



# AGENDA CITY OF NORCO

CITY COUNCIL  
REGULAR MEETING

CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE  
NOVEMBER 16, 2011

CALL TO ORDER: 6:00 p.m.

ROLL CALL: Mayor Berwin Hanna  
Mayor Pro Tem Kevin Bash  
Council Member Kathy Azevedo  
Council Member Greg Newton  
Council Member Harvey C. Sullivan

THE CITY COUNCIL WILL RECESS TO CLOSED SESSION (SECTION 54954) TO CONSIDER MATTERS:

**Section 54956.9 – Conference with Legal Counsel – Existing Litigation**

Case Name: Norco Patients Care, Inc. vs City of Norco  
Case Number: RIC 1116164

RECONVENE PUBLIC SESSION: 7:00 p.m.

REPORT OF ACTION(S) TAKEN IN CLOSED SESSION (§54957.1)  
*City Attorney*

PLEDGE OF ALLEGIANCE: Mayor Hanna

INVOCATION: Corona Church of the Open Doors  
*Pastor Fred Griffin*

PRESENTATION: Certificate of Recognition  
*Dr. Jennifer Wells and  
"Jester The Wonder Mule"*

1. CITY COUNCIL CONSENT CALENDAR ITEMS: *(All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Council, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Council or the audience request specific items be removed from the Consent Calendar. Items removed from the Consent Calendar will be separately considered under Item No. 2 of the Agenda)*

A. City Council Minutes:  
Regular Meeting of November 2, 2011  
Recommended Action: **Approve the City Council Minutes** (City Clerk)

B. Recap of Actions Taken at the Planning Commission Regular Meeting of November 9, 2011. **Recommended Action: Receive and File** (Planning Director)

- C. Procedural Step to Approve Ordinances after Reading of Title Only.  
**Recommended Action: Approval** (City Clerk)
  - D. Fiscal Year 2010 - 2011 Year-End Budget to Actual Report.  
**Recommendation: Receive and file.** (Deputy City Manager/Director of Finance)
  - E. Approval of a Transitional Memorandum of Understanding (MOU) with the Norco Firefighters Association (NFA), a Required Step in Implementing the Cooperative Agreement with the County of Riverside to Provide Fire Protection and Emergency Medical Services. **Recommended Action: Approve the Transitional MOU with the Norco NFA and direct the City Manager to sign and implement it.** (City Manager and Deputy City Manager/Director of Finance)
  - F. Approval of an Increase in the Contract Amount with DMC Design Group, Inc. for Design Services on the Hamner Avenue Widening Project. **Recommend Action: Approve the increase to the design service contract with DMC Design Group, Inc. in the amount of \$80,000 for the Hamner Avenue Widening Project.** (Senior Engineer)
2. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR:
3. CITY COUNCIL PUBLIC HEARINGS:
- A. Proposed Projects for Use of Community Development Block Grant Funds (Program Year 2012-2013) Through the U. S. Department of Housing and Urban Development and the County of Riverside Economic Development Agency  
  
*Applications for 2012-2013 Community Development Block Grant Funds are due to the Riverside County Economic Development Agency no later than December 15, 2011. The City has been asked to estimate funding needs based on current Program Year 2011-12. Applications for funding are being presented for consideration and approval to submit to the County for review.*  
  
**Recommended Action: Approve the projects as submitted.** (Housing Manager)
  - B. City-initiated Proposals to A.) Amend Title 18 of the Norco Municipal Code by Amending the Provisions of Chapter 18.13 Entitled "A-1 Zone-Agricultural Low Density", Amending the Provisions that Regulate Roosters within the A-1 Zone; and B.) Amend the Norco Hills Specific Plan to Establish Provisions to Regulate Fowl and the Number of Animals not Otherwise Categorized as an Animal Unit

*Based on recommendations of a sub-committee appointed by the Planning Commission, the Planning Commission adopted Resolution 2011-61 recommending a change in the number of allowed roosters on an agricultural-low density residential lot and the method used to count roosters. In addition, the Planning Commission adopted Resolution 2011-62 recommending an addition to the Norco Hills Specific Plan referring the regulation of all animals not covered by an "animal unit" to the regulations of the A-1 (Agricultural Low Density) zone.*

**Recommended Actions:**

**1.) Adopt Ordinance No. \_\_\_\_ for first reading, approving Zone Code Amendment 2011-04;**

**2.) Adopt Ordinance No. \_\_\_\_ for first reading, approving Specific Plan 91-05, Amendment 6; and**

**3.) Establish a six-month grace period for owners to either come into compliance or obtain approval of a conditional use permit; and, direct staff to bring back an amendment to the Norco Municipal Code establishing a fine. (Planning Director)**

**4. CITY COUNCIL ACTION ITEMS:**

- A. Approval of an Ordinance of the City Council of the City of Norco Deleting Chapter 5.50 "Employment of Undocumented Workers" from the Norco Municipal Code. Code Change 2011-\_\_\_\_

*On September 15, 2010, the City Council adopted Ordinance No. 927, adding Chapter 5.50 "Employment of Undocumented Workers" to the Norco Municipal Code effective as of January 1, 2011. On October 9, 2011, Assembly Bill 1236, effective January 1, 2012, was approved by the Governor and filed with the Secretary of State, which prohibits the state, or a city, county, city and county, or special district, from requiring an employer other than one of those government entities to use an electronic employment verification system except when required by federal law or as a condition of receiving federal funds. It is therefore being recommended that the Council adopt an ordinance deleting Chapter 5.50 from the Norco Municipal Code as the City's requirement for the use of E-Verify is no longer permitted by California State law as of January 1, 2012.*

**Recommended Action: Adopt Ordinance No. \_\_\_\_ for first reading. (City Attorney)**

B. Review of City Sign Code Requirements

*At the regular City Council meeting on August 17, 2011, Councilman Newton requested, and the City Council approved, that an item be placed on a future agenda to discuss the creation of a working group to review the City's Sign Code. It was discussed that the working group should include Council Members and appropriate commission members, and should not be a technical discussion that would impact staffing needs. It was also discussed that a key focus should be on the effect the Sign Codes have on businesses, as well as general community clutter.*

**Recommended Actions:**

**1.) Create an ad hoc working group to review the City's Sign Code as it relates to commercially-zoned properties and make recommendations on changes that would benefit business owners while still protecting the health and safety of the public;**

**2.) Appoint two City Council Members to serve as members of the working group;**

**3.) Ask the Planning Commission and the Economic Development Advisory Council (EDAC) to also appoint two members each to serve as members of the working group; and**

**4.) Direct the working group to bring any recommended changes to the City Council by March 31, 2012. (City Manager)**

5. PUBLIC COMMENTS - THIS IS THE TIME WHEN PERSONS IN THE AUDIENCE WISHING TO ADDRESS THE CITY COUNCIL REGARDING MATTERS NOT ON THE AGENDA MAY SPEAK. PLEASE BE SURE TO COMPLETE THE CARD IN THE BACK OF THE ROOM AND PRESENT IT TO THE CITY CLERK SO THAT YOU MAY BE RECOGNIZED.

6. OTHER MATTERS – COUNCIL:

7. OTHER MATTERS – STAFF:

8. ADJOURNMENT:

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office, (951) 270-5623. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).*

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*Staff reports are on file in the Office of the City Clerk. Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be available for public inspection at the City Clerk's Counter in City Hall located at 2870 Clark Avenue.*



**MINUTES  
CITY OF NORCO**

CITY COUNCIL  
REGULAR MEETING  
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE  
NOVEMBER 2, 2011

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CALL TO ORDER: Mayor Hanna called the meeting to order at 7:00 p.m.

ROLL CALL: Mayor Berwin Hanna, **Present**  
Mayor Pro Tem Kevin Bash, **Present**  
Council Member Kathy Azevedo, **Present**  
Council Member Greg Newton, **Present**  
Council Member Harvey C. Sullivan, **Present**

**Staff Present:** Bryan, Cooper, Groves, Jacobs, King, Pemberton, Petree and Thompson

City Attorney Harper – **Present**

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Bash

INVOCATION: Grace Fellowship Church  
*Pastor Vernie Fletcher*

PROCLAMATION: Pancreatic Cancer Awareness Month  
*Jennifer and Trent Luna*  
*Pancreatic Cancer Action Network*

Mayor Hanna read a proclamation proclaiming November 2011 as Pancreatic Cancer Awareness Month.

ANNOUNCEMENTS:

Mayor Hanna read portions of a letter addressed to Christine A. Smith, a Norco resident, received from a Commander in the U.S. Navy Military Training Department, commending her son, Michael W. Smith, USN, Division 950, for being selected as the Honor Recruit for his division. Michael is the grandson of Norvah Williams and “grandma” is very proud of her grandson’s achievements.

Fire Chief Bryan introduced Geoff Pemberton to the community. Mr. Pemberton currently serves as a Battalion Chief in the Riverside County Fire Department and will serve as the designated Fire Chief in the City of Norco following the City’s transition to CAL FIRE.

**REGULAR CITY COUNCIL AGENDA AS FOLLOWS:**

1. CITY COUNCIL CONSENT CALENDAR ITEMS:

**M/S Sullivan/Azevedo to adopt the items as recommended on the City Council Consent Calendar. The motion was carried by the following roll call vote:**

**AYES: AZEVEDO, BASH, HANNA, NEWTON, SULLIVAN**  
**NOES: NONE**  
**ABSENT: NONE**  
**ABSTAIN: NONE**

- A. City Council Minutes:  
Regular Meeting of October 19, 2011  
Recommended Action: **Approve the City Council Minutes** (City Clerk)
  - B. Recap of Actions Taken at the Planning Commission Special Meeting of October 26, 2011. **Recommended Action: Receive and File** (Planning Director)
  - C. Acceptance of Bids & Award Contract for the Annual Street Striping and Pavement Marking Services. **Recommended Action: Approve and award the contract for the Annual Street Striping and Pavement Marking Services to Crisp Company, located in Bloomington, California, in the amount of \$14,634.** (Public Works Director)
  - D. Acceptance of Bids & Award Contract for the Annual Sanitary Sewer Maintenance Services. **Recommended Action: Approve and award the contract for the Annual Sanitary Sewer Maintenance Services to Empire Pipe Cleaning & Equipment, Inc., located in Orange, California, in the amount of \$33,800.** (Public Works Director)
  - E. Acceptance of the Santa Ana River Riprap Training Dike Improvement Project as Complete. **Recommended Action: Accept the Santa Ana River Riprap Training Dike Improvement Project as complete and authorize the City Clerk to file the Notice of Completion with the County of Riverside Recorder's Office.** (Public Works Director)
  - F. Increase in the Contract for the Second Street 12-inch Water Line Improvement Project **Recommended Action: Approve the increase the Contract with Clearwater Pipeline, Inc. in the amount of \$15,000 for the Second Street 12-inch Water Line Improvement Project.** (Public Works Director)
2. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR: **No items pulled for discussion.**

3. LEGISLATIVE MATTERS -- SECOND READING: *(No new evidence will be heard from the public as the public hearing has been closed regarding all items listed.)*
  - A. Ordinance Replacing Title 15, Chapters 15.01 - 15.09 of the Norco Municipal Code, Adopting by Reference the 2010 Edition of the California Building Standards Code Including the 2010 California Building Code, 2010 California Electrical Code, 2010 California Mechanical Code, 2010 California Plumbing Code, 1997 Uniform Housing Code, 2010 California Residential Code, 2010 Green Building Code and the 2010 California Fire Code; Code Change 2011-04. **Recommended Action: Adopt Ordinance No. 937 for second reading.** (City Clerk)

**M/S Bash/Newton to adopt Ordinance No. 937 for second reading. The motion was carried by the following roll call vote:**

**AYES: AZEVEDO, BASH, HANNA, NEWTON, SULLIVAN**  
**NOES: NONE**  
**ABSENT: NONE**  
**ABSTAIN: NONE**

4. PUBLIC COMMENTS:

**Karen Leonard.** Ms. Leonard commented on the Malcolm Miller Trail Marker dedication and prize ride to be held on Sunday, November 6<sup>th</sup> at the Corydon staging area at Fifth and Corydon. The event is being hosted by the Norco Horsemen's Association and the dedication begins at 1:00 p.m. She added that proceeds from the ride will go towards improvement in the staging area.

**Vern Showalter.** Mr. Showalter received confirmation that the Emergency Medical Services charge on the City's utility bills will remain following the transition to CAL FIRE. He also received confirmation that the dog signs posted in Parmenter Park are posted regarding leash law violations.

**Pat Overstreet.** Ms. Overstreet stated she enjoys the widening of Second Street entrance and the lovely horse trail and further complimented the department responsible. She added her desire to see landscaping added in the future.

5. OTHER MATTERS – COUNCIL:

**Council Member Sullivan:**

- ⚡ Noted that he had a conversation with Mr. Koziel about the most recent approved modification to his CUP and more specifically the requirements for railing and fencing around the outdoor deck and front-fenced area. He further commented on a requirement for the type of fencing he heard was made by staff and asked why Mr. Koziel could not use the product he submitted.

