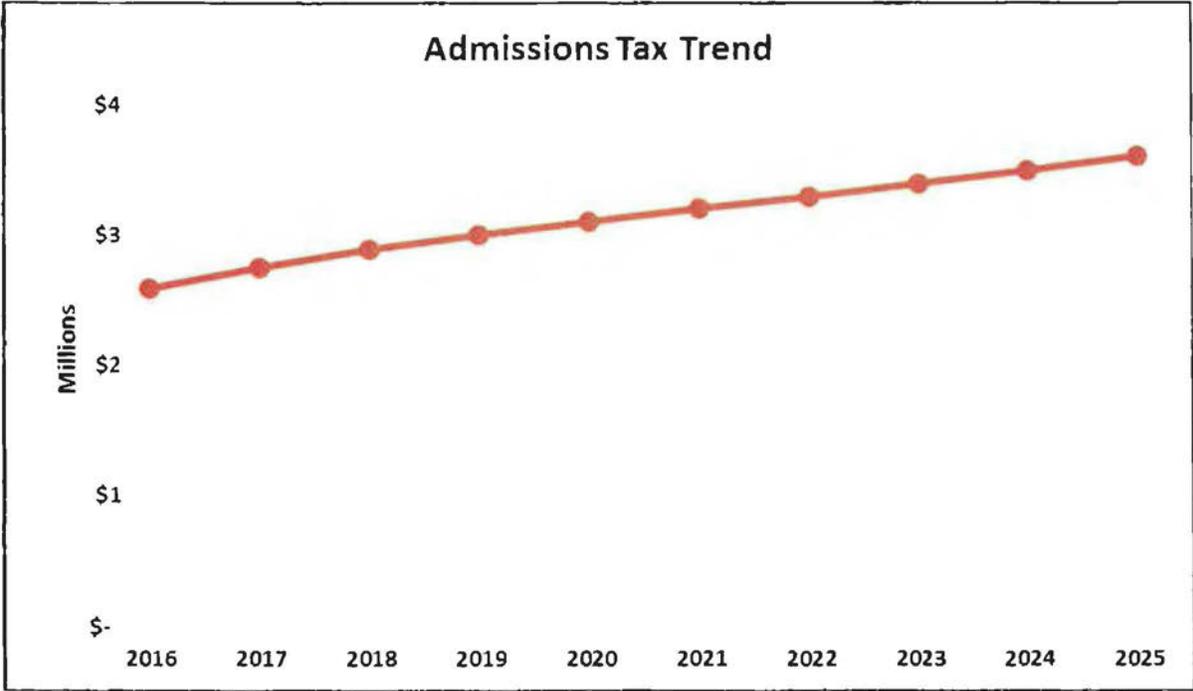
Admissions Taxes
16%
\$2,600,000

Admissions tax is added to the ticket price that attendees pay to enter entertainment venues or events in Indian Wells. The current admissions tax rate is 10%. Admissions tax revenues will continue to grow due to the success of the BNP Paribas Open held at the Indian Wells Tennis Gardens. The economic recession has not slowed the growth of admissions tax revenues, which has been rising steadily since 2001.

During the past five years, the Tennis Gardens has seen a significant increase in gross sales; however part of the increase in admissions taxes has been because of the increase in the admissions tax rate itself. In 2010, the admissions tax rate was 7%. The tax rate increased to 8% for all 2011 and 2012 events. Two years later, the tax rate increased again to 9% for all 2013 and 2014 events.



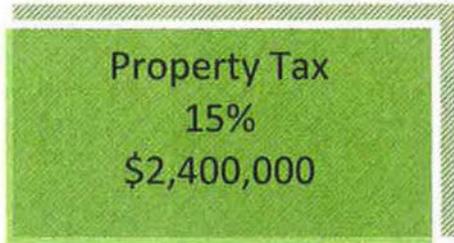
The Indian Wells Tennis Gardens recently expanded the facility allowing for greater attendance. The plan encompassed construction of a permanent Stadium 2 with 8,000 seats, additional restaurants, and a marquee site entrance on Washington Street with a new box office.



Forecast assumptions:

- 2015/16 - Assumes a 7.0% increase based upon discussions with tennis partners. The forecast assumes new growth in attendance. During the 2014 tennis tournament, attendance reached approximately 430,000. During the upcoming 2015 tennis event, attendance should reach 465,000. The forecast for the 2016 tennis tournament assumes attendance will increase from 465,000 to 500,000. The analysis assumes an increase in the average ticket price and an additional 35,000 people in attendance. This analysis does not speculate on the ability to expand the use of the Tennis Gardens, such as the addition of concerts or other events to enhance admissions tax sales.
- 2016/17 – The analysis assumes a modest increase in the average ticket price and attendance. Assumes a 6.0% increase in admissions tax.
- 2017/18 - 2024/25 - The analysis assumes an average inflationary increase in the average ticket price of 3.2%

Property Tax Revenue



Property tax revenues are taxes imposed on real property (land and permanently attached improvements) and tangible personal property (movable property). The tax is calculated on the value of the property rather than on a fixed amount or benefit to the property or person. Proposition 13 (Article XIII A of the State Constitution) limits the real property tax rate to 1% of the property assessed value, plus rates approved by the voters. The county tax collector receives the property tax and allocates the revenues to the local taxing agencies pursuant to a statutory allocation formula.

To understand property taxes, it is important to understand assessed value. Proposition 13 calls for a base year assessed value to be established when the property undergoes a change of ownership (typically a sale) or when new construction occurs. After the base year value is established, the value is adjusted annually for inflation, which is the lesser of the change in cost of living or 2.0%.

The assessed value can change by a Proposition 8 factor as well. Proposition 8 requires the Assessor to value the property at the lesser of the base year value indexed by inflation or the fair market value. As the housing market recovers, the assessed value is adjusted back up to the lower of the new fair market value or the original base value adjusted annually for inflation.

A No/Low Tax City

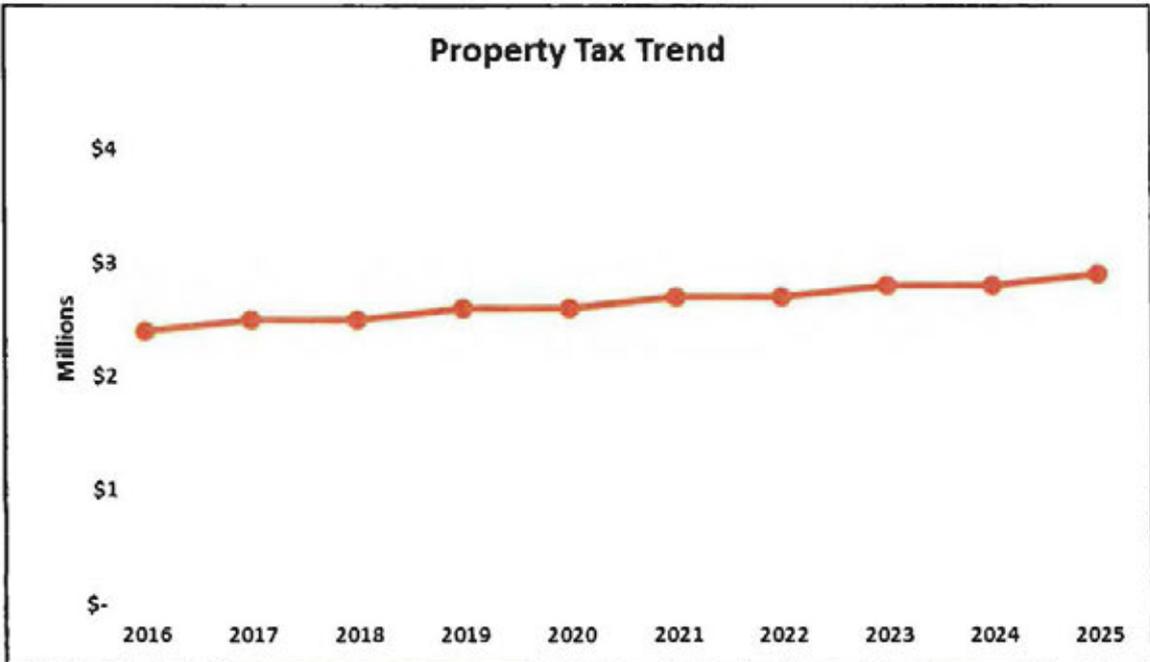
The City of Indian Wells is one of 39 cities in the State of California categorized as No/Low property tax city because the City did not have an established property tax rate prior to the adoption of Proposition 13. Cities without an established tax rate received the minimum tax rate formula. The rate has increased over time from 1% of the 1% of the assessed valuation to the maximum of 7% of the 1% of the assessed valuation.

After the formula is applied, the City generally receives approximately 4.6% of the property tax. This means that for every \$100 of property tax collected by the County, the City receives \$4.60. As a No/Low city, Indian Wells receives only about half the property tax as other cities receive.

Roll Year	Net Value	Net Revenue	% Share of Revenue to Value (net)
2008-09	5,073,683,478	2,060,471	0.041%
2009-10	4,882,725,048	2,142,746	0.044%
2010-11	4,617,414,861	2,026,775	0.044%
2011-12	4,476,601,154	1,976,580	0.044%
2012-13	4,603,198,996	2,181,675	0.047%
2013-14	4,754,581,621	2,227,900	0.047%
2014-15	5,007,712,136	2,281,271	0.046%
2015-16	5,208,020,621	2,372,523	0.046%

Looking Forward

Indian Wells is recovering from the economic downturn experienced in 2010 through 2012 and home values are increasing. After peaking in 2009, assessed values began to decline during 2010 and bottomed out in 2012.



During fiscal year 2014/15, the City experienced an increase in home remodels and new residential construction. These new home remodels and construction have increased the City's assessed valuation in addition to regular Proposition 13 inflation factors. Property taxes will continue to grow moving into fiscal year 2015/16 and a stronger housing market should appear.

Forecast assumptions:

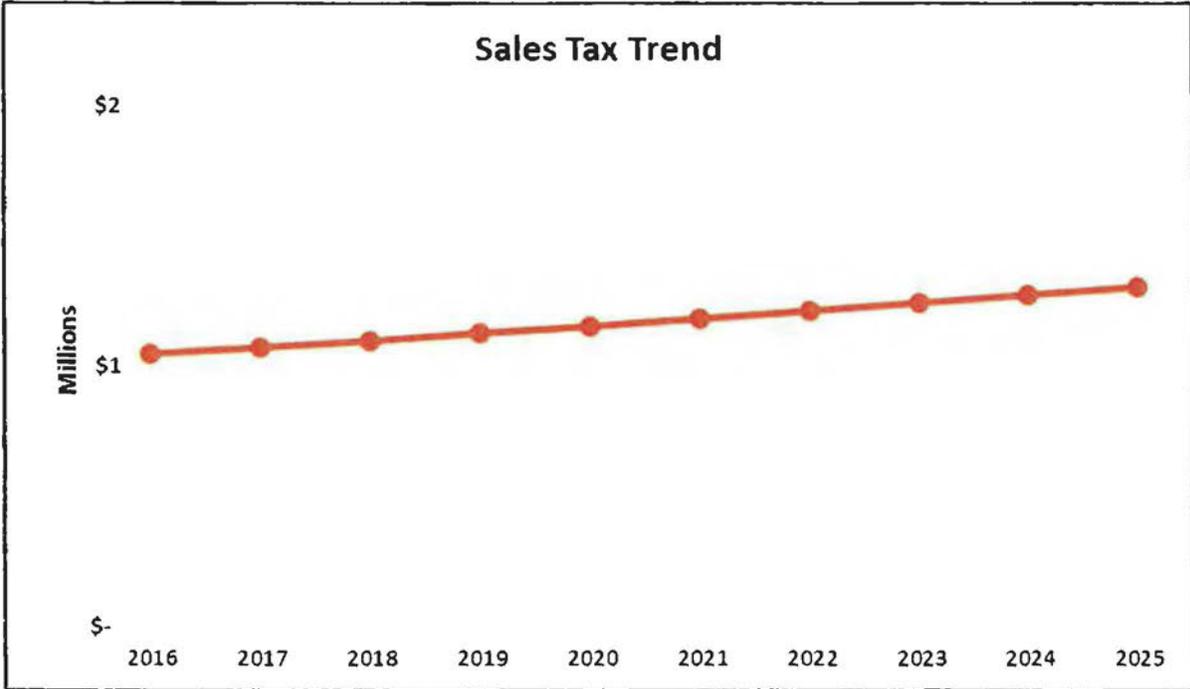
- 2015/16 – Assumes the housing recovery continues. Assumes existing property values increase 2.0% for inflation under Proposition 13 and a 2.0% growth factor for new home construction and resale of existing property. Proposition 8 adjustments for residential properties should not play a large factor in the tax base.
- 2016/17 – Similar to the analysis conducted in 2015/16, property values are anticipated to increase 2.0% for inflation under Proposition 13 and a 0.5% growth factor is added for new home construction and resale of existing property. New construction remains steady, but not booming.
- 2017/18 -2024/25 – Assumes existing property values increase 2.0% for inflation under Proposition 13. New home construction and resale of existing property will not to play a large factor in the tax base.

