

# City of Jurupa

## Findings and Determinations

a. Pursuant to Government Code Section 56720(a), find the reorganization including incorporation of the proposed City of Jurupa Valley is consistent with the intent of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, including but not limited to, the policies of Government Code Sections 56001, 56300, 56301 and 56377, and the policies of the Riverside County Local Agency Formation Commission.

b. The Commission has reviewed the spheres of influence of affected local agencies and finds the reorganization is consistent with those spheres of influence.

c. Find the Commission has reviewed the comprehensive fiscal analysis prepared pursuant to Section 56800.

d. Find the Commission has reviewed the Executive Officer's staff report and recommendations prepared pursuant to Government Code Section 56665 and the testimony presented at its public hearings.

e. Pursuant to Section 56803, the Commission accepts each of the findings and recommendations in the Executive Officer's report and the comprehensive fiscal analysis prepared pursuant to Government Code Section 56800, with exceptions noted and supported by additional findings herein.

f. Pursuant to Government Code Section 56720(e), find the proposed city is expected to receive revenues sufficient to provide public services and facilities and a reasonable reserve during the first three fiscal years following incorporation. The Commission rejects the Executive Officer's finding that the incorporation is not financially feasible based on the following finding:

i. Based on information provided demonstrating sales tax in the Jurupa Valley area has outperformed the unincorporated county in general, the Commission believes that sales tax recovery will occur at a much faster rate

than unincorporated areas countywide and sales tax projections in the published CFA are valid.

g. Pursuant to Section 56301, determine that existing agencies cannot provide needed services in a more efficient and accountable manner. Incorporation will allow for increased local accountability. Contracting services such as police protection will still allow the city to take advantage of economies of scale associated with a large organization, while allowing public service levels and priorities to be established locally.

h. Pursuant to Section 56810 determine the base year property tax to be transferred from the County General Fund to the City of Jurupa Valley is \$4,559,676. The base year amount shall be adjusted by the county auditor to the fiscal year in which the new city receives its initial allocation, in accordance with Revenue and Taxation Code Section 95 et seq.

i. Determine that a provisional appropriations limit of \$27,914,961 is established pursuant to Government Code Section 56812. A permanent appropriations limit will be proposed by the city council and established by the voters of the new city at the first municipal election held following the first full fiscal year of operation.

j. Pursuant to Section 56815(c), determine that the amount of revenue transferring from the county to the new city is not substantially equal to the cost of services similarly transferred. Nevertheless, the negative fiscal impact shall be mitigated by the terms of an agreement approved by the Riverside County Board of Supervisors on July 13, 2010 providing for annual mitigation payments from the City of Jurupa Valley to the County. Furthermore, such agreement is incorporated by reference in the terms and conditions adopted by this Commission.

k. The name of the city shall be the City of Jurupa Valley.

l. The City shall be incorporated as a general law city.

m. The City shall be governed by a five-member city council elected at large.

n. The City shall have the City Manager form of government with a five member city council elected at large at the same election as the incorporation question.

o. The city council shall appoint a city manager, who shall appoint a city clerk and city treasurer.

p. The question of incorporation, all related boundary changes, and all terms and conditions shall be presented as one question on the ballot and in accordance with Sections 57133 and 57134.

q. Pursuant to Section 57118, the election shall be held within the entire territory proposed to be reorganized.

r. Pursuant to Section 57116, the election to confirm the question of incorporation shall also present the question of whether members of the city council in future elections shall be elected by districts, from districts, or at large.

s. Determine the proposed reorganization is legally inhabited.

t. The reasons for the proposed reorganization include the following:

- Provide Jurupa Valley residents with local control over planning, services and infrastructure.
- Provide local communities with a greater voice in required services.
- Create a politically accountable local government for the community.
- Maintain the community's unique environment and preserve historical and cultural heritage.

u. The regular county assessment roll shall be utilized.

v. The affected territory will not be taxed for any existing bonded indebtedness of any agency whose boundaries are changed as a result of this reorganization. Any existing bonded indebtedness of the County or any other affected agency whose boundaries are not changed shall remain in effect.

w. A simple majority of votes cast shall determine the outcome of the election.