**Council Member Azevedo:**

- ↓ Asked Public Works Director Thompson about the blight located southwest of the new River Road Bridge and asked if that area is in Norco. Public Works Director Thompson responded that the northwest side is part of Riverside County and the remainder is in the City of Norco and a cleanup has already been scheduled, as well as a sweeper for the medians.
- ↓ Stated that a City tour was provided for individuals representing the Fox 11 TV MasterChef show who are interested in producing a show in Norco. She added that they hope to feed 100 people on horseback. Stay tuned!

**Mayor Pro Tem Bash:**

- ↓ Stated that CalFIRE TV and Youtube provide some great media information on CAL FIRE.
- ↓ Received confirmation from Director Petree that there is going to be an Eagle Scout project at Snipes Park where the memorial sign will be replaced.
- ↓ Noted that the Lake Norconian 5K run/walk held on October 29<sup>th</sup> was successful with 640 runners participating. He added that the restaurants in town were packed on that day!
- ↓ Commented on the Sixth Street properties listed for sale and asked if the local real estate agents could be brought together to discuss how to link these properties together.
- ↓ Asked Director Petree about the number of seats required for a concert at the George Ingalls Equestrian Event Center. Director Petree responded that he usually uses 5,000 for the number of seats required and when funding is available in the future, there is an expansion design proposed.
- ↓ Commented on a raised concrete area in front of California Awards on Hamner Avenue and asked Director Thompson if anything can be done about it. Director Thompson responded that the challenge is that the City does not own the right-of-way and the proximity is fairly close to the building.
- ↓ Commented on the Planning Division Annual Report, noting it is a great report.
- ↓ Noted the December 7<sup>th</sup> event to be held commemorating the 70<sup>th</sup> anniversary of the Navy in Norco, adding that the theme will be "Keeping Traditions Alive."

**Council Member Newton:**

- ↓ Commended on the Annual Planning Division Report and added that it is one of the best reports yet.

**Mayor Hanna:**

- ↓ Stated that he is not able to attend the Malcolm Miller Trail Marker dedication on Sunday because he will be attending a wedding on that day where he will be performing the ceremony.

6. OTHER MATTERS – STAFF:

**Fire Chief Bryan:**

- ↓ Announced that the FIRST NATIONWIDE TEST OF THE EMERGENCY ALERT SYSTEM will take place on *November 9 at 11:00 a.m. (2 p.m. EDT)*. He added that the federal government will conduct the first nationwide test of the Emergency

Alert System (EAS). The test will last up to three and a half minutes. During this period, regularly scheduled television, radio, cable, and satellite shows will be interrupted as the system is being tested. The City of Norco would like to ensure that our citizens and the larger public are aware that this event will be just a test, and not a real emergency alert.

**Parks, Recreation & Community Services Director Petree:**

- ↳ Added some additional information on the potential MasterChef show in Norco. He noted that the City tour went well and they especially liked the George Ingalls Equestrian Event Center, adding that many creative ideas came out of the tour with tentative dates in 2012 being looked at.
7. ADJOURNMENT: There being no further business to come before the City Council, Mayor Hanna adjourned the meeting at 7:33 p.m.

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BRENDA K. JACOBS, CMC  
CITY CLERK

/bj-79730



**RECAP OF ACTIONS TAKEN**  
**CITY OF NORCO**  
PLANNING COMMISSION  
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE  
REGULAR MEETING  
NOVEMBER 9, 2011

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1. CALLED TO ORDER: 7:00 p.m.
2. ROLL CALL: Chair Wright, Vice Chair Henderson, Commissioners Hedges, Leonard; Commissioner Jaffarian absent.
3. STAFF PRESENT: PD King, SP Robles, DCC Germain
4. PLEDGE OF ALLEGIANCE: Commissioner Hedges
5. APPEAL NOTICE: Read by staff.
6. HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA: No items.
7. APPROVAL OF MINUTES: Minutes of Special Meeting on October 26, 2011  
Recommended Action: Approval (Deputy City Clerk): **Approved 4-0.**
8. CONTINUED ITEMS: None
9. PUBLIC HEARINGS
  - A. Resolution 2011-18: Conditional Use Permit 2011-18 (Whitaker): A Request for Approval to Allow a 1,652 Square-Foot Caretaker Dwelling with an Accessory 720 Square-Foot Detached Garage at 635 Hacienda Drive Located within the A-1-20 Zone. Recommended Action: Approval (SP Robles); **Commissioner Leonard recused himself from this item; Approved 3-0.**
  - B. Resolution 2011-64: Conditional Use Permit 2011-19 (Gilmore): A Request for Approval to Allow an Accessory Building Consisting of a 4,000 Square-Foot Barn at 4127 Temescal Avenue located within the A-1-20 Zone. Recommended Action: Denial (SP Robles); **Adopted Resolution 2011-64 denying the request (without prejudice), 4-0.**

- C. Resolution 2011-62: Conditional Use Permit 2011-20 (Shrine/Krone): A Request for Approval to Allow an Accessory Building Consisting of a 1,340 Square-Foot Mare Motel at 242 Wyatt Circle Located within the A-1-20 Zone. Recommended Action: Approval (SP Robles); **Approved 4-0.**
  - D. Resolution 2011-\_\_: Conditional Use Permit 2011-21 (Zoetemelk): A Request for Approval to Allow an Accessory Building Consisting of a 174 Square-Foot Windmill with a Base Height of 23 Feet and Blade Height (from Finished Grade) of about 40 feet at 1407 Second Street located within the A-1-20 Zone. Recommended Action: Approval (SP Robles); **Continued to be considered as a request for site plan approval for an accessory structure and not a wind energy conversion system (WECS) which requires approval of a conditional use permit, 4-0.**
  - E. Resolution 2011-\_\_: Conditional Use Permit 2011-22 (Arbid): A Request for Approval to Allow an Accessory Building Consisting of a 2,100 Square-Foot Metal Storage Building at 5400 Trail Street Located within the A-1-20 Zone. Recommended Action: Approval (SP Robles); **Continued off-calendar to allow the applicant to work with the Architectural Review Sub-committee (ARC) on the size and design of the proposed structure, 4-0.**
- 10. BUSINESS ITEMS: None
  - 11. CITY COUNCIL: Receive and File
    - A. Recap of Actions Taken at the November 2, 2011 City Council/Community Redevelopment Agency Meeting.
    - B. City Council Minutes dated October 19, 2011  
**Received and filed.**
  - 12. PLANNING COMMISSION: Oral Reports from Various Committees; **None.**
  - 13. STAFF: Current Work Program; **Received and filed.**
  - 14. OTHER MATTERS
    - A. Follow-up on Items from Previous Meetings (Director King)  
**No items.**
  - 15. ADJOURNED: 8:30 p.m.

## CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Andy Okoro, Deputy City Manager/Finance Director 

DATE: November 16, 2011

SUBJECT: Fiscal Year 2011 Year-End Budget to Actual Report

RECOMMENDATION: Staff recommends that the City Council receive and file the Fiscal Year 2011 Year-End Budget to Actual Report.

**SUMMARY:** This report details actual financial results compared to budget for the Operating Funds of the City and the Redevelopment Agency for the Fiscal Year ended June 30, 2011. For the Fiscal Year, total General Fund revenues of \$13.3 million exceeded the amended budget amount of \$12.9 million by \$0.4 million while total expenditures of \$14.6 million were \$0.4 million less than amended budget amount of \$15.0 million. The favorable revenue and expenditure variance resulted in a net draw of \$1.3 million from fund balance compared to a projected budget draw of over \$2.0 million. Consequently, actual fund balance of the General Fund as of June 30, 2011 was nearly \$2.1 million (see attachment 2) compared to \$1.3 million budgetary estimate.

Total Redevelopment Agency Operating Fund revenues were \$13.9 million compared to a budget amount of \$13.8 million. Total actual expenditures were \$16.6 million compared to budget amount of \$16.8 million. For the Water Fund, total actual revenues were \$7.4 million compared to budget amount of \$6.7 million while total expenditures were \$7.3 million compared to budget amount of \$8.2 million. Total actual revenues for the Sewer Fund were \$4.1 million compared to budget amount of \$4.2 million. Total actual expenditures were \$4.5 million compared to budget amount of \$4.6 million.

**BACKGROUND/ANLYSIS:** The City's independent auditors have completed their field-work on City and Redevelopment Agency audit for the Fiscal Year ended June 30, 2011. Comprehensive Annual Financial Report (CAFR) prepared in accordance with Generally Accepted Accounting Principles (GAAP) will be submitted to the Council at a later date. If Council desires, a Study Session will be scheduled with the independent auditors to further review and discuss the CAFR with City Council. At this time, staff is presenting this report as information

to show how the various Operating Funds performed relative to the adopted budget. No material differences are anticipated between the numbers presented in this report and the final audited numbers that will be reported in City's independently audited CAFR.

### **FY 2010-2011 General Fund Revenues**

Attachment 1 page 1 is a schedule showing General Fund budget to actual data for the Fiscal Year ended June 30, 2011. For the Fiscal Year, total actual revenues were higher than the budget and final year-end projections by \$411,164 and \$582,771 respectively. This net favorable revenue performance was mainly from the following:

1. **Property Tax:** Actual property tax receipts during the Fiscal Year were slightly higher than the budget and year end estimates. Property tax receipts are based on the assessed value of taxable real property in the City of Norco.
2. **Sales Tax:** City's actual sales tax receipts during the fiscal year exceeded the budget and year end-end estimate amounts. Total FY 2010-2011 sales tax receipts were \$4.0 million which was higher than the budget by \$265,215 and higher than the year end estimate by \$84,215. The favorable variance is attributable to better than anticipated improvement in sales tax from automobile dealers.
3. **Motor Vehicle License Fees:** Actual allocation of motor vehicle license fees of \$2,084,206 to the City was \$58,450 higher than the budget amount of \$2,025,756. The positive variance is attributable to \$57,700 one-time adjustment by the DMV for prior fiscal years' collections.
4. **Fines and Penalties:** This revenue category include: vehicle code fines, parking citations, municipal codes violations and impound fees. Actual revenues exceeded budget by \$64,474. The favorable budget variance was from vehicle code fines. The budget for this revenue line item was significantly reduced due to the elimination of Motor Officers. However, actual revenues collections include citations that were issued in prior fiscal years when the City still had the Motor Officers.
5. **Community Development Fees:** Community development fees comprised of planning, building and engineering fees charged for services. Actual fees collected are based on the demand for services. The budget anticipated continuing weakness in demand as has been experienced over the last three years. However, planning and building fees were much higher than anticipated due to increase in demand for services. As a result, planning revenues were \$92,000 higher than budgeted amount

while building revenues were \$121,000 higher than the budgeted amount. On the other hand, engineering revenues were \$52,000 lower than a lowered budget amount.

6. **Community Services and Recreation Fees:** Like community development fees, community services and recreation revenues are activity driven. Due to increase in demand for adult sports, dance rainbow, youth sports, field lights, rental revenue and other revenues, this revenue category exceeded budget and year-end projection numbers by \$72,324 and \$83,693 respectively.
7. **Other Revenues:** This revenue category include: utility late payment penalties, dog license, voluntary emergency medical subscription, refuse billing fees and third party reimbursements. Actual receipts from this category of revenues were below budget by \$221,000 largely due to adjustment for erroneously accrued penalties on merchant builder water usage.

**General Fund Expenditures:**

Total General Fund expenditures for the year were below budget by \$332,681. The net savings were achieved through successful expenditure control beyond the reductions that were already incorporated into the budget. Substantial savings were realized in the Recreation, Animal Control, Building Maintenance and Sheriffs' divisions/departments. On the other hand, expenditures for Fire Suppression, Paramedics, Park Maintenance and Non-departmental programs/divisions exceeded budget.

Savings in the Recreation program were from part-time salaries, printing, supplies and postage. Savings in Building Maintenance were from contractual services and utilities. Animal control savings came from salaries and benefits due to vacancies and positions being under-filled. The substantial savings of \$356,895 in Sheriff's department came largely from the Sheriff's actual contract rate increase that was lower than the rate increase anticipated in the budget. Additional savings were realized in overtime, supplies, uniforms, safety gear, and salaries and benefits.

The budget overage in the non-departmental was due to higher spending in retiree medical insurance premium. Few employees moved to the retiree roll after the budget was adopted. Overage in fire programs were due to more than anticipated spending in constant staffing, increased equipment maintenance cost and un-budgeted workers compensation expenditures. The overage in Park Maintenance was due to cash out of accrued vacation and sick benefits by a long term retired department employee.

**General Fund ( Fund Balance):**

The fund balance at the beginning of the fiscal year was \$3.4 million (see attachment 2). During the fiscal year, total expenditures exceeded total revenues by \$1.3 million resulting in ending fund balance of \$2.1 million as of June 30, 2011. As previously stated, it is important to note that the FY 2010-2011 budget anticipated a draw-down from fund balance of nearly \$2.1 million for estimated budgetary fund balance of \$1.3 million.

**Other Operating Funds**

Attachment 1, beginning on page 2 provides a summary of revenues and expenditures for other Operating Funds. Other Operating Funds included in this report are Redevelopment Agency, Low-to-Moderate Income Housing, CDBG, Water, Sewer, Gas Tax, and NPDES.