Sales Tax

Sales Tax
6%
\$1,000,000

The City currently receives approximately 6% of its General Fund revenues from sales tax. Under the California Sales and Use Tax Law, the sale of tangible personal property is subject to sales tax unless exempt or otherwise excluded. Sales Tax is imposed on retailers for the privilege of selling tangible personal property.

Sales Tax revenues for the City consist of two separate components: Sales Tax and Sales Tax in Lieu. Collectively, the City receives 1.00% in sales tax on each taxable transaction that occurs in the City. Prior to July 1, 2004, the City had received 1% of the taxes collected on retail sales or use within the City limits. With the passage of Proposition 57, (effective July 1, 2004), the City now receives 0.75% in the sales tax, plus an additional property tax amount equal to the 0.25% reduction. This additional property tax amount is shown in the budget as "Sales Tax in Lieu".



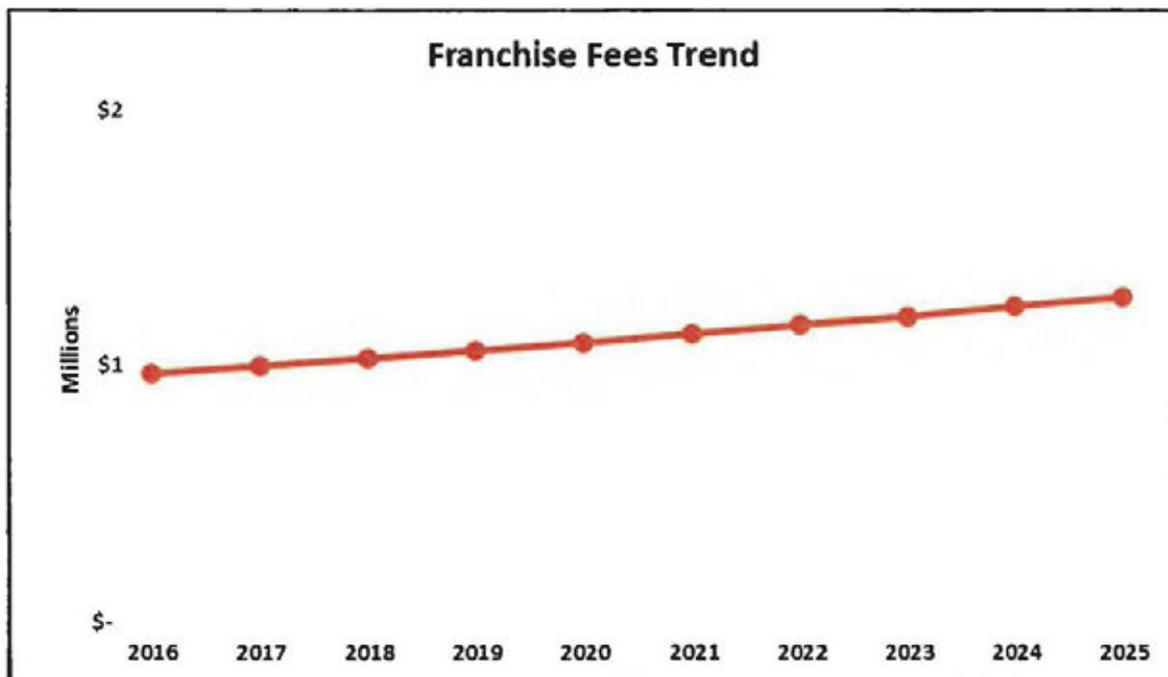
Forecast assumptions:

- 2015/16 -2024/25 – Sales tax forecast assumes conservative 3% annual growth based upon trend analysis conducted by City’s sales tax consultant.

Franchise Fees

Franchise fee revenue makes up 6% of the General Fund revenue budget. The City and the private utility companies have agreements that in exchange for use of the City's rights-of-way, the utilities pay a certain fee. Currently, Southern California Edison (SCE), Time Warner Cable, Verizon, Southern California Gas, and Burrtec Waste and Recycling pay a franchise fee to the City. The revenue is calculated on a percentage of gross sales.

Franchise Fees
6%
\$1,000,000



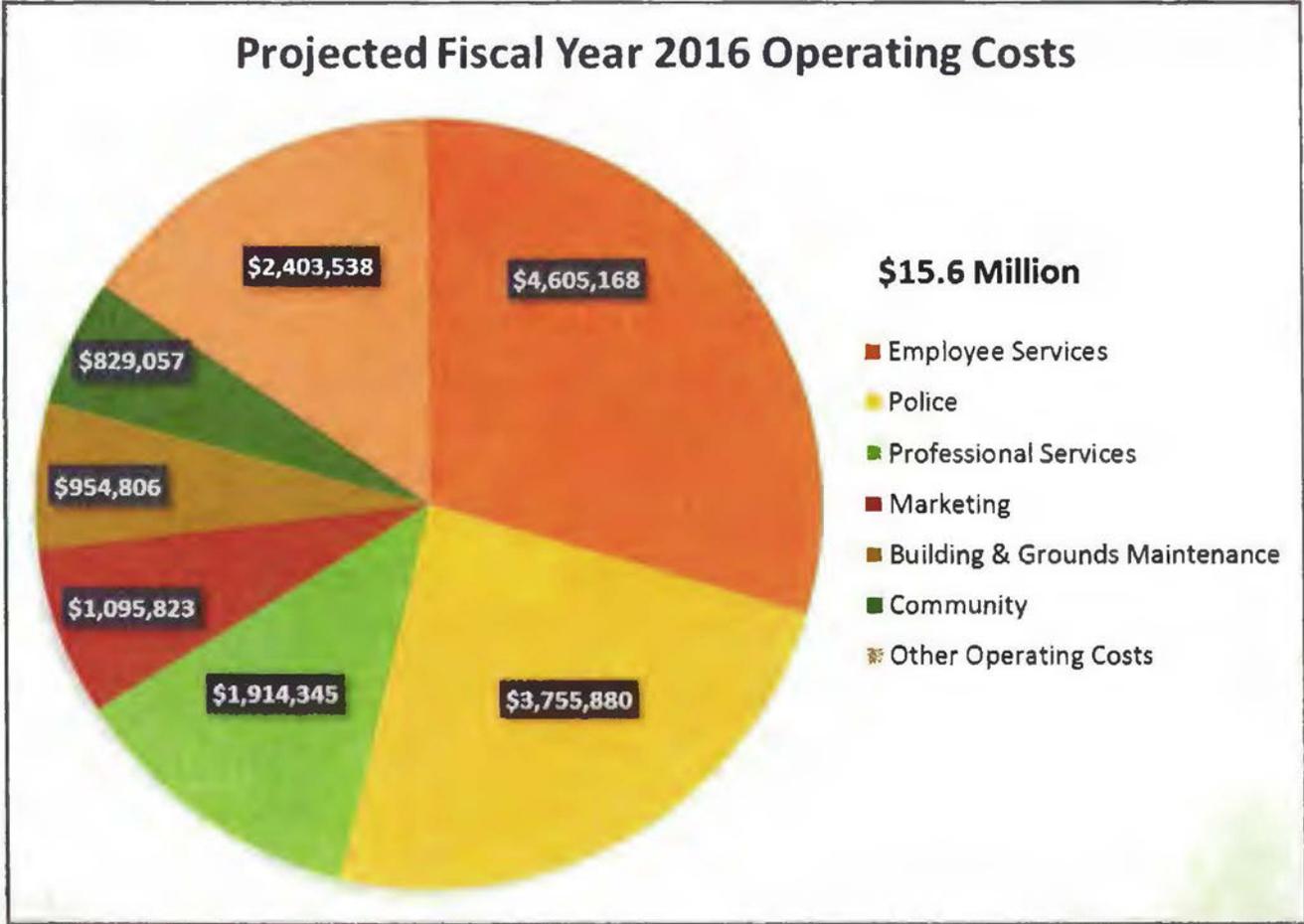
Forecast assumptions:

- 2015/16 -2024/25 – Sales tax forecast assumes conservative 3% annual growth based upon ten-year historical trend analysis conducted by Staff.

General Fund Operating Costs

The City's anticipated General Fund operating budget for fiscal year 2015/16 is \$15.6 million. The top six expense categories are 1) Employee Services, 2) Police, 3) Professional Services, 4) Marketing, 5) Building and Grounds Maintenance, and 6) Community.

Currently, these six categories account for 82% of General Fund operating costs. This section will review these costs in detail and provide a series of forecast assumptions for fiscal years 2016 through 2025.



Employee Services

Employee Services
30%
\$4,600,000

The City spends approximately \$4.6 million of its \$15.6 million operating budget on employee services.

Employee services include the salaries and benefits paid to and on behalf of employees. There are three different employee groups: (1) Indian Wells City Employees Association, (2) Unrepresented, and (3) Senior Management. Salaries and benefits for the Indian Wells Employees Association are set forth in the Memorandum of Understanding. Council resolution governs the salaries and benefits for management and unrepresented employees.

Employee pensions

The City contracts with the California Public Employees' Retirement System (CalPERS) to fund the cost of employee pensions at retirement. The City has two pension plans.

CalPERS Miscellaneous Plan		
	Tier 1	Tier 2
Category	Classic Members	New Members
Employees Affected	Employees hired prior to 1/1/13	Non-PERS members hired after 1/1/13
Formula	2.7%@55	2%@60
Employee Contribution	8% employer paid	6.5% employee paid
Salary Factor	Single highest year compensation	3 year average compensation

Employees hired prior to January 1, 2013 participate in the 2.7%@55 plan for classic members. New employees hired after January 1, 2013 are subject to the Public Employees' Pension Reform Act of 2013 (PEPRA) and participate in the 2%@60 plan.

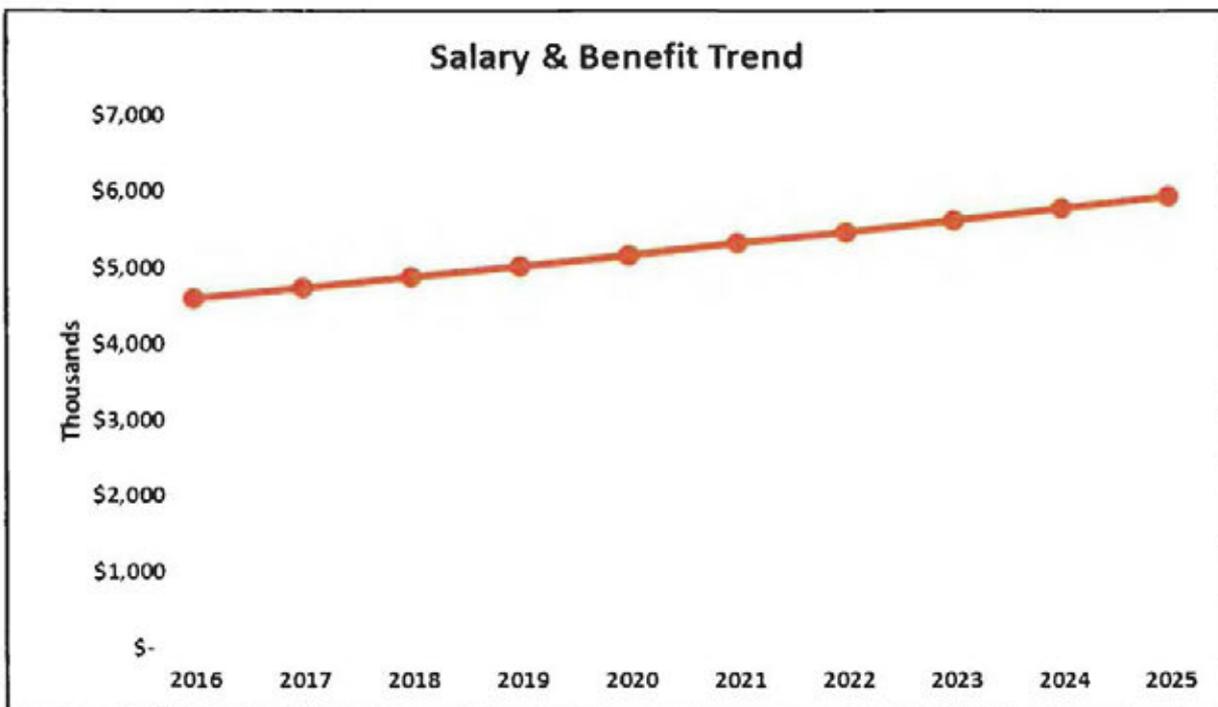
In 2013, the California legislature passed and Governor Jerry Brown signed the Public Employees' Pension Reform Act of 2013 (PEPRA). PEPRA lowers pension benefits for new members of public retirement systems and requires public employees to contribute more toward funding their defined benefit (DB) pension plans.