**Terms and Conditions:**

a. The effective date of the incorporation shall be July 1, 2011.

b. The election and terms of office for members of the City Council shall be subject to Government Code Sections 57377-57379, inclusive.

c. The disposition of public facilities, land and fees shall be subject to negotiation between the County of Riverside and the new city.

d. Pursuant to Government Code Section 56815, the City shall be required to make payments in order to mitigate the impact of incorporation on the County. Payment shall be made as specified in the agreement approved by the Board of Supervisors on July 13, 2010, providing annual mitigation payment from the City of Jurupa Valley to the County and incorporated herein by reference.

e. Pursuant to Government Code Section 57376, the City Council shall, immediately following its organization and prior to performing any other official act, adopt an ordinance providing that all County ordinances previously applicable shall remain in full force and effect as City ordinances for a period of 120 days thereafter, or until the City Council has enacted ordinances superseding them, whichever shall occur first. Enforcement of continuing County ordinances in the incorporated area shall be with the City, except insofar as enforcement services are furnished in accordance with Government Code Section 57384.

f. Pursuant to Section 57384, the County of Riverside shall continue to furnish all services provided to the area prior to incorporation. Such services shall be furnished for the remainder of the fiscal year during which the incorporation becomes effective or until the City Council requests discontinuance of the services, whichever occurs first. The new city shall be obligated to reimburse the County of Riverside for the net cost of services provided in accordance with the provisions of Section 57384(b).

g. In accordance with Section 57385, all roads and highways or portions thereof within the subject territory, which had been accepted into the county road system prior to the adoption of the resolution of application, shall become city streets on the effective date of incorporation.

h. Notwithstanding subdivision (b) of Section 57385, all roads accepted into the county road system subsequent to the adoption of the resolution of application, shall become city streets on the effective date of incorporation.

i. In accordance with Government Code Section 56886(t), the City shall have the authority to continue the levying and collection of any previously authorized charge, fee, assessment or general or special tax levied within the subject territory by the County or other subject agency, including, but not limited to, transient occupancy tax, franchise fees, business license fees, property transfer tax, sales and use tax and any taxes, assessments, fees or charges by County Service Areas 72 and 73.

j. In accordance with Section 56886(u), the authority and responsibility for special assessment districts associated with any County Landscape Maintenance District and County Service Areas 72 and 73, shall be transferred to the new city upon incorporation.

k. Upon incorporation, the City shall assume responsibility for all functions and services currently provided or authorized to provide by County Service Areas 72 and 73.

l. Upon incorporation, the City shall be designated as the successor agency to County Service Areas 72 and 73 for the purpose of succeeding to all rights, responsibilities, properties (both real and personal), contracts, equipment, assets, liabilities, obligations, functions, executory provisions, entitlements, permits and approvals attributable to the County Service Areas.

m. The Jurupa Area Recreation and Park District shall defend, indemnify, and hold harmless the Riverside County Local Agency Formation Commission ("LAFCO"), its agents, officers, and employees from any claim, action, or proceeding against LAFCO, its agents, officers, and

employees to attach, set aside, void, or annul an approval of LAFCO concerning this proposal.

n. At the earliest possible time after the effective date, the City shall take necessary actions to participate in regional agencies, plans and programs, specifically including Western Riverside County of Governments, Riverside County Transportation Commission, Multi-Species Habitat Conservation Plan and the Transportation Uniform Mitigation Fee Program.

# **Incorporation of Eastvale**

## **Findings and determinations.**

a. Pursuant to Government Code Section 56720(a), find the reorganization including incorporation of the proposed City of Eastvale is consistent with the intent of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, including but not limited to, the policies of Government Code Sections 56001, 56300, 56301 and 56377, and the policies of the Riverside County Local Agency Formation Commission.

b. The Commission has reviewed the spheres of influence of affected local agencies and finds the reorganization is consistent with those spheres of influence.

c. Find the Commission has reviewed the comprehensive fiscal analysis prepared pursuant to Section 56800.

d. Find the Commission has reviewed the Executive Officer's staff report and recommendations prepared pursuant to Government Code Section 56665 and the testimony presented at its public hearings.

e. Pursuant to Section 56803, the Commission accepts each of the findings and recommendations in the Executive Officer's report and the comprehensive fiscal analysis prepared pursuant to Government Code Section 56800, with exceptions noted and supported by additional findings herein.

f. Find the proposed city is expected to receive revenues sufficient to provide public services and facilities and a reasonable reserve during the first three fiscal years following incorporation. The Commission rejects the Executive Officer's finding that the incorporation is not financially feasible based on the following findings.