**Redevelopment Agency Funds**

Redevelopment Agency tax increment receipts continued to decline during the fiscal year due to lower property values. For the Fiscal Year ended June 30, 2011, total tax increment receipts of \$11.6 million were \$400,000 lower than \$12.0 million received the previous year. Total actual Redevelopment Agency Operating Fund revenues of \$13.9 million were \$0.1 million higher than the budget amount of \$13.8 million. Agency revenues include \$1.9 million reimbursement of debt service payment from Corona Norco Unified School District. Total actual expenditures of \$16.6 million were about \$0.2 million lower than the budget amount of \$16.8 million. Total expenditures included \$1 million supplemental ERAF payment; \$8.4 million of pass through payment; third party contractual and program costs and Agency administration cost of \$1.3 million. For the Fiscal Year, total actual expenditures exceeded total actual revenues by \$2.7 million. This shortfall was covered by drawing from existing fund balance. The fund balance of the RDA operating Fund as of June 30, 2011 was \$4.9 million.

Redevelopment Agency Low-to-Moderate Income Housing Fund total actual revenues of \$2.9 million were higher than budget amount of \$2.8 million by \$0.1 million while total actual expenditures of \$1.8 million were lower than budget amount of \$2.4 million by nearly \$0.6 million. The expenditure variance was due to lower than anticipated spending on grant programs. Expenditures include \$0.4 million for deferred loan, home improvement and SWAT programs; \$1.0 million of debt service; and \$0.4 million of administrative and other program expenditures. For the Fiscal Year, total revenues exceeded expenditures by \$1.1 million. Low-to-Moderate Income Housing fund balance as of June 30, 2011 was \$3.8 million.

### ***Water Fund***

Water Fund actual operating revenues for the fiscal year were \$7.4 million while operating expenses (excluding depreciation but including debt service payments) were \$7.3 million resulting in nearly \$0.1 million change in working capital. Actual revenues exceeded budget by \$0.7 million due to the rate adjustment that became effective in April of 2011. The result of the rate adjustment was not factored into the budget. Actual Water Fund expenditures were \$0.8 million lower than budget amount. This favorable expenditure variance was largely attributable to significant savings from purchased water cost. During the Fiscal Year, the ongoing increase in the cost of purchased water over the last several years caused by price increases and less domestic water production was reversed as the City increase domestic production and reduced the quantity of purchased water. Despite the positive change during the year, the Water Fund still ended the year with accumulated deficit working capital balance of \$0.7 million. It is anticipated that this deficit will be eliminated over the next year as full revenues are realized from the implementation of the two phase rate adjustments approved by the City Council last March.

### ***Sewer Fund***

The Sewer Operations Fund ended the fiscal year with operating expenditures exceeding operating revenues by over \$0.3 million. This was anticipated in the budget. The Sewer rate adjustment approved by the City Council in March 2011 did not become effective until July 1, 2011. This shortfall in revenue is anticipated to be remedied in FY 2011-2012 when additional revenues from the rate adjustment will be realized.

### ***Other Funds***

Gas Tax Fund actual revenues were \$707,926 while actual expenditures were \$626,740. NPDES total revenues were \$141,462 compared to actual expenditures of \$118,400.

FINANCIAL IMPACT: None

/jk-79696

Attachments: Budget and Actual Report FY 2010-2011  
Summary of General Fund Balance

City of Norco, California  
Budget to Actual Report  
For the Fiscal Year Ended June 30, 2011

	Amended Budget	Year-end Projection	FY 2011 Actual	Variance Budget to Actual	Variance Actual to Year-end Projection
<b>GENERAL FUND</b>					
<b>REVENUES</b>					
Property Taxes	1,193,200	1,140,700	1,206,531	13,331	65,831
Sales Taxes	3,749,633	3,930,633	4,014,848	265,215	84,215
Other Taxes	681,000	673,886	681,916	916	8,030
Franchise Fees	1,057,000	995,348	1,017,267	(39,733)	21,919
Motor Vehicle in-lieu Fees	2,025,756	2,021,931	2,084,206	58,450	62,275
Intergovernmental	58,704	44,295	62,218	3,514	17,923
Fines and Penalties	168,520	195,500	232,994	64,474	37,494
Interest Income/Lease	115,334	109,034	116,304	970	7,270
Community Development Fees	321,651	374,999	483,460	161,809	108,461
Community Services/Recreation	648,582	637,213	720,906	72,324	83,693
Other revenues	1,240,001	971,735	1,018,467	(221,534)	46,732
Operating transfers	1,675,267	1,667,767	1,706,695	31,428	38,928
Total revenues	<u>12,934,648</u>	<u>12,763,041</u>	<u>13,345,812</u>	<u>411,164</u>	<u>582,771</u>
<b>EXPENDITURES</b>					
City Council	52,146	60,656	57,357	(5,211)	3,299
City Attorney	109,988	109,988	98,412	11,576	11,576
City Clerk	134,360	121,313	121,268	13,092	45
City Manager	128,399	129,197	128,310	89	887
Recreation	856,088	833,696	775,115	80,973	58,581
Youth & Teen	272,733	276,466	255,711	17,022	20,755
Park Maintenance	663,878	694,681	674,645	(10,767)	20,036
Senior Citizens	124,614	125,284	115,955	8,659	9,329
Public Buildings	368,398	373,143	347,502	20,896	25,641
Animal Control	672,745	631,334	610,426	62,319	20,908
Community Development	181,437	184,657	166,020	15,417	18,637
Building & Safety	213,755	232,649	215,573	(1,818)	17,076
Engineering	217,864	211,747	215,057	2,807	(3,310)
Inspection	27,929	27,523	27,503	426	20
Parkway Maintenance	69,152	63,995	47,627	21,525	16,368
Fire Suppression	2,708,598	2,854,936	2,772,771	(64,173)	82,165
Paramedic	1,277,209	1,320,338	1,389,431	(112,222)	(69,093)
Emergency Services	1,260	1,260	728	532	532
Sheriff	4,870,113	4,755,480	4,513,218	356,895	242,262
Citizens on Patrol	18,342	52,602	46,362	(28,020)	6,240
Crossing Guards	64,589	64,589	53,482	11,107	11,107
Fiscal & Support Services	423,242	402,629	406,767	16,475	(4,138)
Non-Departmental	1,520,960	1,619,434	1,605,878	(84,918)	13,556
Total Expenditures	<u>14,977,799</u>	<u>15,147,597</u>	<u>14,645,118</u>	<u>332,681</u>	<u>502,479</u>
Excess (Deficiency) of Revenues Over Expenditure	<u>(2,043,151)</u>	<u>(2,384,556)</u>	<u>(1,299,306)</u>	<u>NA</u>	<u>NA</u>

City of Norco, California  
Budget to Actual Report  
For the Fiscal Year Ended June 30, 2011

	Amended Budget	Year-end Projection	FY 2011 Actual	Variance Budget to Actual	Variance Actual to Year-end Projection
<b>REDEVELOPMENT AGENCY</b>					
<b>REVENUES</b>					
Tax Increment	11,490,456	11,602,487	11,599,144	108,688	(3,343)
Interest, Lease Income & Loan Payments	222,000	411,871	252,198	30,198	(159,673)
Contributions/Reimbursements	62,278	62,937	66,183	3,905	3,246
School Bond	2,054,386	2,054,386	1,982,339	(72,047)	(72,047)
<b>Total Revenues</b>	<b>13,829,120</b>	<b>14,131,681</b>	<b>13,899,864</b>	<b>70,744</b>	<b>(231,817)</b>
<b>EXPENDITURES</b>					
Redevelopment Administration	1,802,020	1,578,705	1,349,741	452,279	228,964
Supplemental ERAF State Take-away	1,003,457	1,003,457	1,009,917	(6,460)	(6,460)
Redevelopment Agency Debt Service	5,853,055	5,853,055	5,853,055	-	-
Pass Thru Agreement	8,127,935	8,127,935	8,413,267	(285,332)	(285,332)
<b>Total Expenditures</b>	<b>16,786,467</b>	<b>16,563,152</b>	<b>16,625,980</b>	<b>160,487</b>	<b>(62,828)</b>
Excess (Deficiency) of Revenues Over Expenditure	(2,957,347)	(2,431,471)	(2,726,116)	NA	NA
<b>LOW-MOD INCOME HOUSING</b>					
<b>REVENUES</b>					
Tax Increment	2,754,571	2,825,249	2,825,686	71,115	437
Interest and Lease Income	20,000	10,000	30,983	10,983	20,983
Other Revenue	72,000	24,033	69,177	(2,823)	45,144
<b>Total Revenues</b>	<b>2,846,571</b>	<b>2,859,282</b>	<b>2,925,846</b>	<b>79,275</b>	<b>66,564</b>
<b>EXPENDITURES</b>					
Low-Mod Income Housing Administrative Costs	475,259	425,621	403,909	71,350	21,712
Grant Programs	959,000	833,250	444,762	514,238	388,488
Redevelopment Agency Debt Service	949,668	949,668	949,668	-	-
<b>Total Expenditures</b>	<b>2,383,927</b>	<b>2,208,539</b>	<b>1,798,339</b>	<b>585,588</b>	<b>410,200</b>
Excess (Deficiency) of Revenues Over Expenditure	462,644	650,743	1,127,507	NA	NA
<b>COMMUNITY DEVELOPMENT</b>					
<b>BLOCK GRANT</b>					
Revenues	221,141	31,141	23,578	(197,563)	(7,563)
Expenditures	221,141	31,141	23,578	197,563	7,563
Excess (Deficiency) of Revenues Over Expenditure	-	-	-	NA	NA
<b>WATER FUND</b>					
Revenues	6,700,000	7,343,155	7,423,715	723,715	80,560
Expenditures	8,163,595	8,079,851	7,341,669	821,926	738,182
Increase (Decrease) In working Capital	(1,463,595)	(736,696)	82,046	NA	NA
<b>SEWER FUND</b>					
Revenues	4,246,242	4,149,004	4,101,144	(145,098)	(47,860)
Expenditures	4,599,175	4,591,834	4,450,311	148,864	141,523
Increase (Decrease) in Working Capital	(352,933)	(442,830)	(349,167)	NA	NA
<b>GAS TAX</b>					
Revenues	707,026	627,830	707,926	900	80,096
Expenditures	685,066	597,675	626,740	58,326	(29,065)
Excess (Deficiency) of Revenues Over Expenditure	21,960	30,155	81,186	NA	NA

City of Norco, California  
 Budget to Actual Report  
 For the Fiscal Year Ended June 30, 2011

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	Amended Budget	Year-end Projection	FY 2011 Actual	Variance Budget to Actual	Variance Actual to Year-end Projection
<u>NPDES FUND</u>					
Revenues	110,000	140,000	141,462	31,462	1,462
Expenditures	104,146	100,728	118,400	(14,254)	(17,672)
Excess (Deficiency) of Revenues Over Expenditure	<u>5,854</u>	<u>39,272</u>	<u>23,062</u>	NA	NA

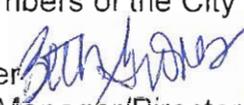
City of Norco, California  
General Fund - Fund Balance  
As of June 30, 2011

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Audited Beginning Balance, June 30, 2010	\$ 3,382,363
Actual Revenues, Fiscal Year 2010-2011	13,345,812
Actual Expenditures, Fiscal Year 2010-2011	<u>(14,645,118)</u>
Fund Balance June 30, 2011	<u>\$ 2,083,057</u>

## CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager   
Andy Okoro, Deputy City Manager/Director of Finance 

DATE: November 16, 2011

SUBJECT: Approval of a Transitional Memorandum of Understanding (MOU) with the Norco Firefighters Association (NFA), a Required Step in Implementing the Cooperative Agreement with the County of Riverside to Provide Fire Protection and Emergency Medical Services

RECOMMENDATION: Approve the Transitional MOU with the Norco NFA and direct the City Manager to sign and implement it.

**SUMMARY:** On October 5, 2011, the Norco City Council approved a Cooperative Agreement with the Riverside County Fire Department to provide fire protection and emergency medical services within the City of Norco. Under the Agreement, all current full time Norco Firefighters will transition into State service with CAL FIRE, the fire service agency that provides the services under the County agreement. In order to complete the transfer of employees, a Transitional MOU is required between the City of Norco and the NFA.

**BACKGROUND/ANALYSIS:** Effective January 1, 2012, fire and emergency medical services in the City of Norco will be provided by the Riverside County Fire Department through an Agreement with CAL FIRE. Operations will continue from both of Norco's fire stations and staffing levels will meet, or in the case of chief officer coverage, exceed the City's staffing level that has been in place since July 1, 2011.

Once enacted, the Transitional MOU provides details on the transfer of City fire employees to State employees of CAL FIRE. It includes details on the transfer of leave credits, health benefit continuance during transitions, retirement system transition, etc. Once transitioned, NFA employees will be covered by the California Department of Forestry and Fire Protection, known as CAL FIRE. The first section of the Transitional MOU clarifies issues covered by the Cooperative Agreement and the State's MOU for firefighters. Sections IV through IX cover transition items related to the City of Norco and its current employment policies and State contracts for employee benefits. No enhancement of benefits is being proposed.