“Classic members” refers to individuals already members of a public retirement system, who do not fall under the definition of “new members.” “New members” include individuals who became members of any public retirement system, include CalPERS, on or after January 1, 2013, who were never a member of any other public retirement system prior to that date.

Employee Pension Plan Funding Status

In addition to changing various pension actuarial assumptions, CalPERS has expanded reporting to allow small cities like Indian Wells to know the funded status of their individual pension plans. Prior to this change, small cities participated in a pension pool of similar small cities. The former pension-reporting model reported only the funding status of the pool rather than the individual city.

Currently, the City’s employee pension fund of \$22.3 million is 76.7% funded. The City’s unfunded liability is \$4.7 million.



Forecast assumptions:

- 2015/16 – Assumes a full-time staff of 29 employees with no changes to current staffing levels. CalPERS projects a 21.6% employer contribution rate for employee retirement. Assumes full-time and retiree medical premiums will increase by 5%. Assumes a 4% increase in vision and dental premiums.
- 2016/17 – Similar to fiscal year 2015/16, assumes the City maintains a full-time staff of 29 employees with no changes to current staffing levels. CalPERS projects a 22.4% employer contribution rate for employee retirement. Assumes full-time and retiree medical premiums will increase by 5%. Assumes a 4% increase in vision and dental premiums.
- 2017/18-2024/25 – CalPERS projects 24.5% employer contribution rate for employee retirement. Assumes full-time and retiree medical premiums will increase by 5%. Assumes a 4% increase in vision and dental premiums.

Police

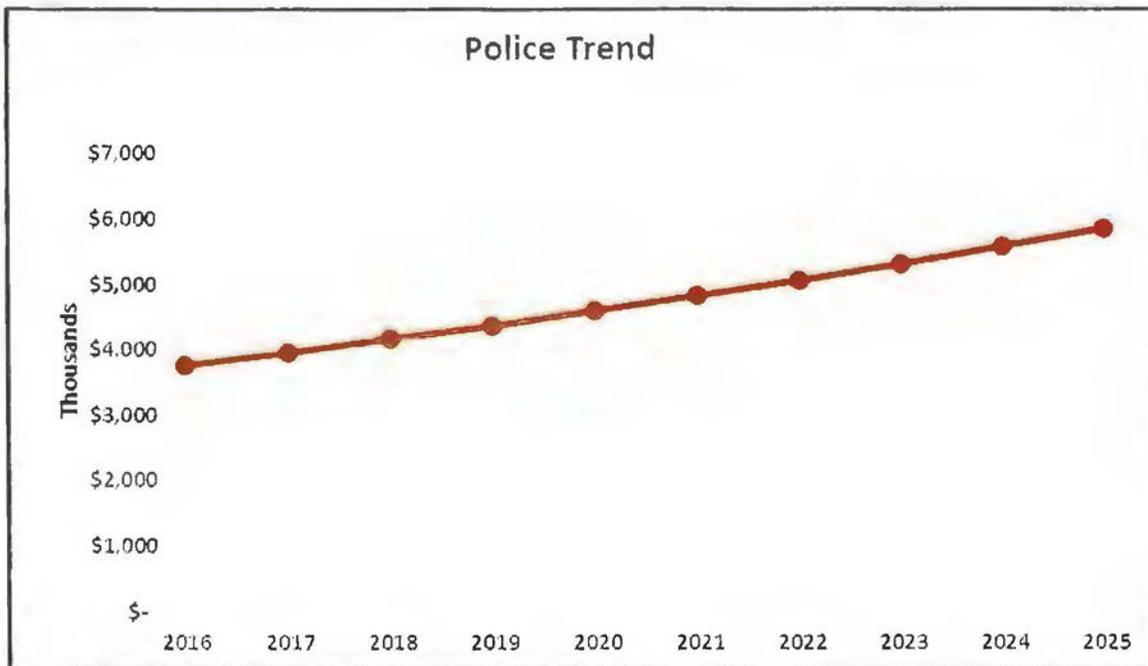
Police
24%
\$3,800,000

The Public Safety Department is responsible for the Police and Community Service Officers (CSO). The primary mission is to protect the lives and property of the citizens of Indian Wells. The City contracts with the Riverside County Sheriff’s Department for patrol, traffic enforcement, investigations, dispatch, and support personnel.



Current patrol staffing consists of twenty-four hours per day, seven days a week. This level of service is equivalent to six full-time deputies. On a per capita basis, the City maintains the highest level of law enforcement services in the Coachella Valley.

The City also contracts for one deputy utility position, a full-time motorcycle deputy, two Burglary Suppression Unit deputies, crime analyst services, and commercial law enforcement services.



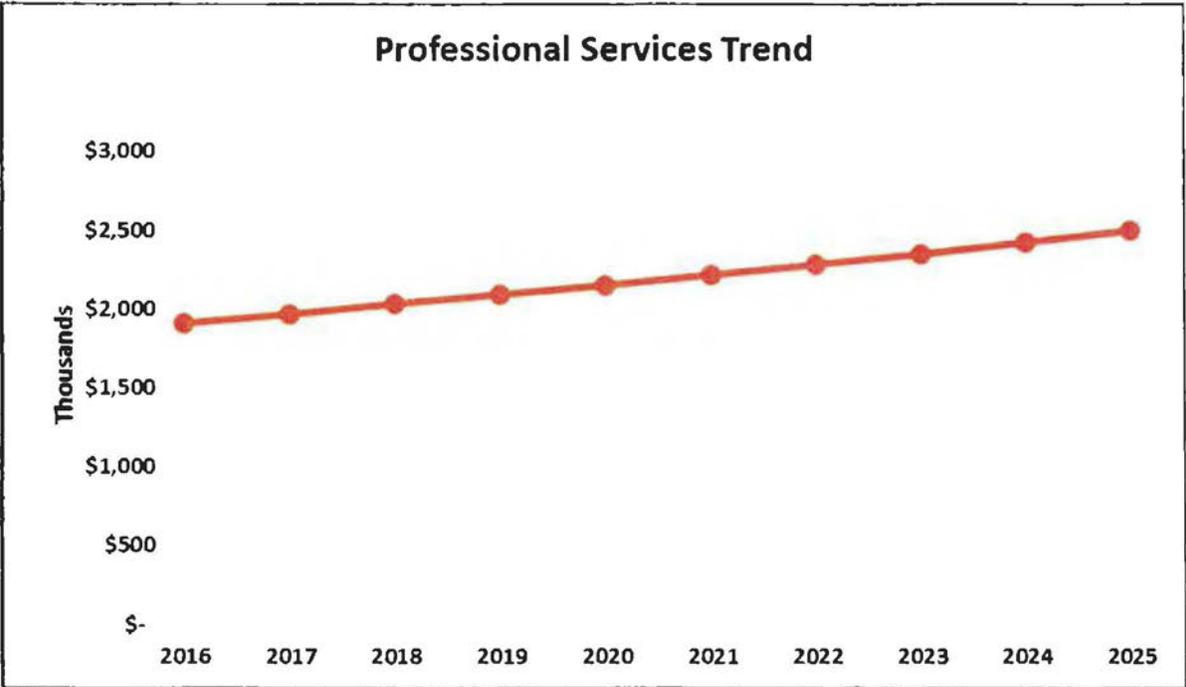
Forecast assumptions:

- 2015/16 - Assumes existing service levels as described above. The Riverside County Sheriff's Department has recommended a 6.0% increase in the cost of public safety services.
- 2016/17 - The Riverside County Sheriff's Department recommends a 5.5% increase in the cost of public safety services.
- 2017/18-2024/25 - The Riverside County Sheriff's Department recommends a 5.5% increase in the cost of public safety services to maintain existing service levels.

Professional Services

Professional Services
12%
\$1,900,000

The City spends approximately \$1.9 million on contracts for professional services from the private sector rather than a City employee. These professional services range from audit services, plan check services, inspection services, animal control services, legal services, and engineering services.



Forecast assumptions:

- 2015/16 -2024/25 - Based upon historical trends, the analysis assumes an inflation factor of 3% based upon existing vendor contracts to maintain the current service levels.

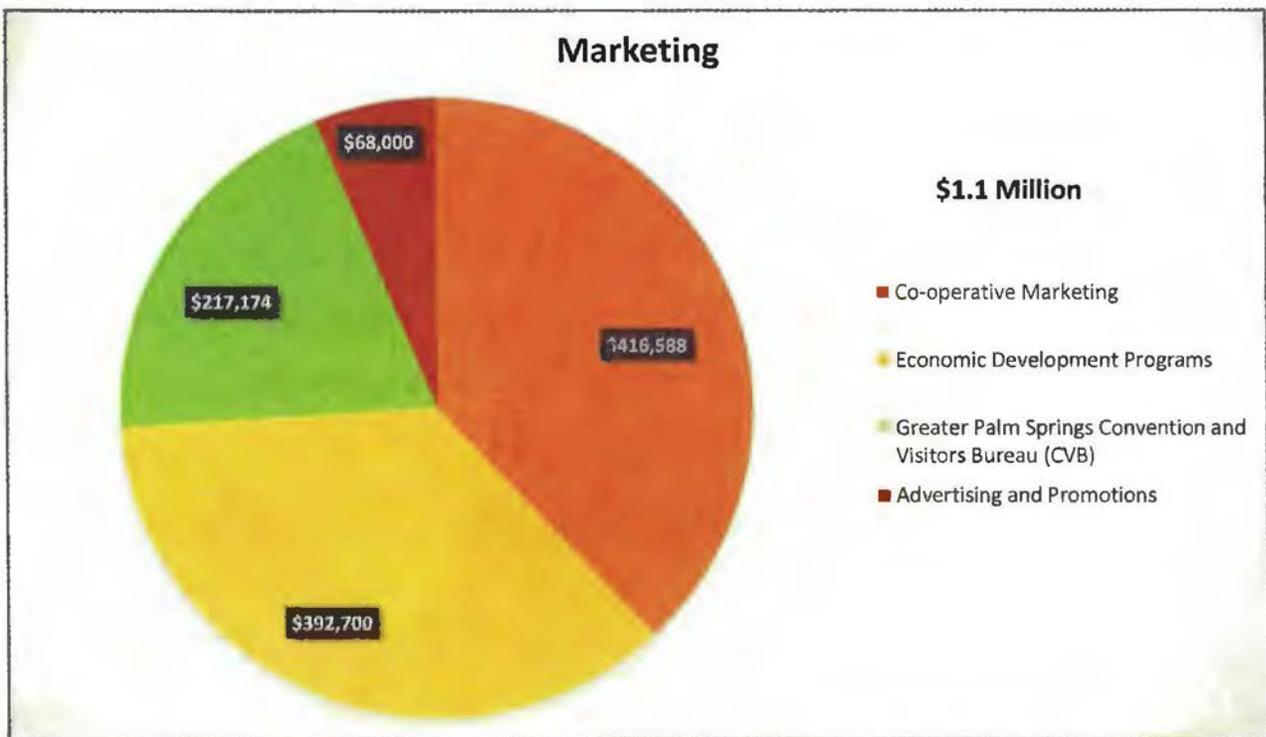
Marketing

Marketing
7%
\$1,100,000

The Marketing Program promotes the City as a tourist destination and enhances the City's position as a premier residential resort community.

The City spends approximately \$1.1 million on marketing, branding and successful sponsor partnerships that are all included in this budget. The Tourism marketing budget works to promote and sustain our hotel brands and offerings. Indian Wells Tennis Garden naming rights and our Desert Town Hall and The Living Desert WildLights sponsorships are included under the Economic Development and there are additional available funds within this budget to advertise and promote these programs and events.