i. Despite the findings of the Executive Officer that staffing assumptions are below acceptable levels, the Commission finds that the minimum staffing levels provided in the CFA and during public testimony will nevertheless allow the city to provide a basic level of services.

ii. The ability of the new city to make revenue neutrality mitigation payments from a source outside of its general fund provides reasonable assurance that

sufficient revenues will be available to provide basic services and facilities and a reasonable reserve.

g. The Executive Officer has found that the ability of two cities, Eastvale and Jurupa Valley, to successfully incorporate is a critical factor to consider in evaluating this proposal. Furthermore, the Executive Officer has found that there is insufficient revenue to support the existence of two cities. The commission rejects this finding based on the following findings.

i. The successful incorporation of both cities is not a critical factor in the Commission's consideration.

ii. The future incorporation of Jurupa Valley is not foreclosed by incorporation of Eastvale. Opportunity exists for significant commercial development in the future that could provide sufficient revenue to support incorporation.

h. Pursuant to Section 56886, determine that existing agencies cannot provide needed services in a more efficient and accountable manner. Incorporation will allow for increased local accountability. Contracting services such as police and fire protection will still allow the city to take advantage of economies of scale associated with a large organization, while allowing public service levels and priorities to be established locally.

i. Pursuant to Section 56810, determine the base year property tax to be transferred from the County General Fund to the City of Eastvale is \$1,620,345. The City shall also receive all Structural Fire Protection property taxes generated within the subject area. The base year amount shall be adjusted by the county auditor to the fiscal year in which the new city receives its initial allocation, in accordance with Revenue and Taxation Code Section 95 et seq.

j. Determine that a provisional appropriations limit of \$13,938,809 is established pursuant to Government Code Section 56812. A permanent appropriations limit will be proposed by the city council and established by the voters of the new city at the first municipal election held following the first full fiscal year of operation.



k. Pursuant to Section 56815(c), determine that the amount of revenue transferring from the county to the new city is not substantially equal to the cost of services similarly transferred. Nevertheless, the negative fiscal impact shall be mitigated by the terms of an agreement approved by the Riverside County Board of Supervisors on October 20, 2009 as subsequently amended on January 12, 2010, providing for mitigation payment from the City of Eastvale to the County over a specified period of time. Furthermore, such agreement is incorporated by reference in the terms and conditions adopted by this Commission.

l. The name of the city shall be the City of Eastvale.

m. The City shall be incorporated as a general law city.

n. The City shall be governed by a five-member city council elected at large.

o. The City shall have the City Manager form of government with a five member city council elected at large at the same election as the incorporation question.

p. The city council shall appoint a city manager, who shall appoint a city clerk and city treasurer.

q. The question of incorporation, all related boundary changes, and all terms and conditions shall be presented as one question on the ballot and in accordance with Sections 57133 and 57134.

r. Pursuant to Section 57118, the election shall be held within the entire territory proposed to be reorganized.

s. Pursuant to Section 57116, the election to confirm the question of incorporation shall also present the question of whether members of the city council in future elections shall be elected by district, from district, or at large.

t. Determine the proposed reorganization is legally inhabited.

u. The reasons for the proposed reorganization include the following:

- Increased local control and accountability for decisions regarding the community
- Promote orderly government boundaries
- Retain local revenues for use within the community
- Increase opportunities for residents to participate in civic and government activities.

v. The regular county assessment roll shall be utilized.

w. The affected territory will not be taxed for any existing bonded indebtedness of any agency whose boundaries are changed as a result of this reorganization. Any existing bonded indebtedness of the County or any other affected agency whose boundaries are not changed shall remain in effect.

x. A simple majority of votes cast shall determine the outcome of the election.

#### **TERMS AND CONDITIONS**

a. The effective date of the incorporation shall be October 1, 2010.

b. The election and terms of office for members of the City Council shall be subject to Government Code Sections 57377-57379, inclusive.

c. The disposition of public facilities, land and fees shall be subject to negotiation between the County of Riverside and the new City.

d. Pursuant to Government Code Section 56815, the City shall be required to make payments in order to mitigate the impact of incorporation on the County. Payment shall be made as specified in the agreement approved by the Board of Supervisors on October 20, 2009, as subsequently amended on January 12, 2010, providing for mitigation payment from the City of Eastvale to the County over a specified period of time and incorporated by reference herein.