Certain representations in this MOU are based on the City's and the NFA's best understanding of practices, rules and regulations of third parties such as the California Public Employees Retirement System, the County of Riverside and CAL FIRE. The City will not be responsible for any differences between the actual practices, rules,

Approval of a Transitional Memorandum of Understanding (MOU) with the Norco  
Firefighters Association (NFA)

Page 2

November 16, 2011

regulations and representations in this MOU. Transitioning employees are encouraged to contact the applicable third party to obtain additional information.

**FISCAL IMPACT:** Norco Fire Department employees transitioning over to CAL FIRE are eligible to receive from the City of Norco certain accrued benefits such as vacation and sick leave; post-retirement health insurance subsidy; and workers compensation for claims outstanding against the City prior to transition. The exact future cost for workers compensation and post-retirement health insurance subsidy are not determinable because these costs will be affected by unknown potential future events. Regarding accrued vacation and sick leave balances, if all transitioning employees were to cash out all their eligible sick leave and vacation balances, the City's maximum exposure as of June 30, 2011 was \$250,000. Based on payroll transactions since June 30, 2011, it is anticipated that the maximum exposure at the time of transition will be lower than \$250,000.

/79753

Attachment: Transitional MOU



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**TRANSITIONAL  
MEMORANDUM OF UNDERSTANDING  
BETWEEN  
CITY OF NORCO  
AND  
NORCO FIREFIGHTERS ASSOCIATION**

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# NORCO FIREFIGHTERS ASSOCIATION TRANSITIONAL MEMORANDUM OF UNDERSTANDING

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## PURPOSE

The purpose of the M.O.U. is to promote a harmonious transition from "City" service employment to service employment by the State of California, Department of Forestry and Fire Protection, for those employees in classifications represented by the Norco Firefighters Association.

The City of Norco (hereinafter "City") and the Norco Firefighters Association (hereinafter "Association") agrees to the following terms and conditions:

## TRANSITION

Certain representations by the City and Association in this MOU are based on the best understanding of practices, rules and regulations of third parties such as the California Public Employees Retirement System, the County of Riverside and the State of California, Department of Forestry and Fire Protection. Transitioning employees are encouraged to contact the applicable third party to obtain additional information. The parties hereto understand and agree that upon transition to employment with the State of California, Department of Forestry and Fire Protection affected Norco City Fire Department employees will be blanketed into the State Civil Service system in accordance with the rules, policies and provisions administered by the California State Department of Personnel Administration and the California State Personnel Board. Those affected City employees will henceforth be considered employees of the State of California and no longer subject to the rights and privileges of employment with the City of Norco unless otherwise stated herein or provided for by law.

Upon appointment to the California Department of Forestry and Fire Protection, blanketed-in employees will be subject to the following conditions of employment:

Article VII, Section 6 (c) of the Constitution allows the State Personnel Board to transfer or "blanket-in" by board resolution local government employees when the work that was previously performed by these employees is assumed by the State.

All current fire suppression personnel of the City of Norco who wish to blanket into State service as a CAL FIRE employee are eligible to do so. CAL FIRE has agreed to blanket-in all fire suppression personnel, with the exception of those on disability leave. Those on leave will transition after disability leave.

## WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT OF EMPLOYEES BLANKETED INTO STATE SERVICE

Terms and conditions of employment for employees that are blanketed into state service are outlined in the applicable state bargaining unit agreements for rank and file employees. Copies of the applicable bargaining unit agreements are available to be provided to the members of the Norco Firefighters Association.

## UNION REPRESENTATION

Fire protection employees in rank and file classifications are represented by CDFF (Bargaining Unit 8). Membership is not required; however, a Fair Share agreement is in effect between CAL FIRE and CDFF. The MOU is effective July 1, 2010 through July 1, 2013.

The MOU addresses working conditions, benefits, and wages. New MOUs are negotiated by CAL FIRE and the CDFF and go into effect once approved by the Legislature, signed by the Governor, and ratified by the CDFF membership.

## STATE CIVIL SERVICE CLASSIFICATION

The State civil service classification is determined by evaluating City of Norco Fire Department employees' existing classifications and duty statement compared to the same or similar classifications used within CAL FIRE. As close a match as possible is made and the employees are then blanketed (transferred upon resolution) into those State civil service classifications.

## PERMANENT APPOINTMENT

City of Norco Fire Department employees that are blanketed into CAL FIRE are assured of permanent appointments. The process is prescribed clearly in law and takes from three to four months to process. Officially, these employees become State civil service employees "without the benefit of civil service examination." They do not serve a probationary period unless they are currently on probation with City of Norco. The State Personnel Board makes the civil service appointment at one of their regularly scheduled public hearings. CAL FIRE closely follows the guidelines established in the State Constitution for the transition of employees into State civil service that result from these cooperative agreements.

Article VII, Section 6(c) of the California Constitution allows the State Personnel Board to transfer, or "blanket-in" by board resolution local government employees when the work that was performed by these employees is assumed by the State.

## SALARY

Once the State civil service classification is determined, the City of Norco Fire Department employees' existing salaries at the time of transition will be compared to that of the new classifications. If the employees are within the minimum and maximum of the salary range for the State civil service classifications, the employees will retain that salary. If the employees' salaries are below the minimum of the State civil service classifications, the salaries will be raised to the minimum of the classification and the employees will be given annual step increases (e.g., merit salary adjustment, etc.) until they have reached the maximum salary range of the civil service classification. The current pay of Norco Fire Captains are above CAL FIRE maximum for Fire Captains. However, the City has not contracted for "red circling".

CAL FIRE employees are paid their base pay plus any applicable pay differentials once per calendar month. Fire protection employees receive a supplemental check at the end of each 28-day work period for Extended Duty Week Compensation (EDWC) as well as unplanned overtime.

## BASE PAY

A fire protection employee's monthly salary is based on a work schedule for an average 53 hours per week, which is established by the Federal Fair Labor Standards Act (FLSA) as the standard work week for firefighters eligible for Section 7k of the FLSA.

## EXTENDED DUTY WORK WEEK COMPENSATION

Additional compensation for CAL FIRE fire protection employees is calculated on a 28-day work period. Since CAL FIRE employees predominantly work a scheduled 72-hour work week, a portion of these scheduled hours are eligible for additional compensation under the FLSA (i.e., the difference between 53 hours and 72 hours per week). This additional compensation is known as EDWC. A supplemental check at the end of the 28-day work period is issued to compensate the employees for EDWC and for any unplanned overtime that was worked during the 28-day period. EDWC counts as income for California Public Employees Retirement System (CalPERS) retirement calculation purposes. Unplanned overtime does not count as compensation for CalPERS retirement calculation purposes.

CURRENT CAL FIRE PAY RATES

Current pay rates (as of June 21, 2011) for CAL FIRE employees are as follows:

<b>CLASSIFICATION</b>	<b>MINIMUM SALARY RANGE</b>	<b>*MAXIMUM SALARY RANGE</b>	<b>EDWC*</b>
Fire Fighter II (Paramedic)	\$3,000.00	\$3,644.00	\$1,713.20
Fire Apparatus Engineer	\$3,325.00	\$3,849.00	\$1,809.58
Fire Captain, Range A	\$3,648.00	\$4,432.00	\$2,083.67

\*Does not include anticipated increase per the State CDFP MOU for 2012.

EDUCATIONAL INCENTIVE PAY DIFFERENTIAL

Eligible CAL FIRE employees who have completed their JAC apprenticeship and reached journey level status may be compensated with an additional educational incentive of \$75.00 per monthly pay period.

Permanent employees in specific classifications that do not require JAC certification may also be eligible for this incentive if they have completed 60 units from an accredited community college, college, or university.

It appears that all transitional employees will be eligible for educational incentive pay. However, actual determination shall be made by CAL FIRE once employees are blanketed into state service.

LONGEVITY PAY DIFFERENTIAL

Eligible CAL FIRE employees who have achieved certain benchmarks in years of service may receive a monthly pay differential at a percentage rate calculated on the employee's base salary as follows:

<b>YEARS OF SERVICE</b>	<b>RATE</b>
17 and 18 years	1% of base pay
19 years	2% of base pay
20 years	3% of base pay
21 years	4% of base pay
22, 23, and 24 years	5% of base pay
25 years and above	7% of base pay

It is the City's understanding that years of service at the Norco Fire Department shall be counted toward longevity pay eligibility. Again, final determination shall be made by CAL FIRE once employees are blanketed into state service.

#### OTHER DIFFERENTIALS

Any other differentials under the CDFF MOU shall be available to eligible transitioned employees.

#### MERIT SALARY ADJUSTMENTS

If the employee is not at the maximum salary rate for the class he/she is transferred to, he/she will be eligible for a merit salary increase after twelve (12) qualifying pay periods following the date of entry into state service.

#### SENIORITY

Once transitioned, service with City of Norco Fire Department shall be reviewed and credited to employees based on the State's qualifying service requirement.

Seniority is calculated similarly to State service and is used for transfers, layoffs, or demotions when necessary.

#### PROBATIONARY PERIOD

Fire Department employees holding position with the City for more than one year immediately preceding the effective date of blanketing-in shall continue to hold such positions as permanent state civil service employees. Fire Department employees holding positions with the City for less than one year immediately preceding the effective date of such action shall continue to hold such positions subject to the probationary period established for the class to which transferred. Most fire suppression classes have one year probation periods.

There are no Norco probationary employees transitioning from the City to State employment.

#### PROMOTIONS, TRANSFER, AND ASSIGNMENTS

City of Norco Fire Department employees who are transitioned into CAL FIRE are fully tenured employees and enjoy the same rights, privileges, and opportunities that any other CAL FIRE employee of the same classification and seniority would receive. Employees would be eligible to compete for promotion if they meet the minimum qualifications of the civil service classification. The years spent with the City shall count as credit towards qualifying experience.

City of Norco Fire Department employees would be eligible to transfer or ask for re-assignment anywhere in California that CAL FIRE operates the same as any other CAL FIRE employees. Voluntary transfer rules may be found in the various MOUs dependent on the employee's civil service classification. For employees in fire protection classifications, this information is contained in the MOU between CDF Firefighters Local 2881 (CDFF) and CAL FIRE.

Promotions, transfers, and re-assignments are predominantly voluntary. Occasionally, due to operational needs, an employee may be involuntarily re-assigned within CAL FIRE.

## LEAVE CREDITS

### **VACATION AND SICK LEAVE**

Vacation and sick leave credits are converted prior to being credited to an employee transitioned to the State. Credits are converted by the following formula: Hours of credit each month as a local government employee divided by the hours of credit each month a CAL FIRE employee would receive.

As an example: A local government employee earns 12 hours of sick leave per month; CAL FIRE employees earn eight hours of sick leave per month. Thus, 12 divided by eight equals 1.5. This is the conversion factor. The next step is to take the local government employee's sick leave balance and divide it by the conversion factor. This is the balance the local government employee will be allowed to carry over.

For vacation leave credits, there is a maximum amount of hours an employee can carry over. The maximum hours are determined by calculating what the employee would earn in a year as a State employee (based on his or her credited years of State service). This is the maximum carry over amount allowed for vacation leave credits.

### **ANNUAL LEAVE vs VACATION AND SICK LEAVE**

CAL FIRE employees may choose between two patterns of accumulating leave credits: (1) annual leave or, (2) vacation and sick leave.

1. Annual leave can be used as vacation or sick leave at the employee's choice. It is subject to maximum balances. The accrual rate is determined by adding four hours per month to the vacation rate for the number of years of State service the employee has.

2. Vacation is accumulated at a rate based on the years of service as shown in the chart below. Vacation is subject to maximum balances per year. The following chart depicts vacation hours earned monthly:

<b>YEARS OF SERVICE</b>	<b>ANNUAL LEAVE</b>	<b>VACATION LEAVE</b>	<b>SICK LEAVE</b>
1 month – 3 years	12 hours (3.6 weeks)	8 hours (2.4 weeks)	8 hours
37 months – 10 years	15 hours (4.5 weeks)	11 hours (3.3 weeks)	8 hours
121 months – 15 years	17 hours (5.1 weeks)	13 hours (3.9 weeks)	8 hours
181 months – 20 years	18 hours (5.4 weeks)	14 hours (4.2 weeks)	8 hours
Over 20 years	19 hours (5.7 weeks)	15 hours (4.5 weeks)	8 hours

### DEFERRED COMPENSATION

CAL FIRE employees are eligible to participate in several tax deferred programs that invest pre-tax income into tax deferred investment accounts.

### UNIFORM ALLOWANCE

Fire protection employees in eligible classifications receive a \$540 per year uniform allowance and an additional \$290.00 per year work boot allowance. This counts as annual income for CalPERS retirement calculation purposes. (See section III under other terms and conditions for additional uniform allowance information.)

### BENEFITS (HEALTH, VISION, AND DENTAL COVERAGE)

CAL FIRE employees are provided with health, vision, and dental benefits. The cost is dependent upon the classification of an employee, how many dependents the employee enrolls, and which plan the employee enrolls in.