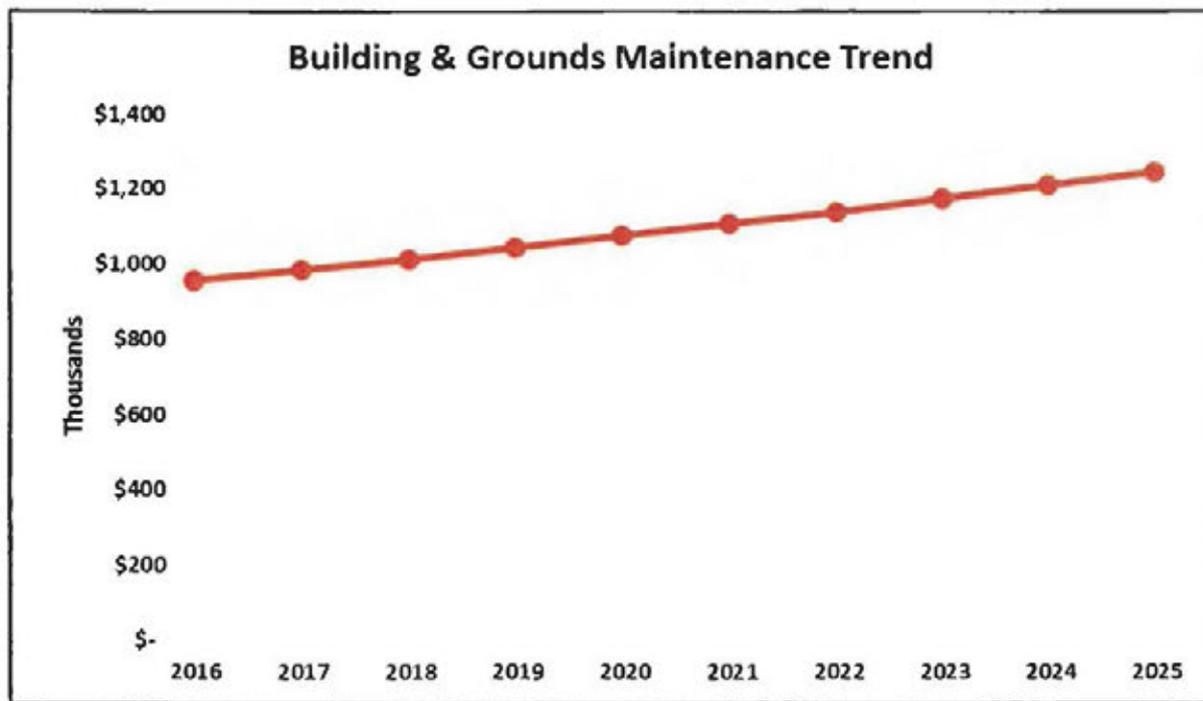
The City participates in the Greater Palm Springs Convention and Visitor's Bureau Business Improvement District (BID) to support its worldwide marketing and branding efforts attracting tourism. Under the terms of the BID formula, the City is required to pay 25% of 1.4% of the gross hotel room sales collected by the hotels located in Indian Wells.



Building and Grounds Maintenance

Building and Grounds
6%
\$1,000,000

The City spends approximately \$1.0 million on building and grounds maintenance costs. The Public Works Department oversees the program including annual tree trimming, catch basin maintenance, street sweeping, roadway signage, irrigation repairs, plant replacement(s) lighting, vandalism, Eisenhower Walk of Honor, Whitewater River Channel, and public area landscape maintenance.



Forecast assumptions:

- 2015/16 -2024/25 - Based upon historical trends, the analysis assumes an inflation factor of 3% based upon existing vendor contracts to maintain the current service levels.

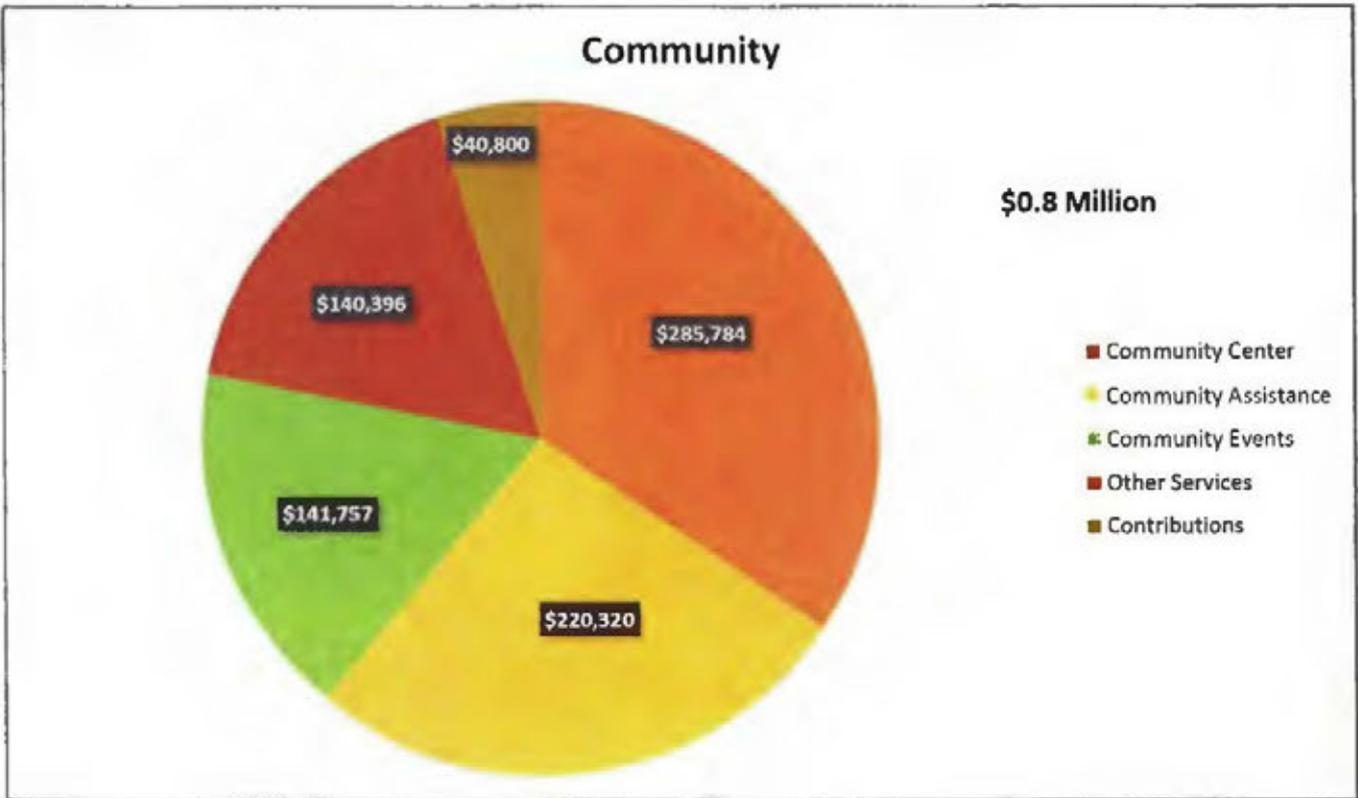
Community

Community
5%
\$800,000

The Community budget includes events for our residents held throughout the year to build community spirit and pride. Residents' events include social and dining events, Memorial and Veterans Day ceremonies, as well as support of Joslyn Center, WildLights and other community events.

The Community budget also includes decorating for the holidays, creative services to promote and advertise our events, as well as the "community center" budget for the IWGR.

Community Assistance budget is for Grants-in-Aid funding as well as Alan Seaman's bus pass program and Gerald R. Ford Elementary School.



Capital Reserves

The City had a long history of utilizing redevelopment funds for capital development, improvements, and replacements. Given the dissolution of redevelopment, the responsibility to maintain and replace these capital assets now belongs to the City.

In response, the Council adopted a capital asset replacement policy to reserve funds for capital projects. The policy establishes a \$1.4 million annual contribution. Annual contributions will come from two funding sources based upon priority as follows:

1. Interest income earned in the capital replacement funds is the first priority of funding.
2. The remaining funding is a budgeted line item in the General Fund.

Prior to establishing the contribution policy, Council established the capital replacement funds, which has a combined cash balance of approximately \$19 million.



