

**RESOLUTION NUMBER 4454**

**A RESOLUTION OF THE CITY OF PERRIS EXTENDING THE TEMPORARY FEE REDUCTION PERIOD UNDER THE WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) PROGRAM**

The City Council of Perris (“Jurisdiction” or “City”) resolves as follows:

Section 1.     Title.

This Resolution shall be known as the “Western Riverside County Transportation Uniform Mitigation Temporary Fee Reduction Resolution of 2011” (“Resolution”). Pursuant to the Mitigation Fee Act (Gov. Code §§ 66000 *et seq.*) the City Council hereby readopts all findings included in Ordinance No. 1186, including those findings made in the 2009 Nexus Study and its Addendum.

Section 2.     Findings.

A.     The City Council reaffirms the continuing impact of the economic recession on development and construction in Western Riverside County, as originally discussed in the Addendum to the 2009 Nexus Study, attached and incorporated as part of the 2009 Nexus Study. Therefore, the City Council finds that a one-year extension of the temporary fifty percent (**50%**) TUMF fee reduction will continue to encourage economic development by reducing the overall cost of development. The City Council further understands that the same adjustment of the entire TUMF Program will be necessary to assure that each development continues to contribute a fair share of the total Program costs without unduly burdening later projects to make up the TUMF revenues that would be effectively forfeited during the extended reduction period. The City Council finds that a one-year extension will result in a limited decrease in TUMF revenues and will not have a material effect on the ability to fulfill the purposes of the TUMF program or the ability to make the findings recited herein and in Resolution 4273.

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

Section 3.     Temporary TUMF Reduction Period.

Notwithstanding, Section 4A of Ordinance No. 1114 and Ordinance No. 1186 and the fee established in Section 2 of Resolution 4273, the City Council hereby adopts a reduced TUMF fee schedule as indicated below, applicable only through December 31, 2012 or until such time the City receives written notice from the WRCOG Executive Director under direction of the WRCOG Executive Committee that the \$20 million aggregate cap in uncollected TUMF revenues has been reached, whichever occurs sooner. All other sections of Ordinance No. 1114 shall still be in effect during this temporary fee reduction period. After December 31, 2012 or

sooner if the \$20 million aggregate cap is reached, the regular TUMF schedule adopted in Section 2 of Resolution 4273, or as revised by the City Council from time to time through a separate resolution, shall automatically be reinstated without any further action required. By extending this temporary fee reduction period, the City Council understands that it will have an obligation to backfill uncollected TUMF revenue based on the fifty percent (**50%**) reduction through recommended specific, effective cost savings and repayment methods as determined by the individual Zone Committees. This action in no manner relieves the City Council of any past and future program funding backfill obligations previously required before this action. The City Council understands and hereby agrees to make monthly reports to WRCOG, in a format determined by WRCOG in its sole discretion, of the outstanding amount of uncollected TUMF revenue resulting from the **50%** temporary fee reduction since its original implementation.

Section 4.      Severability.

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

Section 5.      Effective Date.

This Resolution shall take effect immediately upon its adoption.

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

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Daryl R. Busch, Mayor

ATTEST:

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

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF PERRIS                 )

I, JUDY L. HAUGHNEY, City Clerk of the City of Perris, California, do hereby certify that Resolution Number 4454 was adopted by the City Council of the City of Perris at a regular meeting held on the 29th day of November, 2011, and that the same was adopted by the following vote:

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

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