Fire protection employees are given a Consolidated Benefit (CoBEN) Allowance to offset the price of the total premium cost of benefits. The CoBEN allowances for 2011 are as follows:

<b>FAMILY STATUS</b>	<b>EMPLOYER CONTRIBUTION</b>
Employee only	\$509.00 per month
Employee with one dependent	\$973.00 per month
Employee and two or more dependents	\$1,268.00 per month

(See Section VI under other terms and conditions for additional information on health benefits.)

RETIREMENT BENEFITS

All CAL FIRE firefighting employees are members of the CalPERS Peace Officer and Firefighter (POFF) Safety Retirement Program. The City of Norco Fire Department employees performing fire protection work will become members of this program.

The POFF retirement formula is 3.0% per year of service credit at age 55, with a maximum cap of 90%.

Upon retirement the employee will receive compensation based on a combination of retirement systems to which he contributed to over their years of employment. Some will have been members of only CalPERS, while some will have participated in multiple programs and plans. Most retirement programs have "reciprocity agreements" with other programs. Each City of Norco Fire Department employee's retirement compensation calculations will be different based on the programs and plans in which they have been members.

It is strongly recommended that each employee contact CalPERS and obtain a personal evaluation of his retirement circumstances.

POST RETIREMENT HEALTH CARE COVERAGE

CAL FIRE employees are provided with post retirement health care coverage paid by the employer. For State employees, there is a "vesting" period that refers to the amount of time the employee must be employed by the State to be eligible to receive employer contributions towards the cost of the monthly health premium during retirement. The amount the State contributes toward the health plan premium depends on when an employee is first hired by the State and how many years that employee has worked for the State. The contribution amount is determined by a formula set by law and the date the employee is first hired by the State.

If first hired by the State after January 1, 1989, rates are as follows:

<b>YEARS OF STATE CIVIL SERVICE</b>	<b>STATE CONTRIBUTION</b>
Less than 10 years	0%
10 years	50%
10 years to 19 years	50%, plus 5% for each year after the tenth year
20 years and above	100%

PREVIOUS STATE EMPLOYEE CREDIT TOWARDS POST RETIREMENT HEALTH CARE COVERAGE

Some City of Norco Fire Department employees may have worked for the State of California prior to their current employment with the local government. This prior State employment experience may count towards the vesting requirement. If they were State employees prior to January 1, 1989, they may receive the benefit with reduced years of service requirement as follows:

<b>YEARS OF STATE CIVIL SERVICE</b>	<b>STATE CONTRIBUTION</b>
Any years of service	100%

If they began working for the State of California between January 1, 1985, to December 31, 1988, rates are as follows:

<b>YEARS OF STATE CIVIL SERVICE</b>	<b>STATE CONTRIBUTION</b>
10 years	100%
Less than 10 years	Reduced by 10% for each year of service under 10 years

The City of Norco Fire Department employees are encouraged to contact CalPERS for their particular circumstances.

WORKERS COMPENSATION

Employees blanketed into state service are entitled to Worker's Compensation benefits as provided by the State Compensation Insurance Fund. See appropriate bargaining unit agreement for information regarding Industrial and Non-Industrial Disability Leaves.

TRAINING

Training records of the City of Norco Fire Department employees will be compared to those of CAL FIRE employees of the same State civil service classification. Any training courses that are necessary will be provided to the local government employees at CAL FIRE's expense. Since CAL FIRE participates in the Joint Apprenticeship Committee (JAC) program for new employees, the transitioned employees may be entered into the JAC program for training purposes. The determination for JAC status is based on years of service, training records, and other education and/or experience. The CAL FIRE SubJAC evaluates the individuals and determines if it is appropriate to enroll employees in JAC or provide a training plan that will establish journey level status outside of JAC. Those enrolled in the JAC program may be required to take the third year examination in order to journey. SubJAC membership is evenly distributed between labor and management.

Customized training programs will be developed for each employee to ensure that employees are placed in a successful situation and have received or will receive training that meets or exceeds other CAL FIRE employees in the same classification.

**OTHER TERMS AND CONDITIONS**

Below is listed other terms and conditions negotiated between the City of Norco and the Norco Firefighters Association.

I. CLASSIFICATIONS

The Association is the recognized bargaining unit for the following classifications:

- Fire Captain
- Fire Engineer
- Firefighter/Paramedic

Upon transition, the 18 current full time fire personnel (including one employee currently on military leave) shall be blanketed in to State service with the CAL FIRE Agency as follows:

Norco Fire Department	CAL FIRE
6 Captains	6 Captains
6 Engineers	6 Fire Apparatus Engineers
6 Firefighter/Paramedics	6 Firefighter II (paramedic)

The Fire Prevention Specialist will remain as a City of Norco employee and transferred to the Norco General Employees Association bargaining unit. His pay classification will return to the June 30, 2011 level and benefits shall be based on NGEA benefits.

II. EFFECTIVE DATE

The City and the Association agree that all terms and conditions agreed upon in this transitional M.O.U. become effective upon signing by both parties.

III. UNIFORM ALLOWANCE

The City agrees to pay each employee a sum of \$ 120 uniform allowance, as currently budgeted, 30 days prior to the transition date.

IV. SICK LEAVE BALANCES

Any employee with at least ten (10) years of service with the City of Norco shall be given the option to cash out up to 50% of his accumulated sick leave balance. These employees shall also be allowed to carry over and transition to CAL FIRE employment the remaining balance. The sick leave cash out shall be payable to the employee within 30 days of transition date. Employees with less than ten (10) years of service are eligible to carry over all of their accumulated sick leave balance to CAL FIRE employment.

Sick leave balance to be carried over to CAL FIRE employment is calculated based on a conversion factor of 0.66667. For example, 12 hours of accumulated City sick leave balance will be needed to generate 8 hours of sick leave carry over to CAL FIRE employment.

V. VACATION LEAVE BALANCES

All employees carryover to CAL FIRE employment up to one year's worth of accrual after applying CAL FIRE's conversion factor. Anything above would be cashed out and paid within 30 days of transition date.

VI. MERIT INCREASES

All employees shall be granted their appropriate merit increase between the time of this agreement and the actual transition date to State Service.

VII. POST RETIREMENT HEALTHCARE COVERAGE

A. Current Retirees

The City shall maintain all current PERS medical benefit programs for retired persons who have retired from City of Norco employment prior to the transitional date. The City's current contribution towards medical health premiums for non-vested retirees is \$1,250.00. Future contributions for current retirees will be the same as the amount contributed by the City for active members of the City's Public Works and Park Maintenance Workers Association. If the City's contribution exceeds the total cost of the retiree's medical benefit program, the retiree shall not be entitled to receive the excessive amount of funds.

B. Current Employees

Pursuant to the provisions of Government Code Section 22893 (State Vesting Schedule), employees who have earned twenty (20) years or more of P.E.R.S. service credit entirely with the City of Norco prior to transition to CAL FIRE and who elected to be subject to the State Vesting Schedule, are eligible for full cost (100%) of HMO or PPO Plans other than PERS Care for self and dependent upon retirement. The contribution payable by the City of Norco under this paragraph shall be paid only if it is greater than, and in lieu of, a contribution payable to the retiree by another employer.

In other words, when a vested employee with at least twenty (20) years of service credit earned with City of Norco retires from CAL FIRE or other future employer, the City of Norco shall contribute up to the full cost (100%) of any HMO or PPO Health Plan offered by CalPERS other than PERS Care for employee and dependents. However, if CAL FIRE or other future employer contributes any amount towards the employee's post-retirement healthcare costs, the City of Norco contribution will be limited to the difference between the amount contributed by CAL FIRE or other future employer and the full cost (100%) of any HMO or PPO Plan other than PERS Care Plan for employee and dependents.

VIII. BADGES & CAP PIECES

As a good will and commemorative gesture, the City will allow the employee to retain possession of their helmet, badge, collar brass and cap piece for their current classification. An employee may request the badge from a previously held classification, if available.

IX. SHIFT/STATION BID PROCESS

Shift/station selection shall be based on seniority pursuant to the current and established seniority list related to time in rank.

Seniority time in rank is as follows:

<b>Captain</b>	
1/6/1990	Gilman, Mark
10/14/2000	Drake, Danny
5/8/2004	Laurson, Ronald
9/18/2004	Bruner, Timothy
10/15/2004	Carlstrom, James Wiswell, Brian

<b>Engineer</b>	
3/7/1990	Avina, James
10/28/2000	Laponis, Steven
5/8/2004	Dall, Bruce Scott
9/18/2004	Gibson, Reid
10/15/2004	Rogers, Jeffrey
6/26/2010	Juncker, Grant

Seniority by hire date is as follows:

<b>Firefighter/Paramedic</b>	
7/12/1999	Roehl, Jason
6/5/2000	Cheatum, Daven
6/14/2004	Zuvia, Phillip
11/29/2004	Lambert, Jim
11/29/2004	Vidaurri, John
11/29/2004	Byrne, Noah

X. REINSTATEMENT RIGHTS

The City agrees that as of the initial contract date with RVCO/CAL FIRE, each City employee that transitions, shall be given priority to return to his or her former position with the City. If at any time the City should decide to terminate its contractual relationship with RVCO/CAL FIRE, within the first five (5) years the parties shall immediately commence negotiations to enter into a Memorandum of Understanding.

XI. HEALTH BENEFITS

The City shall maintain all benefits related to medical, dental and vision, for all employees transitioning to State Service. When coverage has been assured through State Service, City will then be released from maintaining health benefits for employees.

**SIGNATURE/ACCEPTANCE PAGE**

The undersigned, being the duly appointed representatives for the Norco Firefighters Association and the City of Norco, acknowledge and accept the terms of this Transitional MOU.

**CITY OF NORCO**

\_\_\_\_\_  
Beth Groves, City Manager

Dated \_\_\_\_\_

**NORCO FIREFIGHTERS ASSOCIATION**

  
\_\_\_\_\_  
Ron Laursen, President

Dated 11/9/2011

## CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Lori J. Askew, Senior Engineer 

DATE: November 16, 2011

SUBJECT: Increase in the Contract amount with DMC Design Group, Inc for Design Services on the Hamner Avenue Widening Project

RECOMMENDATION: Approve the increase to the design service contract with DMC Design Group, Inc. in the amount of \$80,000 for the Hamner Avenue Widening Project.

**SUMMARY:** Additional design services have been required to complete the Hamner Avenue Widening Project. During design of the project, requirements and constraints have come up that were outside the original contract scope. The additional work require to complete these items will increase the contract amount by \$80,000.

**BACKGROUND/ANALYSIS:** On February 4, 2009, City Council awarded a professional design services contract in the amount of \$129,905 to DMC Design Group, Inc. to design the Hamner Avenue Widening Project. The design services contract consists of preparing complete street improvement plans for the widening of Hamner Avenue to its ultimate width following the recommendations for traffic circulation in the EIR prepared for the Silverlakes Project. During the design process, additional requirements and constraints have been encountered which have been addressed or are being addressed by DMC Design Group including the causeway underneath Hamner Avenue, geotechnical borings required to support the causeway design, extension of the Riverside County Flood Control and Water Conservation District Master Drainage Plan E-3 storm channel, design of an extensive retaining wall system for the west side of Hamner Avenue, relocation of a 20" City of Norco water main and preparation of Construction Phasing and Traffic Control Plans.

Staff will be seeking reimbursement from Riverside County Flood Control for the portion of design work related to the MDP E-3 line. In addition, staff will seek reimbursement from WRCOG for the Hamner Avenue improvements as a TUMF project.

Staff recommends City Council approve the additional funding in the amount of \$80,000 and increase the contract to complete the necessary design services.

**FINANCIAL IMPACT:** Requested funds are available in the adopted FY 2012 Capital Improvement Fund Budget (149 Streets) for this project.

//ja-79770

## CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Deborah DeGrado, Housing Manager 

DATE: November 16, 2011

SUBJECT: Proposed Projects for Use of Community Development Block Grant Funds (Program Year 2012-2013) Through the U. S. Department of Housing and Urban Development and the County of Riverside Economic Development Agency

RECOMMENDATION: Staff recommends the following projects be submitted for funding through the Community Development Block Grant Program for Program Year 2012-2013:

- 1. Norco Party Partners (\$12,000)**
- 2. Senior Citizens Recreation and Community Service Leader (\$8,000)**
- 3. Ingalls Park ADA Restroom Project (\$110,000)**

SUMMARY: Applications for 2012-2013 Community Development Block Grant Funds are due to the Riverside County Economic Development Agency (EDA) no later than December 15, 2011. The City has been asked to estimate funding needs based on funding received for current Program Year 2011-2012, and is presenting funding applications for Council consideration based on an estimate. Final adjustments will be made to selected programs and projects once the actual allocation amount is known.

BACKGROUND/ANALYSIS: The City of Norco participates in the CDBG funding program and receives grant funding as a "cooperating city" through the County of Riverside. Recipients of CDBG funds may only use 15% of their annual allocation for Public Service programs. Public Service programs are social service programs and activities that improve the community's social services network such as crime prevention, child care, health care, education, recreational needs, and others.

Staff has not yet received an estimate of available funding for CDBG Program Year 2012-2013; however the City will likely receive \$18,000-\$20,000 for Public Service programs. The remaining funds (estimated to be \$110,000) must be used for Public Facilities projects.