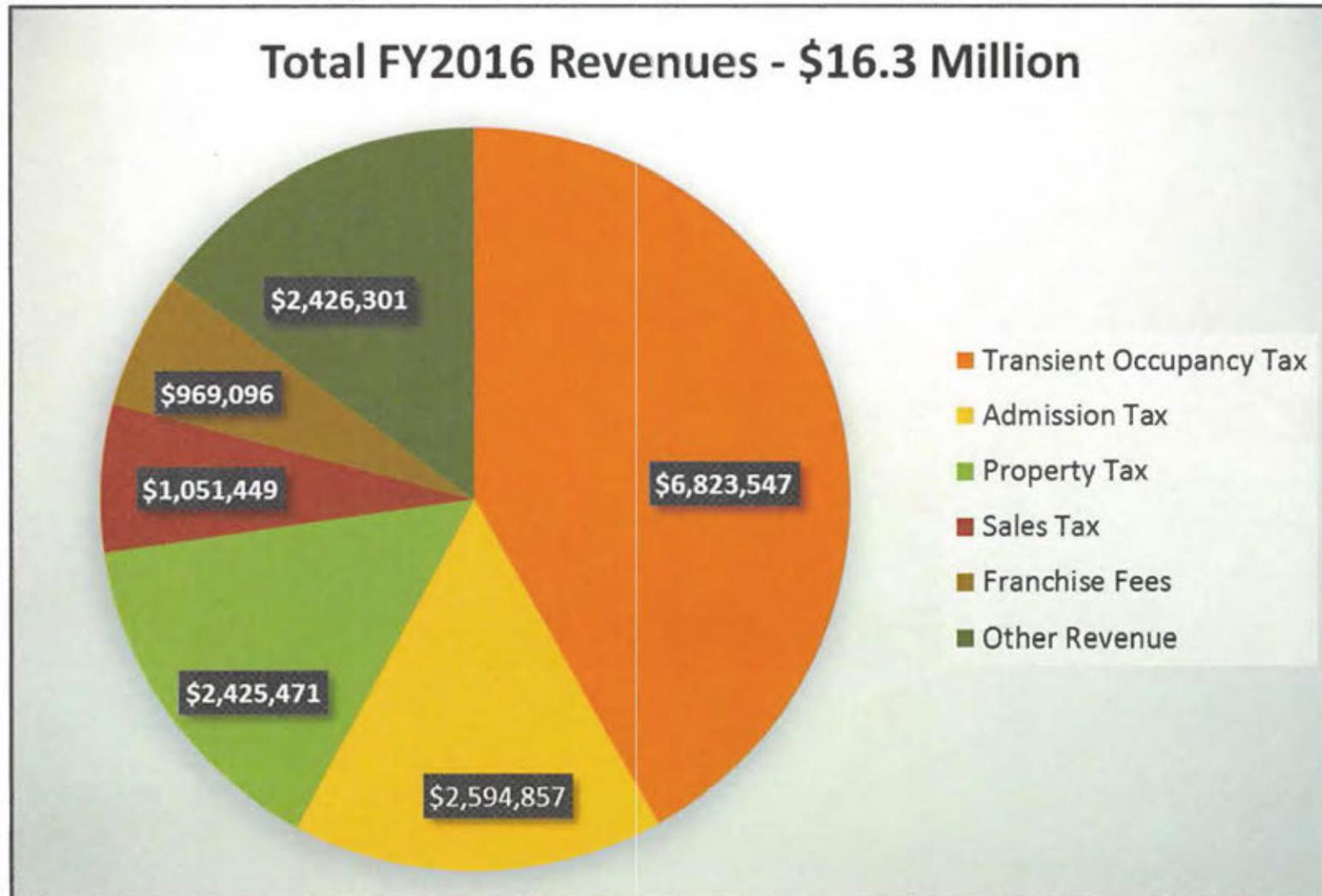
INDIAN WELLS

Financial Overview

February 5, 2015

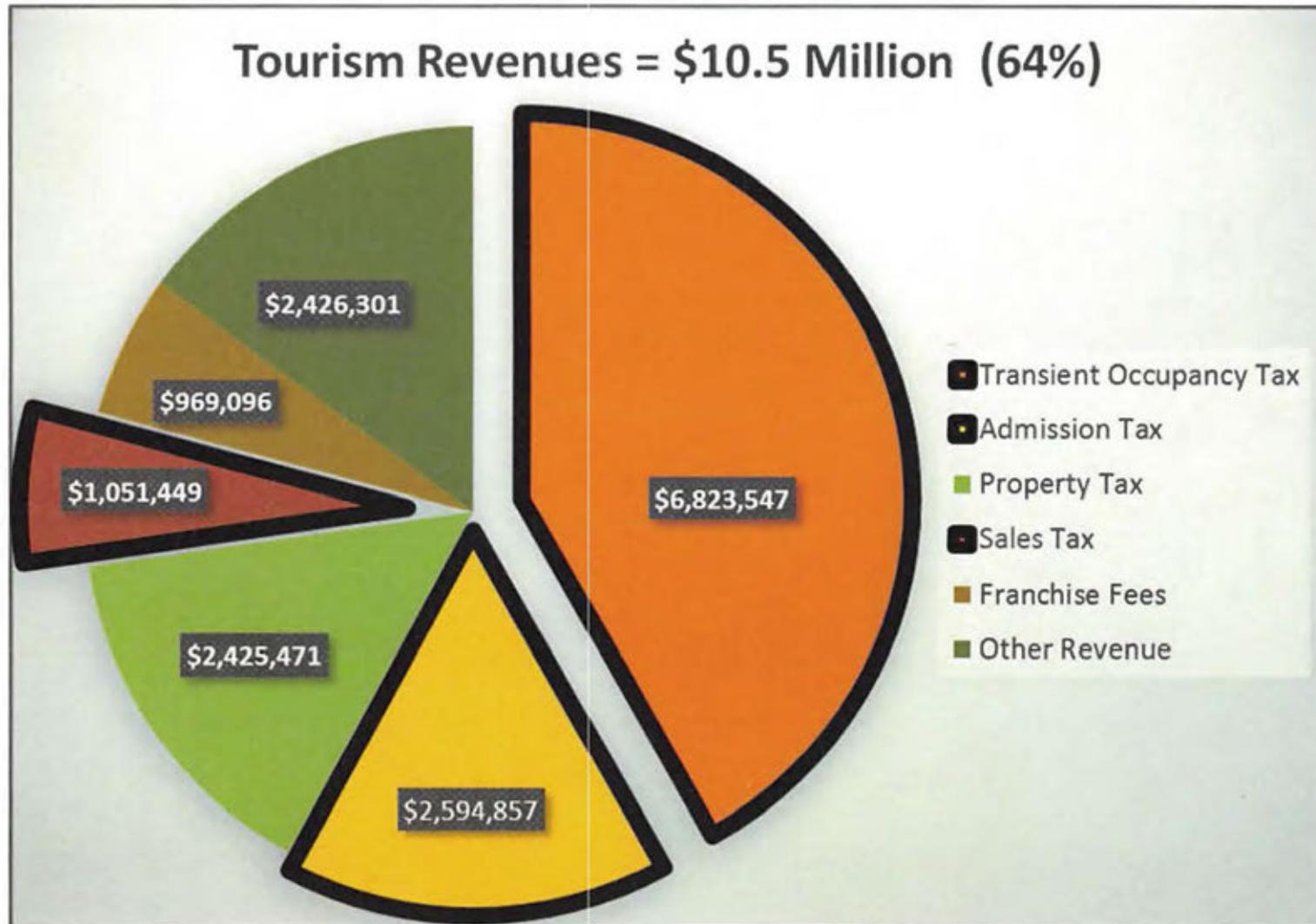


Where does it come from?



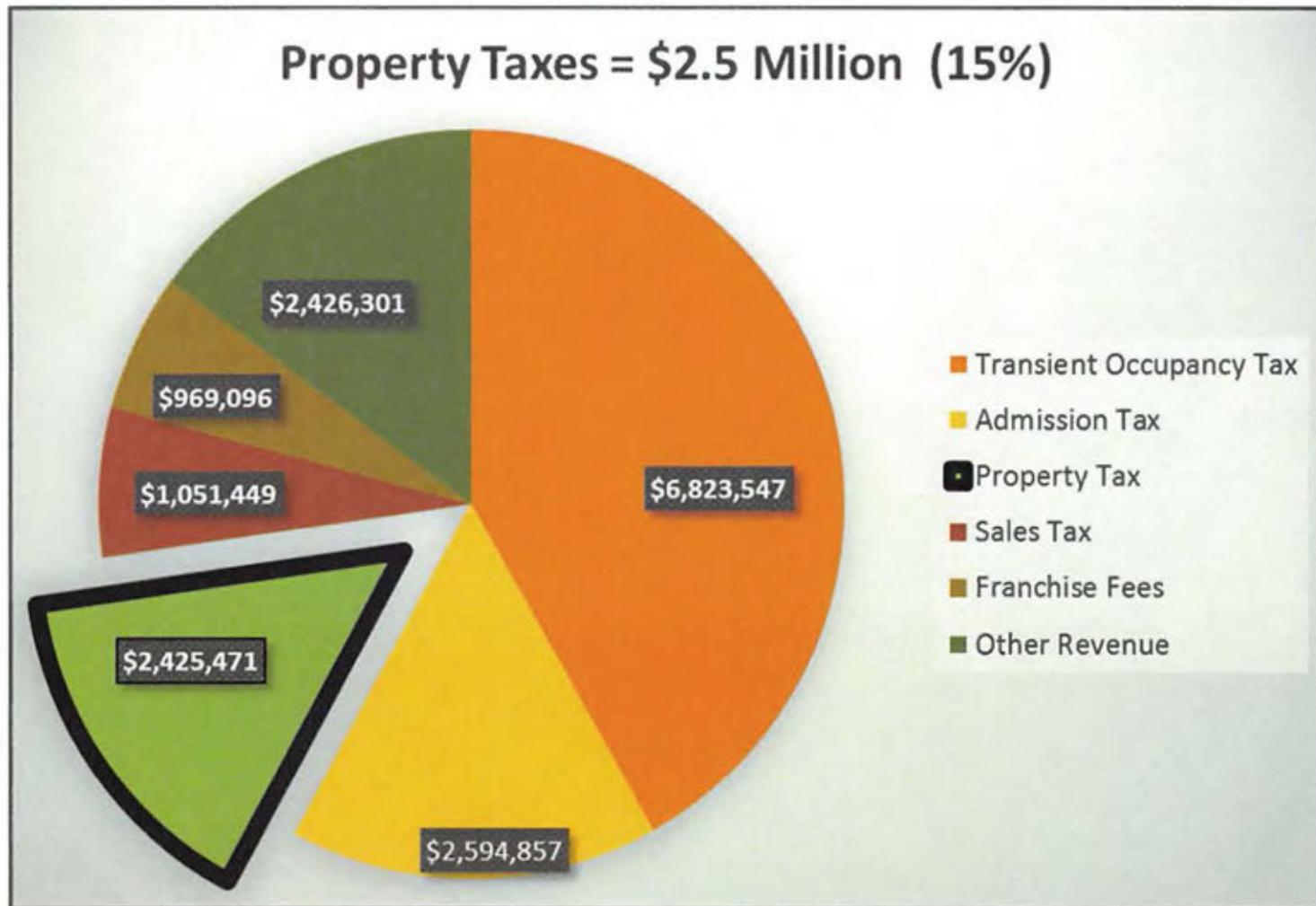


Where does it come from?



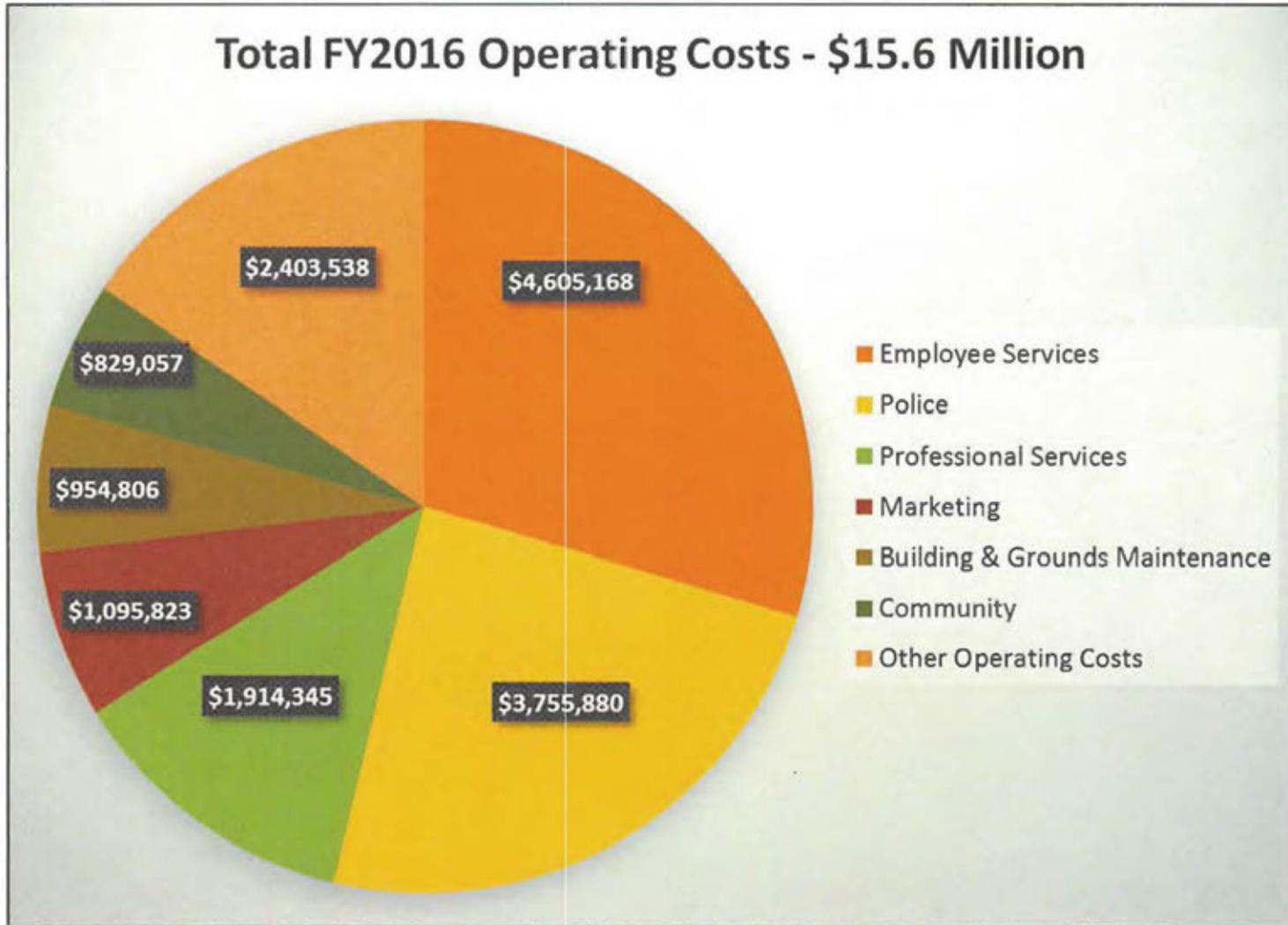


Where does it come from?