e. Pursuant to Government Code Section 57376, the City Council shall, immediately following its organization and prior to performing any other official act, adopt an ordinance providing that all County ordinances previously applicable shall remain in full force and effect as City ordinances for a period of 120 days thereafter, or until the City Council has enacted ordinances superseding them, whichever shall occur first. Enforcement of continuing County ordinances in the incorporated area shall be with the City, except insofar as enforcement services are furnished in accordance with Government Code Section 57384.

f. Pursuant to Section 57384, the County of Riverside shall continue to furnish all services provided to the area prior to incorporation. Such services shall be furnished for the remainder of the fiscal year during which the incorporation becomes effective or until the City Council requests discontinuance of the services, whichever occurs first. The new City shall be obligated to reimburse the County Riverside for the net cost of services provided in accordance with the provisions of Section 57384(b).

g. In accordance with Section 57385, all roads and highways or portions thereof within the subject territory, which had been accepted into the County road system prior to the adoption of the resolution of application, shall become city streets on the effective date of incorporation.

h. Notwithstanding subdivision (b) of Section 57385, all roads accepted into the county road system subsequent to the first signature on the petition initiating incorporation and prior to the effective date of incorporation shall become city streets on the effective date of incorporation.

i. In accordance with Government Code Sections 56886(t), the City shall have the authority to continue the levying and collection of any previously authorized charge, fee, assessment or general or special tax levied within the subject territory by the County or other subject agency, including, but not limited to, transient occupancy tax, franchise fees, business license fees, property transfer tax, sales and use tax.

j. In accordance with Section 56886(u), the authority and responsibility for special assessment districts associated

with any County Landscape Maintenance District shall be transferred to the new city upon incorporation.

k. The Eastvale Incorporation Committee shall defend, indemnify, and hold harmless the Riverside County Local Agency Formation Commission ("LAFCO"), its agents, officers, and employees from any claim, action, or proceeding against LAFCO, its agents, officers, and employees to attach, set aside, void, or annul an approval of LAFCO concerning this proposal.

l. At the earliest possible time after the effective date, the City shall take necessary actions to participate in regional agencies, plans and programs, specifically including Western Riverside County of Governments, Riverside County Transportation Commission, Multi-Species Habitat Conservation Plan and the Transportation Uniform Mitigation Fee Program.

# City of Menifee

## Findings and Determinations

Based on the entire record of the Commission's proceedings, the Commission hereby makes the following findings and determinations.

a. Pursuant to Government Code Section 56720(a), find the reorganization including incorporation of the proposed City of Menifee Valley is consistent with the intent of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, including but not limited to, the policies of Government Code Sections 56001, 56300, 56301 and 56377, and the policies of the Riverside County Local Agency Formation Commission.

b. The Commission has reviewed the spheres of influence of affected local agencies and finds the reorganization is consistent with those spheres of influence, as amended.

c. Find the Commission has reviewed the comprehensive fiscal analysis prepared pursuant to Section 56800.

d. Find the Commission has reviewed the Executive Officer's staff report and recommendations prepared pursuant to Government Code Section 56665 and the testimony presented at its public hearings.

e. Find the proposed city is expected to receive revenues sufficient to provide public services and facilities and a reasonable reserve during the first three fiscal years following incorporation.

f. Pursuant to Section 56803, the Commission accepts each of the findings and recommendations in the Executive Officer's report and the comprehensive fiscal analysis prepared pursuant to Government Code Section 56800.

g. Pursuant to Section 56886, determine that existing agencies cannot provide needed services in a more efficient and accountable manner. Incorporation will allow for increased local accountability. Contracting services such as police and fire protection will still allow the

city to take advantage of economies of scale associated with a large organization, while allowing public service levels and priorities to be established locally.

h. Pursuant to Section 56810, determine the base year property tax to be transferred from the County to the City of Menifee Valley is \$7,606,135, which is inclusive of \$3,786,907 in property taxes to be transferred from the County General Fund and all Structural Fire Protection property taxes generated within the subject area. The base year amount shall be adjusted by the county auditor to the fiscal year in which the new city receives its initial allocation, in accordance with Revenue and Taxation Code Section 95, et seq.

i. Determine that a provisional appropriations limit of \$26,049,674 is established pursuant to Government Code Section 56812. A permanent appropriations limit will be proposed by the city council and established by the voters of the new city at the first municipal election held following the first full fiscal year of operation.