To be eligible for consideration the projects, programs and activities must meet one of the following national objectives:

1. The project or activity will benefit low- and/or moderate-income persons; or
2. The project will prevent or eliminate slum or blight; or
3. The project will meet a need having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community.

Staff is submitting three applications for consideration. All applications meet the CDBG Program funding requirements for either Public Service or Public Facilities. Of the three applications, two request Public Service funds and one seeks Public Facilities funds.

Applications for Public Service programs total \$20,000 which will probably slightly exceed the amount that will be allocated to the City. The amount of \$110,000 is requested for Public Facilities projects. Projects recommended for funding are:

### **PUBLIC SERVICE PROGRAMS:**

#### **NORCO PARTY PARTNERS - DEVELOPMENTALLY CHALLENGED PROGRAM**

2012-2013 Project Budget: \$27,250                      **Funding Recommendation:        \$12,000**

This program provides planned recreational and social activities for developmentally challenged adults 18 and older, and receives part of its funding through the City of Corona CDBG Program. *Staff has submitted an application to the Corona for continued funding through its CDBG Program and expects to receive funding again for program year 2012-2013.* The balance of funding will come from the City's General Fund.

#### **SENIOR CITIZENS RECREATION AND COMMUNITY SERVICE LEADER**

2012-2013 Project Budget: \$10,000                      **Funding Recommendation:        \$8,000**

This program provides a part-time staff person at the Norco Senior Center to coordinate senior activities and special events.

### **PUBLIC FACILITIES PROJECTS:**

#### **INGALLS PARK ADA RESTROOM**

2012-2013 Project Budget: \$110,000                      **Funding Recommendation:        \$110,000**

Restrooms at City parks have seriously deteriorated and have become a health and safety concern. Restroom renovations have been completed at Wayne Makin Park/Shearer Sports Complex and Parmenter Park. For Program Year 2012-2013, we are seeking funding to complete restroom renovations at Ingalls Park where one of the restrooms has been removed due to deterioration and an unsafe condition.

**TENTATIVE SCHEDULE FOR APPROVAL OF PROJECTS:**

City Council Public Hearing	November 16, 2011
Deadline for submittal of applications to County	December 15, 2011
County Supervisors funding approval	June 1, 2012
Project/Program start date	July 1, 2012

FINANCIAL IMPACT: If funding is approved for the listed projects, there will be no impact to the City Budget for these programs and services. If the EDA does not approve the projects as recommended, Staff will return to Council with any changes suggested by the EDA.

/dg- 79703

*Due to the length of applications and repetition of material, applications are on file for review in the Housing Office.*

# CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Steve King, Planning Director 

DATE: November 16, 2011

SUBJECT: **Zone Code Amendment 2011-04:** To Amend Title 18, Sections 18.13.06D and 18.13.08R, of the Norco Municipal Code (NMC) amending provisions that regulate roosters within the A-1 zone.

**Specific Plan 91-05, Amendment 6:** To amend the Norco Hills Specific Plan to establish provisions to regulate fowl and other animals not otherwise categorized as an animal unit.

RECOMMENDATION: Motion 1: Adopt Ordinance No. \_\_\_\_ approving Zone Code Amendment 2011-04.

Motion 2: Adopt Ordinance No. \_\_\_\_ approving Specific Plan 91-05, Amendment 6.

Motion 3: Establish a six-month grace period for owners to either come into compliance or obtain approval of a conditional use permit; and, direct staff to bring back an amendment to the Norco Municipal Code establishing a fine.

**SUMMARY:** Based on recommendations of a sub-committee appointed by the Planning Commission, the Planning Commission adopted Resolution 2011-61 recommending to the City Council a change in the number of allowed roosters on an agricultural-low density residential lot and the method used to count roosters. In addition, the Planning Commission adopted Resolution 2011-62 recommending an addition to the Norco Hills Specific Plan referring the regulation of all animals not covered by an "animal unit" to the regulations of the A-1 (Agricultural Low Density) zone.

**BACKGROUND:** The City Council directed the Planning Commission to investigate changing current regulations for roosters in residential low density (A-1) lots. These recommendations would also amend the regulations for residential lots in the Norco Ridge Ranch Specific Plan since the specific plan refers to the A-1-20 section of the NMC for determining animal-keeping rights.

The Norco Hills Specific Plan (NHSP) would be amended to refer all non-animal-unit animal regulations to the A-1 zone. When the NHSP was approved each lot in the subdivision was recorded with a specific allowed number of animal-units based on the pad size and topography per lot. The NHSP does not, however, reference how other animals

are regulated. This amendment would add a clause to the NHSP that the regulation of non-animal-unit animals will be regulated in accordance with the A-1 zone.

**DEFINING THE ROOSTER PROBLEM:**

- The City's current regulations for the number of allowed roosters are fairly lenient, and while not wide-spread, there is the potential for abuse especially when it is difficult to ascertain if a violation is occurring or not.
- Without proof that a violation is occurring the City (Sheriff included) does not have the right to enter someone's property without their permission or without an inspection warrant issued by a judge. Without the inspection warrant staff is limited only to what evidence can be seen from the street. Pictures can be used to obtain an inspection warrant but the pictures have to show actual roosters in excess of the allowed number. Pictures of evidence (e.g. coops) may not good enough. And, evidence needs to show a pattern of violations, not just one incidence.
- An inspection warrant can only be issued based on facts, or at least enough evidence to support reasonable suspicion by the judge (pictures of coops might be enough or they might not).
- It is hard to determine when a stag becomes an adult since it varies between and within different species of chickens.

**ANALYSIS:** The Planning Commission sub-committee focused on the primary issues. The first main point was how better to determine when a stag becomes an adult for counting purposes. Currently the NMC uses a fixed age of seven months to determine adulthood but the time varies between different birds and when they begin to crow. Some roosters begin crowing prior to seven months. The sub-committee recommended that a stag that crows should be considered an adult bird, regardless of age, and therefore be counted.

The second main point of discussion was how many roosters are appropriate. The numbers discussed in the sub-committee ranged from 1 through 15 per lot in an A-1 zone. Those numbers were further refined to either 5 or 15 on a half-acre and a straw poll of those in attendance was split half and half. Five is the number that was presented to the Planning Commission because it is the more conservative of the two and because it was a number that had come up in discussions at City Council even though no specific direction or recommendation was given. The Planning Commission recommended the following:

- 1) On lots up to 10,000 square feet (A-1 zone) only one rooster allowed.
- 2) For three roosters you need a minimum of 20,000 square feet.
- 3) For six roosters you need a minimum of 40,000 square feet.
- 4) Everything else requires a conditional use permit.

Another issue was how to give more authority to City personnel to get onto properties for inspections when property owners are not cooperative. And as described under "Defining the Problem" there are property owner rights that the City cannot infringe upon without due process. With a conditional use permit as has been recommended for roosters in excess of three on a half-acre, the Planning Commission recommended adding conditions that the

holder will allow inspections with a 24-hour notification period. The question came up again on what to do with existing situations, or for illegal operations where there is no CUP and the property owner is not granting access.

Staff followed up with the Sheriff's Department concerning when and under what circumstances an officer or City official can enter a property. Those are: 1) CONSENT of the property owner; 2) EXIGENT CIRCUMSTANCES meaning that there is good reason to think that there is an imminent danger to human life or public safety; or 3) INSPECTION WARRANT issued by a judge. With roosters, it is not an issue of immediate danger to human or public safety so the only way to enter a property without the owner's permission is through an inspection warrant. Since an inspection warrant is at the discretion of the judge hearing it there is no minimum standard or collective of evidence to know when that would occur. Obviously, the more concrete the evidence is, the better the case is to support the issuance of an inspection warrant.

For existing situations that are not in compliance with future code regulations the Planning Commission recommended that a grace period be established for those owners to either come into compliance or obtain approval of a conditional use permit. No recommendation was given on how long a grace period would be since it is not a zoning issue. The recommendation from staff is six months from the effective date of the Ordinances.

An additional point of discussion was whether there should be an escalated schedule of fines for violators. Violations of the number of roosters are currently corrected through code enforcement procedures and are mostly accomplished through Animal Control working with the property owner. If those actions are not successful then the City can cite the individuals. A first citation carries a fine of \$100, a second citation is \$250, and the third is \$500. If citations do not work the City may turn the case over to the City Prosecutor.

The City has higher citation fines already established for home builders of multi-unit projects doing construction outside of permitted hours. The first citation is \$5,000, the second \$10,000 and the third \$25,000. Another option would be to change a violation from an infraction to a misdemeanor which has attached to it a fine of up to \$1,000 or six months in jail, or both. The Planning Commission recommended that higher fines be levied against violators over the standard citation rates. Again, since it is not a zoning issue a specific recommendation was not given. The recommendation from staff is the same fines that are levied against residential builders who violate their construction hour limits.

/sk-79762

Attachment: Ordinance No. \_\_\_\_  
Ordinance No. \_\_\_\_  
PC Resolution 2011-61  
PC Resolution 2011-62  
Exhibit "A" – A-1 Zone, Allowed Number of Roosters *versus* PC  
Recommendation

## ORDINANCE NO. \_\_\_\_

**A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING AN AMENDMENT TO TITLE 18, SECTIONS 18.13.06(D) AND 18.13.08(Q) WITH ANY RELATED CROSS-REFERENCES IN OTHER CHAPTERS AS NEEDED TO AMEND PROVISIONS THAT REGULATE ROOSTERS WITHIN THE A-1 ZONE. ZONE CODE AMENDMENT 2011-04.**

WHEREAS, the City initiated Zone Code Amendment 2011-04, an amendment to Norco Municipal Code Title 18, amending Sections 18.13.06 (D) and 18.13.08 (Q); and

WHEREAS, the Zone Code Amendment has been duly submitted to said City's Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, the Zone Code Amendment was scheduled for public hearing on October 26, 2011 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

WHEREAS, at the time set, the Planning Commission did hold a public hearing and did receive both oral and written testimony pertaining to the Zone Code Amendment; and

WHEREAS, based on findings of fact, the Planning Commission adopted Resolution 2011-61 recommending to the City Council that Zone Code Amendment 2011-04 be approved for reasons set forth in said Resolution; and

WHEREAS, hearing of said Zone Code Amendment was duly noticed and scheduled for public hearing by the City Council at their meeting of November 16, 2011, on or about 7 p.m. in the Council Chambers of the Norco City Hall, 2820 Clark Avenue, Norco, California, 92860; and

WHEREAS, said City Council held a public hearing and received oral and written testimony pertaining to said Zone Code Amendment; and

WHEREAS, the City of Norco acting as the Lead Agency has determined that the requested Zone Code Amendment is categorically exempt from the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines.

NOW, THEREFORE, the City Council of the City of Norco does hereby ordain as follows:

SECTION 1: Norco Municipal Code Title 18 "Zoning" is hereby amended as follows.

Section 18.13.06 Permitted Uses

(D) Agricultural Uses:

1. Farms devoted to the hatching, raising, butchering, or marketing on a commercial scale of chickens, turkeys, or other fowl or poultry and rabbits, fish, frogs, mink, chinchilla, or other small animal farms of a similar nature; provided, however, that not more than 500 turkeys per acre, in addition to brooding stock, shall be kept, fed, or maintained on a parcel of less than five acres. No commercial poultry operation shall be established on a parcel containing less than nine acres or with a width of less than 300 feet, and all poultry buildings and structures shall be set back a minimum of 25 feet from the rear and side lines of the parcel and 50 feet from any public road or highway.

i. Stags at crowing age shall be counted in determining the permitted number of roosters regardless of the age of the stag. For purposes of this section of the Municipal Code a stag is a rooster less than one year old.

ii. The minimum lot size for keeping roosters without a conditional use permit shall be as follows:

- (a) All lots up to 10,000 square feet shall be permitted only one rooster.
- (b) The minimum lot size for up to three roosters is 20,000 square feet.
- (c) The minimum lot size for up to six roosters is 40,000 square feet.
- (d) Everything else requires a conditional use permit.

For determining the number of roosters allowed on any given lot the lot size shall be rounded down to the next lowest category (i.e. a 15,000 square-foot lot is allowed one rooster and a 25,000 square-foot lot is allowed three roosters without a conditional use permit).

Section 18.13.08 Uses Which May be Permitted by Conditional Use Permit

(Q) The keeping of roosters in excess of the number allowed in Section 18.13.06(D)(1)(ii). In the case of an application for a use permit related to 4-H, Grangers and Future Farmers of America uses, no filing fee shall be required to accompany the application. Approval of an application shall run with the property owner (permit holder for 4-H, Grangers and Future Farmers of America programs) and not with the land.

i. The holder of a rooster conditional use permit shall maintain show records and shall provide them upon request to the City within 24 hours

after the request. The holder of a rooster conditional use permit hereby agrees to granting access for inspection of animals covered by said permit to City personnel provided notification of intent to inspect is given at least 24 hours in advance of the inspection. An approved rooster conditional use permit is valid for only one year and the holder shall be required to renew the permit annually beginning in December after one year from the approval date. Failure to renew the rooster conditional use permit shall result in the permit being deemed expired.