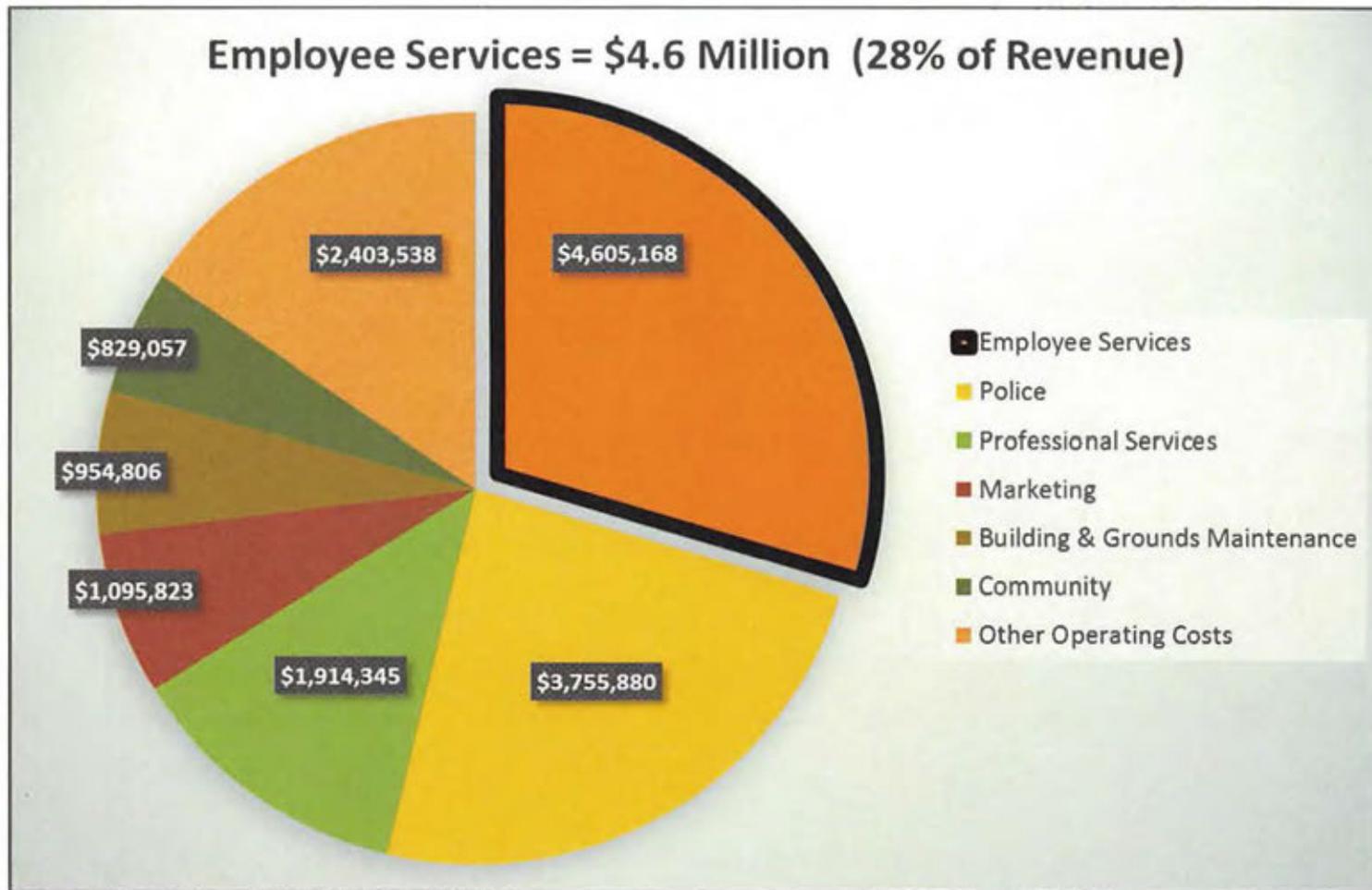


Where does it go?



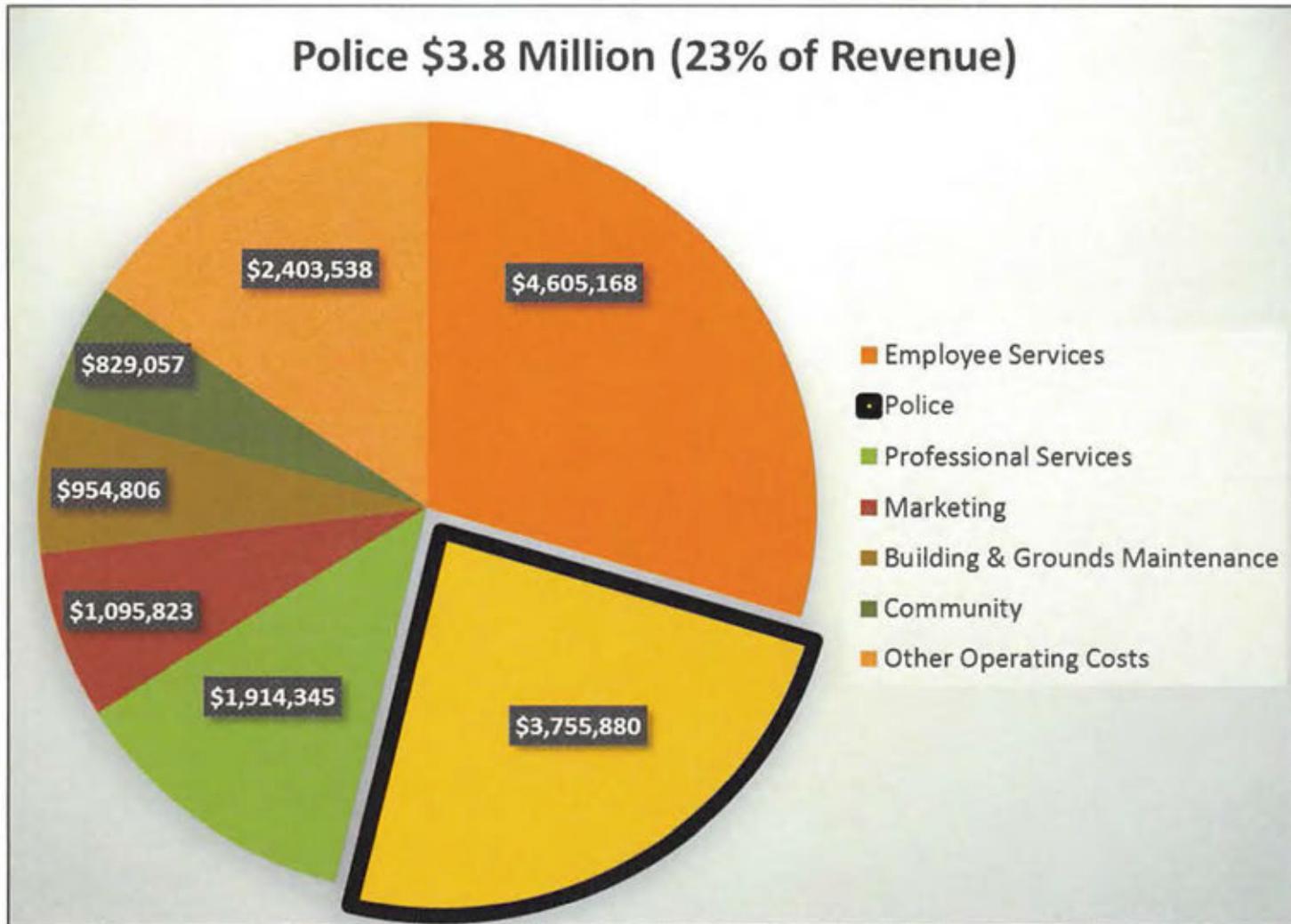


Where does it go?



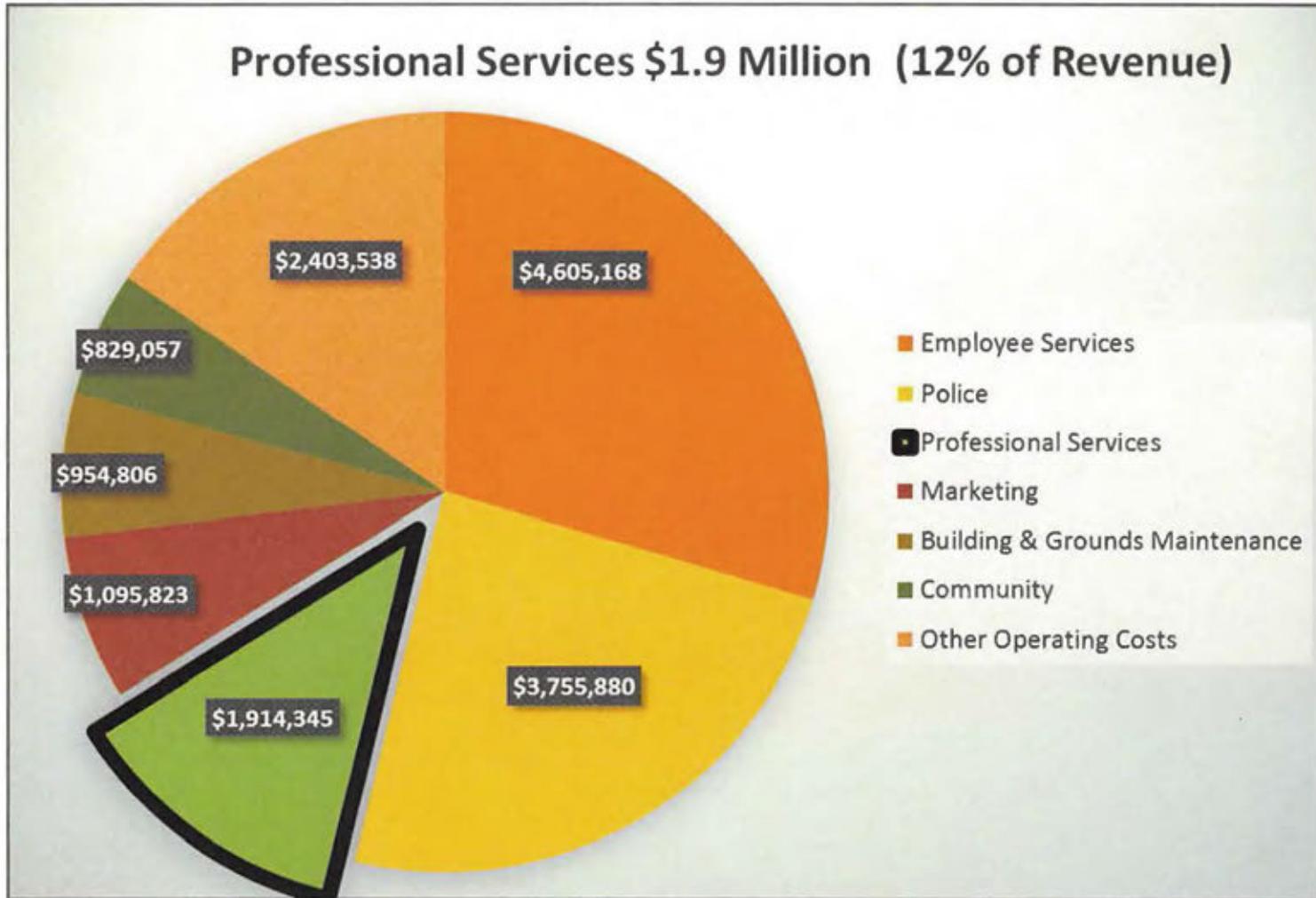


Where does it go?

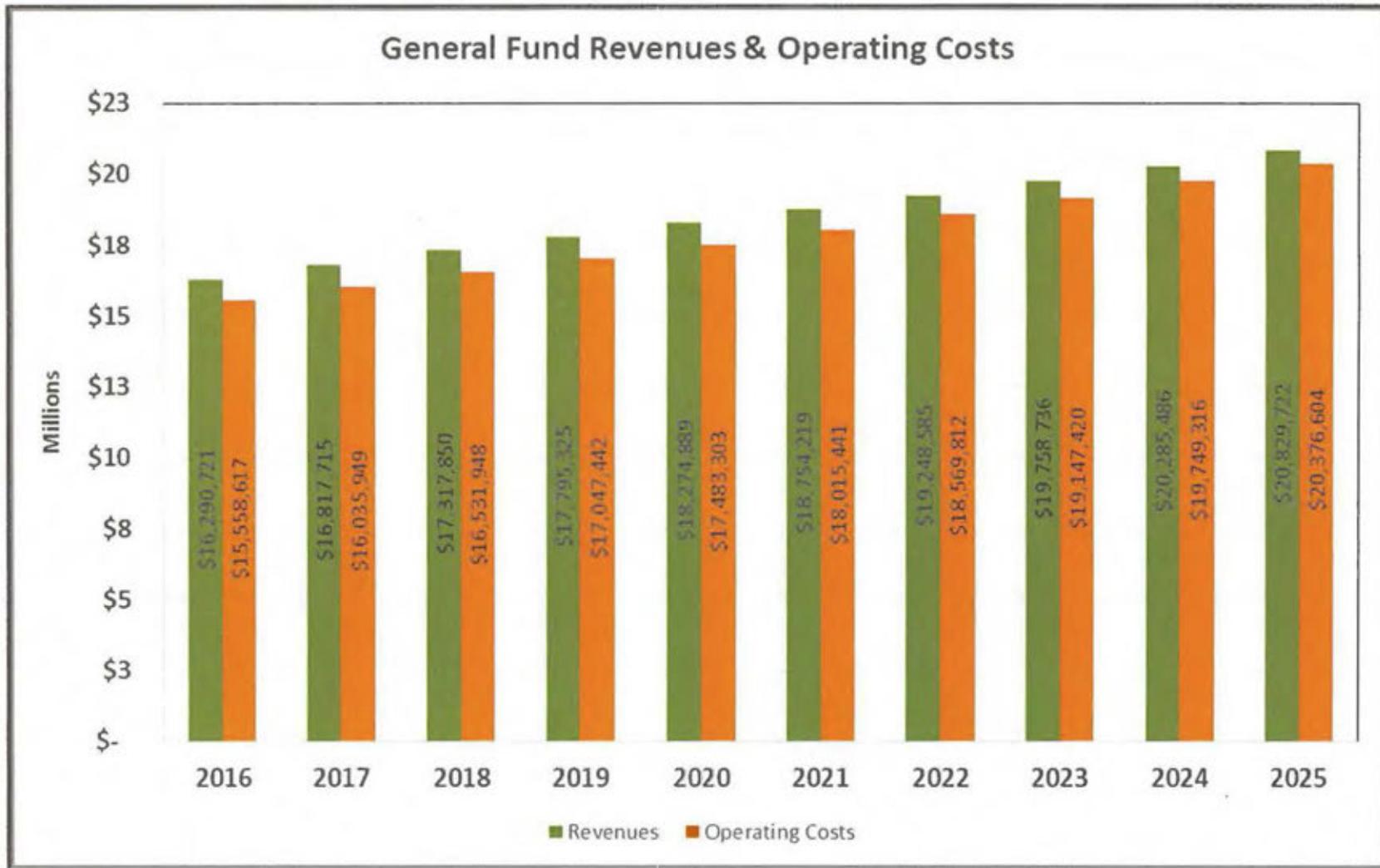




Where does it go?