j. Pursuant to Section 56815, determine that the amount of revenue transferring from the county to the new city is substantially equal to the cost of services similarly transferred. Furthermore, the calculation required by Section 56815 in the Comprehensive Fiscal Analysis indicates that there is no negative fiscal impact requiring mitigation.

k. Pursuant to Section 57116(d), the election to confirm the question of incorporation shall also present the choice of name for the city, choosing either Menifee Valley or Menifee.

l. The City shall be incorporated as a general law city.

m. The City shall be governed by a five-member city council elected at large.

n. The City shall have the City Manager form of government with a five member city council elected at large at the same election as the incorporation question.

o. The city council shall appoint a city manager, who shall appoint a city clerk and city treasurer.

p. The question of incorporation, all related boundary changes, and all terms and conditions shall be presented as one question on the ballot and in accordance with Sections 57133 and 57134.

q. Pursuant to Section 57118, the election shall be held within the entire territory proposed to be reorganized.

r. Pursuant to Section 57116, the election to confirm the question of incorporation shall also present the question of whether members of the city council in future elections shall be elected by district or at large.

s. Determine the proposed reorganization is legally inhabited.

t. The reasons for the proposed reorganization include the following:

- Increased local control over planning, public service provision and infrastructure
- Locally accountable government for the community
- Preserve the community's identity, environment and heritage
- Retain local revenues for benefit in the community
- Provide the community a greater voice and promote increased citizen participation

u. The regular county assessment roll shall be utilized.

v. The affected territory will not be taxed for any existing bonded indebtedness of any agency whose boundaries are changed as a result of this reorganization. Any existing bonded indebtedness of the County or any other affected agency whose boundaries are not changed shall remain in effect.

w. A simple majority of votes cast shall determine the outcome of the election.

## **Terms and Conditions**

a. The effective date of the incorporation shall be October 1, 2008.

b. The election and terms of office for members of the City Council shall be subject to Government Code Sections 57377-57379, inclusive.

c. With the exception of local parks owned by the County, the disposition of public facilities, land and fees shall be subject to negotiation between the County of Riverside and the new City. Local parks owned by the County shall be transferred to the new city upon incorporation. Parks owned by Valley-Wide Recreation & Park District will remain with VWRPD.

d. The County shall provide an annual revenue augmentation to the City consistent with its action taken on July 31, 2007, as reflected in the Comprehensive Fiscal Analysis.

e. Pursuant to Government Code Section 57376, the City Council shall, immediately following its organization and prior to performing any other official act, adopt an ordinance providing that all County ordinances previously applicable shall remain in full force and effect as City ordinances for a period of 120 days thereafter, or until the City Council has enacted ordinances superseding them, whichever shall occur

first. Enforcement of continuing County ordinances in the incorporated area shall be with the City, except insofar as enforcement services are furnished in accordance with Government Code Section 57384.

f. Pursuant to Section 57384, the County of Riverside shall continue to furnish all services provided to the area prior to incorporation. Such services shall be furnished for the remainder of the fiscal year during which the incorporation becomes effective or until the City Council requests discontinuance of the services, whichever occurs first. The new City shall be obligated to reimburse the County Riverside for the net cost of services provided in accordance with the provisions of Section 57384(b).

g. In accordance with Section 57385, all roads and highways or portions thereof within the subject territory, which had been accepted into the County road system prior to the adoption of the resolution of application, shall become city streets on the effective date of incorporation.

h. Notwithstanding subdivision (b) of Section 57385, all roads accepted into the county road system subsequent to the adoption of the resolution of application and prior to the effective date of incorporation shall become city streets on the effective date of incorporation.

i. In accordance with Government Code Sections 56886(t), the City shall have the authority to continue the levying and collection of any previously authorized charge, fee, assessment or general or special tax levied within the subject territory by the County or other subject agency, including, but not limited to, transient occupancy tax, franchise fees, business license fees, property transfer tax, sales and use tax, and any taxes, assessments, fees or



charges by County Service Areas 33,43,84,86,138,145 and 146.

j. In accordance with Section 56886(u), the authority and responsibility for special assessment districts

associated with the Menifee Valley Landscape Maintenance District and CSAs 33, 43, 80, 84, 86, 138, 145 and 146 shall be transferred to the new city upon incorporation.

k. The County of Riverside shall defend, indemnify, and hold harmless the Riverside County Local Agency Formation Commission ("LAFCO"), its agents, officers, and employees from any claim, action, or proceeding against LAFCO, its agents, officers, and employees to attach, set aside, void, or annul an approval of LAFCO concerning this proposal.