SECTION 2: EFFECTIVE DATE: This Ordinance shall become effective 30 days after final passage thereof.

SECTION 3: SEVERABILITY: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, and phrase, hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases hereof be declared invalid or unconstitutional.

SECTION 4: POSTING: The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall cause the same within 15 days of its passage to be posted at no less than five public places within the City of Norco.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held December 7, 2011.

\_\_\_\_\_  
Mayor Pro Tem of the City of Norco,  
California

ATTEST:

\_\_\_\_\_  
Brenda K. Jacobs, City Clerk  
City of Norco, California

Ordinance No. \_\_\_\_  
Page 4  
November 16, 2011

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on November 16, 2011 and thereafter at a regular meeting of said City Council duly held on December 7, 2011, it was duly passed and adopted by the following vote of the City Council:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on December 7, 2011.

---

Brenda K. Jacobs, City Clerk  
City of Norco, California

/sk-79774

## ORDINANCE NO. \_\_\_\_

**A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING AMENDMENT 6 TO THE NORCO HILLS SPECIFIC PLAN CHAPTER C SECTION 1, PARAGRAPH (i) WITH ANY RELATED CROSS-REFERENCES IN OTHER CHAPTERS AS NEEDED TO ADD A PROVISION TO REGULATE ANIMALS NOT OTHERWISE REGULATED BY AN ANIMAL UNIT. SPECIFIC PLAN 91-05 AMENDMENT 6.**

WHEREAS, the City initiated Specific Plan 91-05, Amendment 6, an amendment to Chapter C, Section 1, Paragraph (i) to add a provision to regulate animals not otherwise regulated by an animal unit; and

WHEREAS, the Specific Plan Amendment has been duly submitted to said City's Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, the Specific Plan Amendment was scheduled for public hearing on October 26, 2011 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

WHEREAS, at the time set, the Planning Commission did hold a public hearing and did receive both oral and written testimony pertaining to the Specific Plan Amendment; and

WHEREAS, based on findings of fact, the Planning Commission adopted Resolution 2011-62 recommending to the City Council that Specific Plan 91-05 Amendment 6 be approved for reasons set forth in said Resolution; and

WHEREAS, hearing of said Specific Plan Amendment was duly noticed and scheduled for public hearing by the City Council at their meeting of November 16, 2011, on or about 7 p.m. in the Council Chambers of the Norco City Hall, 2820 Clark Avenue, Norco, California, 92860; and

WHEREAS, said City Council held a public hearing and received oral and written testimony pertaining to said Specific Plan Amendment; and

WHEREAS, the City of Norco acting as the Lead Agency has determined that the requested Specific Plan Amendment is categorically exempt from the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines.

NOW, THEREFORE, the City Council of the City of Norco does hereby ordain as follows:

SECTION 1: Specific Plan 91-05, Norco Hills Specific Plan is hereby amended as follows.

C. Regulations

(1) Equestrian Residential District

i. Animal Keeping

- 1) Numbers Permitted: The maximum number of animal units (AU by the Norco Municipal Code) shall be based on the average natural slope. The maximum number of animals based on an apportionment per acres shall be as follows:

Table 5

Average Natural Slope	Maximum Number of AU per 40,000 square foot lot
0 – 9.9%	4.0
10 – 19.9%	3.0
20 – 29.9%	2.0
30 – 39.9%	1.0
40 + above	.5

Animals not defined or regulated by an animal unit are subject to the same standards and restrictions as outlined in the A-1 zone district, and other applicable Codes for governing the same for residential animal-keeping, in the Norco Municipal Code.

\* Note: Allowable animal units shall be permitted based on lot size rounded to the nearest 5000 square-foot increment.

SECTION 2: EFFECTIVE DATE: This Ordinance shall become effective 30 days after final passage thereof.

SECTION 3: SEVERABILITY: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, and phrase, hereof, irrespective of the fact that any one or more of the sections,

subsections, sentences, clauses, or phrases hereof be declared invalid or unconstitutional.

SECTION 4: POSTING: The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall cause the same within 15 days of its passage to be posted at no less than five public places within the City of Norco.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held December 7, 2011.

\_\_\_\_\_  
Mayor Pro Tem of the City of Norco,  
California

ATTEST:

\_\_\_\_\_  
Brenda K. Jacobs, City Clerk  
City of Norco, California

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on November 16, 2011 and thereafter at a regular meeting of said City Council duly held on December 7, 2011, it was duly passed and adopted by the following vote of the City Council:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on December 7, 2011.

\_\_\_\_\_  
Brenda K. Jacobs, City Clerk  
City of Norco, California

/sk-79776

## **RESOLUTION NO. 2011-61**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONE CODE AMENDMENT 2011-04 TO AMEND TITLE 18 SECTIONS 18.13.06(D) AND 18.13.08(R) WITH ANY RELATED CROSS-REFERENCES IN OTHER CHAPTERS AS NEEDED TO AMEND PROVISIONS THAT REGULATE ROOSTERS WITHIN THE A-1 ZONE. ZONE CODE AMENDMENT 2011-04.**

WHEREAS, the CITY OF NORCO initiated Zone Code Amendment 2011-04, an amendment to Norco Municipal Code Title 18 (Zoning Code), amending Sections 18.13.06(D) and 18.13.08(R); and

WHEREAS, the Zone Code Amendment was duly submitted to said City's Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, the Zone Code Amendment was scheduled for public hearing on October 26, 2011 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

WHEREAS, at the time set, the Planning Commission held a public hearing and received both oral and written testimony pertaining to the Zone Code Amendment; and

WHEREAS, the City of Norco acting as the Lead Agency has determined that the project is categorically exempt from California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines pursuant to Section 3.13.

NOW, THEREFORE, the Planning Commission of the City of Norco does hereby make the following FINDINGS AND DETERMINATIONS:

I. FINDINGS:

- A. The proposed Zone Code Amendment is consistent with, and not contrary to, the Norco General Plan or the Zoning Code since the project amends existing regulations.
- B. The project (proposed amendment) has been determined to be exempt from the California Environmental Quality Act and the City of Norco Environmental Guidelines pursuant to Section 3.13.

II. DETERMINATION: NOW THEREFORE, the Planning Commission for the City of Norco assembled October 26, 2011 hereby recommends to the City Council of the City of Norco that Zone Code Amendment 2011-04 be adopted, thereby amending the Norco Municipal Code as follows:

*Section 18.13.06 Permitted Uses*

*(D) Agricultural Uses:*

*1. Farms devoted to the hatching, raising, butchering, or marketing on a commercial scale of chickens, turkeys, or other fowl or poultry and rabbits, fish, frogs, mink, chinchilla, or other small animal farms of a similar nature; provided, however, that not more than 500 turkeys per acre, in addition to brooding stock, shall be kept, fed, or maintained on a parcel of less than five acres. No commercial poultry operation shall be established on a parcel containing less than nine acres or with a width of less than 300 feet, and all poultry buildings and structures shall be set back a minimum of 25 feet from the rear and side lines of the parcel and 50 feet from any public road or highway.*

*i. Stags at crowing age shall be counted in determining the permitted number of roosters regardless of the age of the stag. For purposes of this section of the Municipal Code a stag is a rooster less than one year old.*

*ii. The minimum lot size for keeping roosters without a conditional use permit shall be as follows:*

*(a) All lots up to 10,000 square feet shall be permitted only one rooster.*

*(b) The minimum lot size for up to three roosters is 20,000 square feet.*

*(c) The minimum lot size for up to six roosters is 40,000 square feet.*

*(d) Everything else requires a conditional use permit*

*For determining the number of roosters allowed on any given lot the lot size shall be rounded down to the next lowest category (i.e. a 15,000 square-foot lot is allowed one rooster and a 25,000 square-foot lot is allowed three roosters without a conditional use permit).*

*Section 18.13.08 Uses Which May be Permitted by Conditional Use Permit*

*(Q) The keeping of roosters in excess of the number allowed in Section 18.13.06(D)(1)(ii). In the case of an application for a use permit related to 4-H, Grangers and Future Farmers of America uses, no filing fee shall be required to accompany the application. Approval of an application shall run with the property owner (permit holder for 4-H, Grangers and Future Farmers of America programs) and not with the land.*

*i. The holder of a rooster conditional use permit shall maintain show records and shall provide them upon request to the City within 24 hours after the request. The holder of a rooster conditional use permit hereby agrees to granting access for inspection of animals covered by said permit to City personnel provided notification of intent to inspect is given at least 24 hours in advance of the inspection. An approved rooster conditional use permit is valid for only one year and the holder shall be required to renew the permit annually*

*beginning in December after one year from the approval date. Failure to renew the rooster conditional use permit shall result in the permit being deemed expired.*

*(R) Additional animal units may be kept in excess of the quantities provided in Section 18.13.06(D)(4) and (5). In the case of an application for a use permit related to 4-H, Grangers and Future Farmers of America uses, no filing fee shall be required to accompany the application. Approval of an application shall run with the property owner and not with the land.*

PASSED AND ADOPTED by the Planning Commission of the City of Norco at a regular meeting held October 26, 2011.

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Robert Wright, Chair  
Planning Commission  
City of Norco, California

ATTEST:

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Steve King, Secretary  
Planning Commission  
City of Norco, California

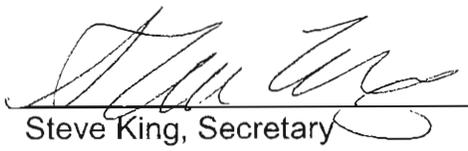
I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of Norco at a regular adjourned meeting held October 26, 2011 by the following roll call vote:

AYES: Hedges, Henderson, Jaffarian, Leonard, Wright

NOES: none.

ABSENT:

ABSTAIN:



Steve King, Secretary  
Planning Commission

/sk-79660

## RESOLUTION NO. 2011-62

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO RECOMMENDING THAT THE CITY COUNCIL APPROVE SPECIFIC PLAN 91-05 AMENDMENT 6 TO AMEND THE NORCO HILLS SPECIFIC PLAN CHAPTER C SECTION 1, PARAGRAPH (i) WITH ANY RELATED CROSS-REFERENCES IN OTHER CHAPTERS AS NEEDED TO ADD A PROVISION TO REGULATE ANIMALS NOT OTHERWISE REGULATED BY AN ANIMAL UNIT. SPECIFIC PLAN 91-05 AMENDMENT 6.**

WHEREAS, the CITY OF NORCO initiated Specific Plan 91-05 Amendment 6, an amendment to the Specific Plan, amending Chapter C Section 1, Paragraph (i); and

WHEREAS, the Specific Plan Amendment was duly submitted to said City's Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, the Specific Plan Amendment was scheduled for public hearing on October 26, 2011 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

WHEREAS, at the time set, the Planning Commission held a public hearing and received both oral and written testimony pertaining to the Specific Plan Amendment; and

WHEREAS, the City of Norco acting as the Lead Agency has determined that the project is categorically exempt from California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines pursuant to Section 3.13.

NOW, THEREFORE, the Planning Commission of the City of Norco does hereby make the following FINDINGS AND DETERMINATIONS:

I. FINDINGS:

- A. The proposed Specific Plan Amendment is consistent with, and not contrary to, the Norco General Plan, the Zoning Code, and the Norco Hills Specific Plan since the project adds regulations for the control of animal-keeping that is already an allowed use.
- B. The project (proposed amendment) has been determined to be exempt from the California Environmental Quality Act and the City of Norco Environmental Guidelines pursuant to Section 3.13.

II. DETERMINATION: NOW THEREFORE, the Planning Commission for the City of Norco assembled October 26, 2011 hereby recommends to the City Council of the

City of Norco that Specific Plan 91-05 Amendment 6 be adopted, thereby amending the Norco Hills Specific Plan as follows:

*C. Regulations*

*(1) Equestrian Residential District*

*i. Animal Keeping*

1) *Numbers Permitted: The maximum number of animal units (AU by the Norco Municipal Code) shall be based on the average natural slope. The maximum number of animals based on an apportionment per acres shall be as follows:*

*Table 5*

<i>Average Natural Slope</i>	<i>Maximum Number of AU per 40,000 square foot lot</i>
<i>0 – 9.9%</i>	<i>4.0</i>
<i>10 – 19.9%</i>	<i>3.0</i>
<i>20 – 29.9%</i>	<i>2.0</i>
<i>30 – 39.9%</i>	<i>1.0</i>
<i>40 + above</i>	<i>.5</i>

*Animals not defined or regulated by an animal unit are subject to the same standards and restrictions as outlined in the A-1 zone district, and other applicable Codes for governing the same for residential animal-keeping, in the Norco Municipal Code.*

*\* Note: Allowable animal units shall be permitted based on lot size rounded to the nearest 5000 square-foot increment.*

PASSED AND ADOPTED by the Planning Commission of the City of Norco at a regular meeting held October 26, 2011.