General Fund Summary FY2016 to FY2025





General Fund Summary FY2016 to FY2025

Copy of the Financial Report is located on the City's Website at:

http://www.cityofindianwells.org/cityhall/depts/finance/operating_budget

CGMA ACTION _____ MTG. DATE: 2-5-15
APPROVED DENIED _____ REC/FILE _____ CONT. _____
OTHER _____
VOTE: YES 5 NO 0 ABSTAIN _____

Successor Agency

Staff Report – Finance

February 5, 2015

Adopt Resolution Approving Recognized Obligation Payment Schedule 15-16A and Finding this Action is Exempt Under CEQA

RECOMMENDED ACTIONS:

Successor Agency **FINDS** that this action is exempt under the California Environmental Quality Act per Section 15061(e) (3) of the guidelines, Review for Exemption; and

ADOPTS Resolution Bill No. SA 2015-01 approving the Recognized Obligation Payment Schedule 15-16A for July 1, 2015 through December 31, 2015 pursuant to Health and Safety Code section 34117(l).

DISCUSSION:

The Successor Agency ("Agency") is responsible for preparing a Recognized Obligation Payment Schedule ("ROPS"), which sets forth the payment of the Agency's enforceable obligations (as defined by law) covering the forward-looking six month period from July 1, 2015 through December 31, 2015.

Subsequent to Agency approval, the ROPS is submitted for approval by the Oversight Board, and then to the California Department of Finance for final approval. The deadline to submit the ROPS is March 3, 2015.

FISCAL IMPACT:

The Successor Agency requests \$4,197,250 during the upcoming ROPS cycle for payment of the following:

- \$3,515,000 - Principal and interest payments to bondholders
- \$560,000 - Loan repayments to the Housing Authority
- \$122,250 - Successor Agency administrative costs

ATTACHMENT:

1. Resolution Bill SA No. 2015-01

RESOLUTION BILL SA NO. 2015-01

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE DISSOLVED REDEVELOPMENT AGENCY OF THE CITY OF INDIAN WELLS, CALIFORNIA, APPROVING AND ADOPTING A DRAFT OF THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177(I)

WHEREAS, pursuant to Health and Safety Code section 34173(d), the City of Indian Wells ("Successor Agency") elected to become the successor agency to the Indian Wells Redevelopment Agency by City Council Resolution No. 2012-03 on January 12, 2012; and

WHEREAS, Health and Safety Code section 34177(I)(2) requires the Successor Agency to prepare a draft of the recognized obligation payment schedule ("ROPS") covering the six month period from July 1, 2015 through December 31, 2015; and

WHEREAS, Health and Safety Code section 34177(I)(2) requires the Successor Agency to submit a copy of the ROPS to the county administrative office, the county auditor controller, and the Department of Finance at the same time that the Successor Agency submits the ROPS to the oversight board for its approval; and

WHEREAS, upon approval by the Oversight Board, the Successor Agency is required to submit a copy of the approved ROPS ("Approved ROPS") to the Riverside County Auditor-Controller, the California State Controller, and the State of California Department of Finance, and post the Approved ROPS on the Successor Agency's website; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the City Council of the City of Indian Wells, serving as the Successor Agency to the dissolved Indian Wells Redevelopment Agency **RESOLVES** as follows:

SECTION 1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

SECTION 2. The approval of the draft of the ROPS through this Resolution does not commit the Successor Agency to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act. The City Clerk, acting on behalf of the Successor Agency, is authorized and directed to file a Notice of Exemption with the appropriate official of the County of Riverside, California, within five (5) days following the date of adoption of this Resolution.

SECTION 3. The Successor Agency **APPROVES** and **ADOPTS** the draft of the ROPS, in substantially the form attached to this Resolution as Exhibit "A", as required by Health and Safety Code Section 34177.

SECTION 4. The Executive Director, acting on behalf of the Successor Agency, is hereby **AUTHORIZED** and **DIRECTED** to take any action necessary to carry out the purposes of this Resolution and comply with applicable law regarding the draft of the ROPS, including submitting the draft of the ROPS to the Riverside County Auditor-Controller, or its designee, the County Administrative Officer for Riverside County, the Department of Finance, and the Successor Agency's oversight board, and following approval of the ROPS by the oversight board, submitting the approved ROPS to the Riverside County Auditor-Controller, the California State Controller, and the State of California Department of Finance, and posting the Approved ROPS on the Successor Agency's website.

SECTION 5. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED by the Successor Agency to the Redevelopment Agency of the City of Indian Wells, California, at a regular meeting held on the 5th day of February, 2015.

TY PEABODY
CHAIR

CERTIFICATION FOR RESOLUTION BIL SA NO. 2015-01

I, Wade G. McKinney, Executive Director of the Successor Agency to the Redevelopment Agency of the City of Indian Wells, California, **DO HEREBY CERTIFY** that the whole number of the members of the Successor Agency to the Redevelopment Agency of the City of Indian Wells is five (5); that the above and foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the Successor Agency to the Redevelopment Agency of the City of Indian Wells on the 5th day of February 2015, by the following vote:

AYES:
NOES:

ATTEST:

APPROVED AS TO FORM:

**WADE G. MCKINNEY
EXECUTIVE DIRECTOR**

**STEPHEN P. DEITSCH
AGENCY COUNSEL**

EXHIBIT "A"

Recognized Obligation Payment Schedule (ROPS 15-16A) - Summary

Filed for the July 1, 2015 through December 31, 2015 Period

Name of Successor Agency: Indian Wells
 Name of County: Riverside

Current Period Requested Funding for Outstanding Debt or Obligation		Six-Month Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding Sources (B+C+D):		\$ 4,312,012
A	Bond Proceeds Funding (ROPS Detail)	-
C	Reserve Balance Funding (ROPS Detail)	4,312,012
D	Other Funding (ROPS Detail)	-
E Enforceable Obligations Funded with RPTTF Funding (F+G):		\$ 4,197,250
F	Non-Administrative Costs (ROPS Detail)	4,075,000
G	Administrative Costs (ROPS Detail)	122,250
H Current Period Enforceable Obligations (A+E):		\$ 8,609,262

Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
I	Enforceable Obligations funded with RPTTF (E):	4,197,250
J	Less Prior Period Adjustment (Report of Prior Period Adjustments Column S)	-
K Adjusted Current Period RPTTF Requested Funding (I-J)		\$ 4,197,250

County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
L	Enforceable Obligations funded with RPTTF (E):	4,197,250
M	Less Prior Period Adjustment (Report of Prior Period Adjustments Column AA)	-
N Adjusted Current Period RPTTF Requested Funding (L-M)		4,197,250

Certification of Oversight Board Chairman:
 Pursuant to Section 34177 (m) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named agency.

 Name Title
 /s/ _____
 Signature Date

Recognized Obligation Payment Schedule (RQPS 15-16A) - RQPS Detail
 July 1, 2015 through December 31, 2015
 (Report Available in Video Format)

A	B	C	D	E	F	G	H	I	J	K					P
										Funding Source			N	O	
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Balance	Bond Proceeds	Reserve Balances (Net-PPFD)	Other Funds			Non-Available
32000	Refunding Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	9/1/2006	9/1/2022	Union Bank of California	Bonds issued to fund non-housing projects	Whittier	\$ 191,777,268	\$ 8,513,413	\$ 183,263,855	\$ 4,312,013	\$ 1,044,916	\$ -	\$ 122,260	\$ 1,044,916
43205	A Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	1/9/2008	9/1/2034	Union Bank of California	Bonds issue to fund non-housing projects	Whittier	87,181,199	M	2,247,684	\$ -	\$ -	\$ -	\$ 2,247,684	
43210	A Tax Allocation Bonds	Bonds Issued After 12/31/10	5/29/2010	9/1/2034	Union Bank of California	Bonds issue to fund non-housing projects	Whittier	15,282,421	M	948,073	\$ -	\$ -	\$ -	\$ 948,073	
43245	Refunding	SENVAF	4/15/2010	9/30/2015	Agency Housing Fund	Loan to Agency for SENVAF (Priority)	Whittier	14,887,297	M	\$ -	\$ -	\$ -	\$ -	\$ 14,887,297	
7	Administrative Costs	Admin Costs	9/1/2012	9/1/2034	Successor Agency	Administrative Costs	Whittier	5,078,639	M	\$ -	\$ -	\$ -	\$ -	\$ 5,078,639	
10	Refunding Tax Allocation Bonds	Reserve	9/1/2005	9/1/2022	Union Bank of California	Bond Payment Reserve for August 2015 Payment	Whittier	\$ -	N	\$ -	\$ -	\$ -	\$ -	\$ -	
11	Refunding Tax Allocation Bonds	Reserve	6/16/2008	9/1/2034	Union Bank of California	Bond Payment Reserve for August 2015 Payment	Whittier	\$ -	N	\$ -	\$ -	\$ -	\$ -	\$ -	
12	Refunding Tax Allocation Bonds	Reserve	5/29/2010	9/1/2034	Union Bank of California	Bond Payment Reserve for August 2015 Payment	Whittier	\$ -	N	\$ -	\$ -	\$ -	\$ -	\$ -	
13	Refunding Tax Allocation Bonds	Reserve	9/1/2011	7/1/2030	City of Indian Wells	Consolidated Primary role (A)	Whittier	16,400,000	N	\$ -	\$ -	\$ -	\$ -	\$ 16,400,000	
14	Refunding Tax Allocation Bonds	City/County Loan On or Before 12/31/10	7/1/2010	6/30/2011	City of Indian Wells	Operating Loan (D)	Whittier	1,359,192	N	\$ -	\$ -	\$ -	\$ -	\$ 1,359,192	
15	Refunding Tax Allocation Bonds	Bonds Issued After 12/31/10	5/29/2014	9/1/2022	Union Bank of California	The 2014 Series Bonds May be funded by the 2003 Series Bonds	Whittier	7,983,875	N	148,825	\$ -	\$ -	\$ -	\$ 7,983,825	
16	Refunding Tax Allocation Bonds	Bonds Issued After 12/31/10	5/29/2014	9/1/2022	Union Bank of California	The 2014 Series Bonds May be funded by the 2003 Series Bonds	Whittier	27,259,922	N	208,514	\$ -	\$ -	\$ -	\$ 27,468,436	
17	Refunding Tax Allocation Bonds	Bonds Issued After 12/31/10	5/29/2014	9/1/2022	Union Bank of California	Bond Payment Reserve for August 2015 Payment	Whittier	\$ -	N	\$ -	\$ -	\$ -	\$ -	\$ -	
18	Refunding Tax Allocation Bonds	Bonds Issued After 12/31/10	5/29/2014	9/1/2022	Union Bank of California	Bond Payment Reserve for August 2015 Payment	Whittier	\$ -	N	\$ -	\$ -	\$ -	\$ -	\$ -	
19	Refunding Tax Allocation Bonds	Bonds Issued After 12/31/10	5/29/2014	9/1/2022	Union Bank of California	Bond Payment Reserve for August 2015 Payment	Whittier	\$ -	N	\$ -	\$ -	\$ -	\$ -	\$ -	
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Recognized Obligation Payment Schedule (ROPS 15-16A) - Report of Cash Balances
(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, see https://rad.dof.ca.gov/rad-sa/pdf/Cash_Balance_Agency_Tips_Sheet.pdf.