l. In accordance with Government Code Section 56375 (n), waive automatic detachment from County Service Area 152 based upon the following findings:

- i. County Service Area (CSA) 152 is a funding mechanism for the implementation of the National Pollutant Discharge Elimination System (NPDES) emanating from the Federal 1972 Clean Water Act, and re-authorized under the Federal 1987 Clean Water Act.
- ii. Detachment would deprive the area's residents services needed to ensure their health, safety or welfare.
- iii. Waiving detachment will not affect the ability

of the City to provide any service.

m. At the earliest possible time after the effective date, the City shall take necessary actions to participate in regional agencies, plans and programs, specifically including Western Riverside Council of Governments, Riverside County Transportation Commission, Multi-Species Habitat Conservation Plan and the Transportation Uniform Mitigation Fee Program.

n. Upon incorporation the City shall cooperate with the City of Canyon Lake on an application to detach sections of Goetz Road and Railroad Canyon Road and associated landscaped right of way from the City of Canyon Lake and annex said territory to the new City.

o. Upon incorporation the City shall assume responsibility for all functions and services currently provided or authorized to provide by County Service Areas 33, 86, 138 and 145.

p. Upon incorporation, the City shall be designated as the successor agency to CSAs 33, 86, 138 and 145 for the purpose of succeeding to all rights, responsibilities, properties (both real and personal), contracts, equipment, assets, liabilities, obligations, functions, executory provisions, entitlements, permits and approvals attributable to the CSAs.

# City of Wildomar

## Findings and Determinations

a. Pursuant to Government Code Section 56720(a), find the reorganization including incorporation of the proposed City of Wildomar is consistent with the intent of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, including but not limited to, the policies of Government Code Sections 56001, 56300, 56301 and 56377, and the policies of the Riverside County Local Agency Formation Commission.

b. The Commission has reviewed the spheres of influence of affected local agencies and finds the reorganization is consistent with those spheres of influence, as amended.

c. Find the Commission has reviewed the comprehensive fiscal analysis prepared pursuant to Section 56800 and the State Controller's report prepared pursuant to Government code Section 56801.

d. Find the Commission has reviewed the Executive Officer's staff report and recommendations prepared pursuant to Government Code Section 56665 and the testimony presented at its public hearings.

e. Find the proposed city is expected to receive revenues sufficient to provide public services and facilities and a reasonable reserve during the first three fiscal years following incorporation.

f. Pursuant to Section 56803, the Commission accepts each of the findings and recommendations in the Executive Officer's report and the comprehensive fiscal analysis prepared pursuant to Government Code Section 56800.

g. Pursuant to Section 56886, determine that existing agencies cannot provide needed services in a more efficient and accountable manner. Incorporation will allow for increased local accountability. Contracting services such as police and fire protection will still allow the city to take advantage of economies of scale associated with a large organization, while allowing public service levels and priorities to be established locally.

h. Pursuant to Section 56810, determine the base year property tax to be transferred from the County to the City of Wildomar is \$2,447,523, which is inclusive of \$1,211,201 in property taxes to be transferred from the County General Fund and all Structural Fire Protection property taxes generated within the subject area. The base year amount shall be adjusted by the county auditor to the fiscal year in which the new city receives its initial allocation, in accordance with Revenue and Taxation Code Section 95, et seq.

i. Determine that a provisional appropriations limit of \$13,266,694 is established pursuant to Government Code Section 56812. A permanent appropriations limit will be proposed by the city council and established by the voters of the new city at the first municipal election held following the first full fiscal year of operation.

j. Pursuant to Section 56815, determine that the amount of revenue transferring from the county to the new city is substantially equal to the cost of services similarly transferred. Furthermore, the calculation required by Section 56815 in the Comprehensive Fiscal Analysis indicates that there is no negative fiscal impact requiring mitigation.

k. The name of the city shall be the City of Wildomar.

l. The City shall be incorporated as a general law city.

m. The City shall be governed by a five-member city council elected at large.

n. The City shall have the City Manager form of government with a five member city council elected at large at the same election as the incorporation question.

o. The city council shall appoint a city manager, who shall appoint a city clerk and city treasurer.

p. The question of incorporation, all related boundary changes, and all terms and conditions shall be presented as one question on the ballot and in accordance with Sections 57133 and 57134.