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Robert Wright, Chair  
Planning Commission  
City of Norco, California

ATTEST:

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Steve King, Secretary  
Planning Commission  
City of Norco, California

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of Norco at a regular adjourned meeting held October 26, 2011 by the following roll call vote:

AYES: Hedges, Henderson, Jaffarian, Leonard, Wright

NOES:

ABSENT:

ABSTAIN:



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Steve King, Secretary  
Planning Commission

/sk-79662

# A-1 Zone: Allowed Number of Roosters

## Proposed Changes to Code Text:

### 18.13.06 Permitted Uses.

#### D. Agricultural Uses:

1. Farms devoted to the hatching, raising, butchering, or marketing on a commercial scale of chickens, turkeys, or other fowl or poultry and rabbits, fish, frogs, mink, chinchilla, or other small animal farms of a similar nature; provided, however, that not more than 500 turkeys per acre, in addition to brooding stock, shall be kept, fed, or maintained on a parcel of less than five acres. No commercial poultry operation shall be established on a parcel containing less than nine acres or with a width of less than 300 feet, and all poultry buildings and structures shall be set back a minimum of 25 feet from the rear and side lines of the parcel and 50 feet from any public road or highway.

i. ~~The maximum number of roosters permitted, for noncommercial keeping, in relation to lot size shall be determined as follows:~~

<b>Lot Size</b>	<b>Maximum Roosters</b>
10,000 but less than 19,999 sq. ft.	13
20,000 but less than 24,999 sq. ft.	25
25,000 but less than 29,999 sq. ft.	38
30,000 but less than 34,999 sq. ft.	50
35,000 but less than 39,999 sq. ft.	63
40,000 or more	75

*i. Stags at crowing age shall be counted in determining the permitted number of roosters regardless of the age of the stag. For purposes of this section of the code a stag is a rooster less than one year old.*

~~ii. Offspring of permitted adult roosters shall not be counted in determining the permitted number of roosters on a given lot, until the offspring reach age seven months.~~

*ii. The minimum lot size for keeping roosters without a conditional use permit shall be as follows:*

*(a) All lots up to 10,000 square feet shall be permitted only one rooster.*

*(b) The minimum lot size for up to three roosters is 20,000 square feet.*

*(c) The minimum lot size for up to six roosters is 40,000 square feet.*

***(d) Everything else requires a conditional use permit.***

***For determining the number of roosters allowed on any given lot, the lot size shall be rounded down to the next lowest category (i.e. a 15,000 square-foot lot is allowed one rooster and a 25,000 square-foot lot is allowed three roosters without a conditional use permit.***

~~iii.—All properties with more than 25 roosters shall be required to have roosters contained on the property at all times, with said roosters maintained a minimum of 50 feet from the nearest adjacent residence. Any operation consisting of 75 or more roosters shall be considered a commercial operation and have the same restrictions pertaining to a commercial poultry business.~~

**18.13.08 Uses Which May be Permitted by Conditional Use Permit.**

~~R.—Additional animal units may be kept in excess of the quantities provided in Section 18.13.06(D)(4) and (5). In the case of an application for a use permit related to 4-H, Grangers and Future Farmers of America uses, no filing fee shall be required to accompany the application. Approval of an application shall run with the property owner and not with the land.~~

***Q. The keeping of roosters in excess of the number allowed in Section 18.13.06(D)(1)(ii).***

***In the case of an application for a use permit related to 4-H, Grangers and Future Farmers of America uses, no filing fee shall be required to accompany the application. Approval of an application shall run with the property owner (permit holder for 4-H, Grangers, and Future Farmers of America programs) and not with the land.***

***i. The holder of a rooster conditional use permit shall maintain show records and shall provide them upon request to the City within 24 hours after the request. The holder of a rooster conditional use permit hereby agrees to granting access for inspection of animals covered by said permit to City personnel provided notification of intent to inspect is given at least 24 hours in advance of the inspection. An approved rooster conditional use permit is valid for only one year and the holder shall be required to renew the permit annually beginning in December after one year from the approval date. Failure to renew the rooster conditional use permit shall result in the permit being deemed expired.***

***R. Additional animal units may be kept in excess of the quantities provided in Section 18.13.06(D)(4) and (5). In the case of an application for a use permit related to 4-H, Grangers and Future Farmers of America uses, no filing fee shall be required to accompany the application. Approval of an application shall run with the property owner and not with the land.***

/sk-79530

# CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: John Harper, City Attorney

DATE: November 16, 2011

SUBJECT: Approval of an Ordinance Deleting Chapter 5.50 "Employment of Undocumented Workers" from the Norco Municipal Code. Code Change 2011-05

RECOMMENDATION: Adopt **Ordinance No. \_\_\_\_** for first reading.

**SUMMARY:** On September 15, 2010, the City Council adopted Ordinance No. 927, adding Chapter 5.50 "Employment of Undocumented Workers" to the Norco Municipal Code effective as of January 1, 2011. On October 9, 2011, Assembly Bill 1236, effective January 1, 2012, was approved by the Governor and filed with the Secretary of State, which prohibits the state, or a city, county, city and county, or special district, from requiring an employer other than one of those government entities to use an electronic employment verification system except when required by federal law or as a condition of receiving federal funds. It is therefore being recommended that the Council adopt an ordinance deleting Chapter 5.50 from the Norco Municipal Code as the City's requirement for the use of E-Verify is no longer permitted by California State law as of January 1, 2012.

**BACKGROUND/ANALYSIS:** At its meeting held on September 15, 2010, the City Council voted to adopt Ordinance No. 927, adding chapter 5.50 "Employment of Undocumented Workers" to the Norco Municipal Code, that includes E-Verify requirements for all City employees, City contractors and their sub-contractors, and all City businesses and their sub-contractors. The Ordinance effectively defined the E-Verify requirements for all City contractors and their sub-contractors, and all City businesses and their sub-contractors and was effective as of January 1, 2011.

On October 9, 2011, Assembly Bill 1236, effective January 1, 2012, was approved by the Governor of California and filed with the Secretary of State which prohibits the state, or a city, county, city and county, or special district, from requiring an employer other than one of those government entities to use an electronic employment verification system except when required by federal law or as a condition of receiving federal funds. Assembly Bill 1236 further states that "it is the intent of the Legislature that the state maintains the intent of federal law by ensuring that private employers retain the ability to choose whether to participate in the electronic verification program.

Ordinance No. \_\_\_\_  
Page 2  
November 16, 2011

Therefore, it is recommended that the Council adopt an ordinance deleting Chapter 5.50 from the Norco Municipal Code as the City's requirement for the use of E-Verify is no longer permitted by California State law as of January 1, 2012.

FINANCIAL IMPACT: No financial impact.

/bj-79641

Attachment: Proposed Ordinance for First Reading

## ORDINANCE NO. \_\_\_\_

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO DELETING CHAPTER 5.50 "EMPLOYMENT OF UNDOCUMENTED WORKERS" FROM THE NORCO MUNICIPAL CODE. CODE CHANGE 2011-05**

WHEREAS, on September 15, 2010, the Norco City Council adopted Ordinance No. 927, adding Chapter 5.50 "Employment of Undocumented Workers" to the Norco Municipal Code; and

WHEREAS, Chapter 5.50 includes definitions, application of requirements and verification of employment eligibility all related to the City's requirements relating to E-Verify; and

WHEREAS, on October 9, 2011, Assembly Bill 1236, effective January 1, 2012, was approved by the Governor and filed with the Secretary of State which prohibits the state, or a city, county, city and county, or special district, from requiring an employer other than one of those government entities to use an electronic employment verification system except when required by federal law or as a condition of receiving federal funds; and

WHEREAS, Assembly Bill 1236 further states that "it is the intent of the Legislature that the state maintain the intent of federal law by ensuring that private employers retain the ability to choose whether to participate in the electronic verification program; and

WHEREAS, in accordance with the chaptering of Assembly Bill 1236, the City of Norco is thereby required to repeal Ordinance No. 927 in its entirety.

NOW, THEREFORE, the City Council of the City of Norco does hereby ordain as follows:

SECTION 1: Ordinance No. 927 is repealed in its entirety deleting Chapter 5.50 from the Norco Municipal Code.

SECTION 2: EFFECTIVE DATE: This Ordinance shall become effective 30 days after final passage.

SECTION 3: SEVERABILITY: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, and phrase, hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases hereof be declared invalid or unconstitutional.

SECTION 4: POSTING: The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall cause the same within 15 days of its passage to be posted at no less than five public places within the City of Norco.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held December 7, 2011.

\_\_\_\_\_  
Mayor of the City of Norco, California

ATTEST:

\_\_\_\_\_  
Brenda K. Jacobs, CMC, City Clerk  
City of Norco, California

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on November 16, 2011 and thereafter at a regular meeting of said City Council duly held on December 7, 2011, it was duly passed and adopted by the following vote of the City Council:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on December 7, 2011.

\_\_\_\_\_  
Brenda K. Jacobs, CMC, City Clerk  
City of Norco, California

/bj-76337

## CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

DATE: November 16, 2011

SUBJECT: Review of City Sign Code Requirements

RECOMMENDATION: That the City Council:

1. Create an adhoc working group to review the City's Sign Code as it relates to commercially- zoned properties and make recommendations on changes that would benefit business owners while still protecting the health and safety of the public;
2. Appoint two City Council Members to serve as members of the working group;
3. Ask the Planning Commission and the Economic Development Advisory Council (EDAC) to also appoint two members each to serve as members of the working group; and
4. Direct the working group to bring any recommended changes to the City Council by March 31, 2012.

SUMMARY: At the regular City Council meeting on August 17, 2011, Councilman Newton requested, and the City Council approved, that an item be placed on a future agenda to discuss the creation of a working group to review the City's Sign Code. It was discussed that the working group should include Council Members and appropriate commission members, and should not be a technical discussion that would impact staffing needs. It was also discussed that a key focus should be on the effect the Sign Codes have on businesses, as well as general community clutter.

BACKGROUND/ANALYSIS: The Norco Municipal Code, beginning in Section 18.37.02, regulates the location, size, type and number of signs permitted within the City limits. The intent and purpose of the Sign Code is as follows:

- To direct persons to various activities and enterprises, in order to provide for the maximum public convenience;
- To provide a reasonable system of controls for signs, to insure the development of a high quality environment;
- To encourage signs which are well designed and pleasing in appearance and to provide incentive and latitude for variety, good design relationship, and spacing;

- To encourage a desirable urban character which has a minimum of overhead clutter;
- To enhance the economic value of the community and each area thereof through the regulation of such things as size, number, location, design and illumination of signs;
- To encourage signs which are compatible with adjacent land uses;
- To reduce possible traffic and safety hazards through good signing; and
- To protect the general public health, safety and welfare of the community.

The use of effective signage is a key concern of commercial businesses when they are attempting to attract customers to their location. The appropriate use and installation of signs is a key concern for public safety as well as the general appearance of the City's streets.

Sign codes are zoning issues, and therefore, any recommendations to the City Council would then necessitate Planning Commission action for implementation. Also, the City's Economic Development Advisory Committee (EDAC) is concerned with the effect of sign regulations on businesses within the City. The EDAC members recently completed a survey of businesses in the City and the number one issue that business owners were concerned about was the restrictions placed by the current Sign Code ordinance.

179727

Attachment: Letter from EDAC Chairman

# ECONOMIC DEVELOPMENT ADVISORY COMMITTEE CITY OF NORCO, CALIFORNIA

November 8, 2011

Dear Mr. Mayor and Members of the Norco City Council:

As you begin your evaluation of the current signage code, the Economic Development Advisory Committee (EDAC) would like to make you aware of the sentiment within the business community revealed through our Business Retention Survey, conducted during the summer months.

The Survey was conducted to determine what issues and concerns were most prevalent among local businesspersons, and to find out what actions the City could take to make Norco more responsive to their interests. The ultimate goal is to ensure that Norco retain the businesses it currently has, and more effectively attract new ones through business-friendly policies. More than 100 local businesses were interviewed face-to-face by EDAC Members, and the responses proved to be very enlightening.

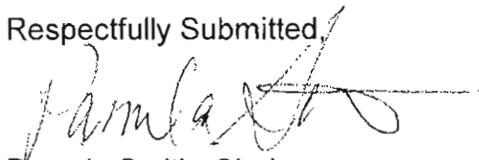
There were many positive comments made about Norco as a place to conduct business in our survey results, and most businesses believe they made the right choice when they decided to open their establishments in Norco. But there were also issues of concern raised. These included signage options being too restrictive, improving customer service at City Hall, more fully utilizing the George Ingalls Equestrian Event Center, and more aggressively marketing Norco as Horsetown USA.

Of these, the most frequently expressed concern by local business owners was the belief that the current City signage regulations were too restrictive. While most businesspeople understand the need for regulating signage, the perception in the business community is that the current regulations are too onerous, and that many reasonable attempts to draw attention to local businesses are not permitted. Some complained about overzealous code enforcement related to non-permitted signage.

We urge you to consider allowing for more lenient regulations to preserve the interests of local businesspeople, balancing those interests against aesthetics and fairness. As the Council considers these issues, we offer our participation in whatever formal process is established and would ultimately like to play a role in creating a new signage code that enhances the appearance of Norco's commercial streets but protects the critical interests of businesses.

An EDAC subcommittee has already met on this issue and has conducted some preliminary field research on the current signage situation. We have a great deal to contribute and very much want to be a part of this process as it moves forward.

Respectfully Submitted,



Pamela Smith, Chair  
Economic Development Advisory Committee