A	B	C	D	E	F	G	H	I						
									Fund Sources					
									Bond Proceeds		Reserve Balance		Other	RPTTF
Bonds Issued on or before 12/31/10	Bonds Issued on or after 01/01/11	Prior ROPS period balances and DDR RPTTF balances retained	Prior ROPS RPTTF distributed as reserve for future period(s)	Rent, Grants, Interest, Etc	Non-Admin and Admin	Comments								
Cash Balance Information by ROPS Period														
ROPS 14-15A Actuals (07/01/14 - 12/31/14)														
1	Beginning Available Cash Balance (Actual 07/01/14)				1,018,139	65,043	1	Ties to GL Balance						
2	Revenue/Income (Actual 12/31/14) RPTTF amounts should tie to the ROPS 14-15A distribution from the County Auditor-Controller during June 2014						7,103,347	Actual ROPS 14-15 A Distribution						
3	Expenditures for ROPS 14-15A Enforceable Obligations (Actual 12/31/14) RPTTF amounts, H3 plus H4 should equal total reported actual expenditures in the Report of PPA, Columns L and Q				1,018,139	65,043	6,907,250	Total payments of \$7,990,432 included actual payout of \$7,626,594 to bond holders (including the new Series 2014 refunding bonds) plus \$156,944 SERAF pmt plus \$206,894 in admin fees						
4	Retention of Available Cash Balance (Actual 12/31/14) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)													
5	ROPS 14-15A RPTTF Prior Period Adjustment RPTTF amount should tie to the self-reported ROPS 14-15A PPA in the Report of PPA, Column S	No entry required												
6	Ending Actual Available Cash Balance C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 196,098							
ROPS 14-15B Estimate (01/01/15 - 06/30/15)														
7	Beginning Available Cash Balance (Actual 01/01/15) (C, D, E, G = 4 + 6, F = H4 + F4 + F6, and H = 5 + 6)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 196,098							
8	Revenue/Income (Estimate 06/30/15) RPTTF amounts should tie to the ROPS 14-15B distribution from the County Auditor-Controller during January 2015						6,983,039	Actual ROPS 14-15 B Distribution						
9	Expenditures for ROPS 14-15B Enforceable Obligations (Estimate 06/30/15)						2,815,401							
10	Retention of Available Cash Balance (Estimate 06/30/15) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)						4,312,012	Debt Service reserved for September 2015 payments						
11	Ending Estimated Available Cash Balance (7 + 8 - 9 - 10)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 51,724							

Recognized Obligation Payment Schedule (ROPS 15-16A) - Report of Prior Period Adjustments
 Reported for the ROPS 14-15A (July 1, 2014 through December 31, 2014) Period Pursuant to Health and Safety Code (HSC) section 34186 (a)
 (Report Amounts in Whole Dollars)

ROPS 14-15A Successor Agency (SA) Self-reported Prior Period Adjustments (PPA): Pursuant to HSC Section 34186 (a), SAs are required to report the differences between their actual available funding and their actual expenditures for the ROPS 14-15A (July through December 2014) period. The amount of Redevelopment Property Tax Trust Fund (RPTTF) approved for the ROPS 15-16A (July through December 2015) period will be offset by the SA's self-reported ROPS 14-15A prior period adjustment. HSC Section 34186 (a) also specifies that the prior period adjustments self-reported by SAs are subject to audit by the county auditor-controller (CAC) and the State Controller.

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	
Item #	Project Name / Debt Obligation	Non-RPTTF Expenditures							RPTTF Expenditures										Net SA Non-Admin and Admin PPA (Amount Used to Offset ROPS 15-16A Requested RPTTF)
		Bond Proceeds		Reserve Balance		Other Funds			Non-Admin			Admin				Difference (If total actual exceeds total authorized, the total difference is zero)	Net Difference (M/R)		
		Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Available RPTTF (ROPS 14-15A distributed + all other available as of 6/7/14)	Net Lesser of Authorized / Available	Actual	Difference (If K is less than L, the difference is zero)	Authorized	Available RPTTF (ROPS 14-15A distributed + all other available as of 6/7/14)	Net Lesser of Authorized / Available			Actual	
		\$ -	\$ -	\$ 1,018,139	\$ 1,018,139	\$ -	\$ -	\$ 6,988,463	\$ 6,785,290	\$ 6,785,290	\$ 6,765,300	\$ -	\$ -	\$ 206,894	\$ 206,894	\$ 206,894	\$ 206,894	\$ -	\$ -
1	2003 A Tax Allocation Bonds (Refunded with 2014)							820,375											
2	2003 A-T Tax Allocation Bonds (Refunded with 2014)							3,090,225											
3	2005 Refunding Tax Allocation Bonds			1,018,139	1,018,139			11,852	11,652	\$ 11,652	11,852	\$ -							
4	2006 A Tax Allocation Bonds							2,235,184	2,235,184	\$ 2,235,184	2,235,184	\$ -							
5	2010 A Tax Allocation Bonds							537,073	537,073	\$ 537,073	537,073	\$ -							
6	SEARF Housing Refunding							158,944	158,944	\$ 158,944	158,944	\$ -							
7	Administrative Costs									\$ -		\$ -							
8	2003 A Tax Allocation Bonds									\$ -		\$ -							
9	2003 A-T Tax Allocation Bonds									\$ -		\$ -							
10	2005 Refunding Tax Allocation Bonds									\$ -		\$ -							
11	2006 A Tax Allocation Bonds									\$ -		\$ -							
12	2010 A Tax Allocation Bonds									\$ -		\$ -							
13	\$16.4 Million Consolidated Advance									\$ -		\$ -							
14	\$1.4 Interfund Loan									\$ -		\$ -							
15	2014 A Refunding Tax Allocation Bonds								75,860	\$ 75,860	75,860	\$ -							
16	2014 AT Refunding Tax Allocation Bonds								3,748,688	\$ 3,748,688	3,748,688	\$ -							
										\$ -		\$ -							

SA
CC/HA ACTION _____ MTG. DATE: 2-5-15
APPROVED DENIED _____ REC/FILE _____ CONT. _____
OTHER _____
VOTE: YES 5 NO 0 ABSTAIN _____

Indian Wells Successor Agency

Staff Report – Finance

February 5, 2015

Approve Assignment of Housing Assets to the City of Indian Wells Housing Authority

RECOMMENDED ACTION:

Successor Agency **APPROVES** Assignment of Housing Assets from the Successor Agency to the City of Indian Wells Housing Authority.

DISCUSSION:

Upon dissolution of the Redevelopment Agency of the City of Indian Wells in 2012, the Oversight Board of the Successor Agency directed the transfer of Redevelopment Agency housing assets to the City of Indian Wells Housing Authority. The Housing Authority Board of Commissioners, through Resolution HA No. 2012-02, thereafter accepted the assets.

Because of those actions, the Successor Agency is in need of clean up language to clarify the transfer, in title and reference, all responsibilities from the "Successor Agency" to the "Housing Authority." The Assignment and Assumption of Housing Assets (Attachment 1), clarifies the housing assets were assigned to and assumed by the Housing Authority. The Indian Wells Housing Authority took action to approve the Assignment and Assumption of Housing Assets at its December 18, 2014 meeting.

ATTACHMENT:

1. Assignment and Assumption of Housing Assets

ASSIGNMENT AND ASSUMPTION OF HOUSING ASSETS

This ASSIGNMENT AND ASSUMPTION OF HOUSING ASSETS (the "Assignment and Assumption") is entered into as of December 18, 2014, by and among the SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF INDIAN WELLS as assignor ("Assignor") and the HOUSING AUTHORITY OF THE CITY OF INDIAN WELLS, a public body ("Assignee" or "Housing Authority").

RECITALS:

A. Prior to February 1, 2012, the Redevelopment Agency of the City of Indian Wells (the "Agency") was a public body, corporate and politic, which was actively engaged in redevelopment work in the City of Indian Wells pursuant to the powers granted by the Community Redevelopment Law (Health & Safety Code §§33000 *et seq.*), including but not limited to the increasing, improvement and preservation of housing affordable to low and moderate income households in the City of Indian Wells.

B. As part of the 2011-12 State budget bill, the California Legislature enacted, and the Governor signed, companion bills AB 1X 26 and AB 1X 27, requiring that each redevelopment agency be dissolved unless the community that created it enacts an ordinance committing it to making certain payments.

B. A Petition for Writ of Mandate was filed in the Supreme Court of the State of California on July 18, 2011 (*California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861), challenging the constitutionality of AB 1X 26 and AB 1X 27 on behalf of cities, counties and redevelopment agencies and requesting a stay of enforcement.

E. On December 29, 2011, the Supreme Court issued its final decision in the aforesaid litigation, upholding AB 1X 26, invalidating AB 1X 27, and extending all statutory deadlines under AB 1X 26, essentially dissolving all redevelopment agencies throughout the State effective February 1, 2012, including the Agency.

F. Upon dissolution of the Agency pursuant to the requirements of AB 1X 26, all assets, contracts, right and obligations of the Agency were transferred to the Assignor by operation of law pursuant to Health and Safety Code Sections 34173 and 34175.

G. Health and Safety Code section 34176 provides that the housing assets and functions previously performed by the Agency shall be transferred to the Assignee unless the City of Indian Wells elected to retain those housing assets and functions. The City of Indian Wells did not elect to retain the housing assets and functions previously performed by the Agency and therefore the housing assets and functions were as a result transferred to the Assignee upon dissolution of the Agency.

H. The California Legislature subsequently adopted AB 1484, which, among other things, required that the City submit to the State Department of Finance by August 1, 2012 a list of all housing assets transferred between February 1, 2012 and the date upon which the list is created. On April 9, 2012, the Housing Authority submitted the required housing asset transfer list (the "Housing Asset Transfer List") to the State Department of Finance. On August 31, 2012, the State Department of Finance approved the Housing Asset Transfer List.

I. In order to affirm and provide proper documentation that the housing assets as described in the Housing Asset Transfer List have been transferred to and are now properly held in possession of the Assignee, the Assignor and Assignee desire to enter into this Assignment and Assumption.

NOW THEREFORE, in consideration of the foregoing recitals which by this reference are incorporated herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor and Assignee agree and represent as follows:

1. Assignment. Assignor hereby affirms that it has assigned to Assignee all of Assignor's right, title and interest in and to, and obligations pursuant to, each and every one of the housing assets listed in Exhibit A, attached hereto and incorporated herein by this reference (the "Housing Assets").

2. Assumption. Assignee, for itself and its successors and assigns, hereby affirms that it has assumed and agrees to perform and be bound by the covenants, agreements, provisions, conditions, obligations and rights of Assignor as set forth in each and every one of the Housing Assets.

3. Further Actions. The parties each, jointly and severally, covenant to take such further actions as may be necessary to effect or commemorate the assignment and assumption of the Housing Assets.

4. Effect of this Agreement. Except as expressly modified by this Agreement, agreements that are included amongst the Housing Assets shall continue in full force and effect according to their respective terms. This Assignment and Assumption shall not be construed as (i) conferring upon Assignor or Assignee any greater rights than those contained in the Housing Assets, (ii) diminishing any rights under the Housing Assets, or (iii) modifying the Housing Assets in any respect.

5. Counterparts. This Assignment and Assumption may be executed in any number of identical counterparts, each of which shall be deemed to be an original, and all of which together shall be deemed to be one and the same instrument when each party has signed one such counterpart.

[SIGNATURE PAGE TO FOLLOW]

SIGNATURE PAGE FOR
ASSIGNMENT AND ASSUMPTION OF HOUSING ASSETS

IN WITNESS WHEREOF, Assignor and Assignee have executed this Assignment and Assumption as of the date set forth above.

ASSIGNOR:

SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF THE
CITY OF INDIAN WELLS, a public agency

ATTEST:

By: _____
Successor Agency Clerk

By: _____
Its: Chairman

APPROVED AS TO FORM:

By: _____
Successor Agency Counsel

ASSIGNEE:

HOUSING AUTHORITY OF THE CITY OF
INDIAN WELLS, a public body, corporate and
politic

ATTEST:

By: _____
Housing Authority Secretary

By: _____
Its: Chairman

APPROVED AS TO FORM:

By: _____
Housing Authority Counsel

EXHIBIT A

LIST OF HOUSING ASSETS

[attached behind this cover page]