q. Pursuant to Section 57118, the election shall be held within the entire territory proposed to be reorganized.

r. Pursuant to Section 57116, the election to confirm the question of incorporation shall also present the question of whether members of the city council in future elections shall be elected by district or at large.

s. Determine the proposed reorganization is legally inhabited.

t. The reasons for the proposed reorganization include the following:

- Increased local control over planning, public service provision and infrastructure
- Locally accountable government for the community
- Preserve the community's identity, environment and heritage
- Retain local revenues for benefit in the community
- Provide the community a greater voice and promote increased citizen participation

u. The regular county assessment roll shall be utilized.

v. The affected territory will not be taxed for any existing bonded indebtedness of any agency whose boundaries are changed as a result of this reorganization. Any existing bonded indebtedness of the County or any other affected agency whose boundaries are not changed shall remain in effect.

w. A simple majority of votes cast shall determine the outcome of the election.

### **Terms and Conditions:**

a. The effective date of the incorporation shall be July 1, 2008.

b. The election and terms of office for members of the City Council shall be subject to Government Code Sections 57377-57379, inclusive.

c. Except for the local parks previously owned by the former Ortega Trail Recreation and Park District, the disposition of public facilities, land and fees shall be subject to negotiation between the County of Riverside and the new City. The aforementioned parks located within the incorporation boundaries shall be transferred to the new city upon incorporation.

d. The County shall provide an annual revenue augmentation to the City consistent with its action taken on July 31, 2007, as reflected in the Comprehensive Fiscal Analysis.

e. Pursuant to Government Code Section 57376, the City Council shall, immediately following its organization and prior to performing any other official act, adopt an ordinance providing that all County ordinances previously applicable shall remain in full force and effect as City ordinances for a period of 120 days thereafter, or until the City Council has enacted ordinances superseding them, whichever shall occur first. Enforcement of continuing County ordinances in the incorporated area shall be with the City, except insofar as enforcement services are furnished in accordance with Government Code Section 57384.

f. Pursuant to Section 57384, the County of Riverside shall continue to furnish all services provided to the area prior to incorporation. Such services shall be furnished for the remainder of the fiscal year during which the incorporation becomes effective or until the City Council requests discontinuance of the services, whichever occurs first. The new City shall be obligated to reimburse the County Riverside for the net cost of services provided in accordance with the provisions of Section 57384(b).

g. In accordance with Section 57385, all roads and highways or portions thereof within the subject territory, which had been accepted into the County road system prior to the adoption of the resolution of application, shall become city streets on the effective date of incorporation.

h. Notwithstanding subdivision (b) of Section 57385, all roads accepted into the county road system subsequent to the adoption of the resolution of application and prior to the effective date of incorporation shall become city streets on the effective date of incorporation.

i. In accordance with Government Code Sections 56886(t), the City shall have the authority to continue the levying and collection of any previously authorized charge, fee, assessment or general or special tax levied within the subject territory by the County or other subject agency, including, but not limited to, transient occupancy tax, franchise fees, business license fees, property transfer tax, sales and use tax, and any taxes, assessments, fees or charges by County Service Areas 22, 103 and 142.

j. In accordance with Section 56886(u), the authority and responsibility for special assessment districts associated with the Wildomar Parks Landscape Maintenance District and CSAs 22, 103 and 142 shall be transferred to the new city upon incorporation.

k. The County of Riverside shall defend, indemnify, and hold harmless the Riverside County Local Agency Formation Commission ("LAFCO"), its agents, officers, and employees from any claim, action, or proceeding against LAFCO, its agents, officers, and employees to attach, set aside, void, or annul an approval of LAFCO concerning this proposal.

l. In accordance with Government Code Section 56375 (n), waive automatic detachment from County Service Area 152 based upon the following findings:

- i. County Service Area (CSA) 152 is a funding mechanism for the implementation of the National Pollutant Discharge Elimination System (NPDES) emanating from the Federal 1972 Clean Water Act, and re-authorized under the Federal 1987 Clean Water Act.
- ii. Detachment would deprive the area's residents services needed to ensure their health, safety or welfare.
- iii. Waiving detachment will not affect the ability of the City to provide any service.

m. At the earliest possible time after the effective date, the City shall take necessary actions to participate in regional agencies, plans and programs, specifically including Western Riverside Council of Governments, Riverside County Transportation Commission, Multi-Species Habitat Conservation Plan and the Transportation Uniform Mitigation Fee Program.