CITY OF RIVERBANK
CITY COUNCIL MEETING
City Hall Council Chambers
6707 Third Street • Riverbank • CA 95367

choose civility

AGENDA

MONDAY, SEPTEMBER 10, 2012 – 6:00 P.M.

CALL TO ORDER: Mayor Virginia Madueño

FLAG SALUTE: Mayor Virginia Madueño

INVOCATION: Riverbank Ministerial Association

ROLL CALL: Mayor Virginia Madueño
Vice Mayor Dotty Nygard
Councilmember Richard O'Brien
Councilmember Jeanine Tucker
Councilmember Jesse James White

*** TO JOIN THE NATION ON PATRIOT DAY IN REMEMBRANCE OF OUR FALLEN CIVILIAN HEROS, FIRST RESPONDERS, MILITARY HEROS, AND VICTIMS OF THE TRAGIC EVENT OF SEPTEMBER 11TH, WE WILL TAKE A MOMENT OF SILENCE IN THEIR HONOR. ***

CONFLICT OF INTEREST
Declaration by Council Members and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered.

1. PRESENTATIONS

Item 1.1: **Proclamation Declaring September 19, 2012 as National Day of "It Can Wait - No Text While Driving"** – It is recommended that the City Council proclaim September 19, 2012 as National Day of "It Can Wait – No Text While Driving" and present the proclamation to a representative of AT&T.

Item 1.2: **Summer 2012 Recreation Program Highlights** – It is recommended that the City Council receive the presentation.

2. PUBLIC COMMENTS (No Action Can Be Taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time. Time cannot be yielded to another person. Under State Law, matters presented under this item cannot be discussed or acted upon at this time by the City Council. The public will be invited to make comments on agenda items when the item comes up for Council consideration. For Closed Session items, the public will be invited to make comments before the meeting is recessed to Closed Session. For record purposes, you must step up to the podium, state your name, and speak into the microphone when addressing the City Council.

3. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council unless otherwise requested by an individual Councilmember for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 3.A: Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 3.B: Approval of the August 27, 2012, Regular City Council Meeting Minutes.

Item 3.C: Approval of Warrant Registers for 08/23/2012 and 08/30/2012.

Recommendation: It is recommended that City Council approve the Consent Calendar items by roll call vote.

4. UNFINISHED BUSINESS

None

5. PUBLIC HEARINGS

Item 5.1: **Resolution to Establish, Amend, or Authorize Fees for the City of Riverbank Recreation Programs and Facility Use** – It is recommended that City Council open the public hearing, receive comments, close the public hearing and adopt the Resolution by roll call vote.

6. NEW BUSINESS

Item 6.1: **Fee Waiver Request from the Riverbank Sister City Committee for a Multicultural Parade and Festival** – It is recommended that the City Council review the fee wavier request and provide direction to staff.

Item 6.2: **Response to the Findings of the 2012 Stanislaus County Civil Grand Jury** – It is recommended that the City Council review and approve the submittal of the attached responses to the 2011-2012 Stanislaus County Civil Grand Jury Report.

*****RECESS THE CITY COUNCIL MEETING TO THE LOCAL REDEVELOPMENT AUTHORITY MEETING*****

*****RECONVENE THE CITY COUNCIL MEETING*****

7. COMMENTS

Item 7.1: Staff Comments: (Information Only – No Action)

Item 7.2: Council Comments: (Information Only – No Action)

Item 7.3: Mayor's Comments: (Information Only – No Action)

8. CLOSED SESSION

Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to Government Code § 54956.9(a)
Name of Case: Barham Construction, Inc. v. City of Riverbank
Court of Appeals of California, Fifth District
Case No. F058692 and Case No. F059499

Recommendation: Council to give direction to Staff.

Item 9.1: Report from Closed Session Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

ADJOURNMENT

UPCOMING EVENTS:

September 11 (Tuesday)	▪ **<u>Patriots Day – War Memorial Wall Dedication:</u> Riverbank fallen Veterans will be honored with the unveiling of plagues at 5:30 p.m., in front of the Community Center; hosted by the Riverbank City Council.**
September	▪ **<u>Parks and Recreation Fall Programs</u>: Various classes and events are scheduled for the fall season. Pick up an activity guide at city offices or call 863-7150 or visit www.riverbank.org.**
September 22 (Saturday)	▪ **<u>Board Blast and Teen Fest Event:</u> Call 863-7150 for more information.**
October 11 (Thursday)	▪ **<u>Riverbank Community Candidates' Forum:</u> Candidates for the Mayoral seat and the (2) Councilmember seats will present themselves and answer questions from the public at the Riverbank Community Center from 6:00 – 8:00 pm.**
October 22 (Monday)	▪ **<u>Last day to register to vote</u>: Visit www.stanvote.com or obtain a registration form from the City Clerk's Office.**
November 6 (Tuesday)	▪ **<u>Election Day</u>: Polling sites are open from 7:00 a.m. to 8:00 p.m. Visit www.stanvote.com to find your polling place or contact the City Clerk's office.** *Your vote decides Riverbank's future!*
Open until filled	▪ **<u>Budget Advisory Committee Vacancy</u> – Interested in serving on the Committee, obtain an application at City Hall South, at www.riverbank.org, or contact Marisela Hernandez at 863-7110.**

AFFIDAVIT OF POSTING
I hereby certify under penalty of perjury, under the laws of the State of California, that the foregoing agenda was posted on the City Hall bulletin board 72 hours prior to the meeting. Dated this 6th day of September, 2012 Annabelle Aguilar, CMC, Acting City Clerk

Notice Regarding Americans with Disabilities Act:

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 at (209) 863-7122. Notification 48-hours before 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].

Notice Regarding Non-English Speakers:

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Riverbank City Council shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

General Information:	The Riverbank City Council meets in the Council Chambers on the second and fourth Mondays of each month at 6:00 p.m., and at 12:00 Noon for every first meeting of the month of each quarter (January, April, July, and October); unless otherwise noticed.
Council Agendas:	The City Council agenda is now available for public review at the City's website at www.riverbank.org and City Clerk's Office, 6707 Third Street, Riverbank, California on the Friday, prior to the scheduled meeting. Copies and/or subscriptions can be purchased for a nominal fee through the City Clerk's Office.
Public Hearings:	In general, a public hearing is an open consideration within a regular meeting of the City Council, for which special notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present protests or offer support for the subject under consideration.
Questions:	Contact the City Clerk at (209) 863-7122 or aaguilar@riverbank.org

Any documents produced by the City and distributed to a majority of the City Council regarding any item on this agenda will be made available at the City Clerk's counter at City Hall located at 6707 Third Street, Riverbank, CA

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.1

SECTION 1: PRESENTATIONS

Meeting Date:	May 14, 2012
Subject/ Title:	Proclamation Declaring September 19, 2012 as National Day of "It Can Wait - No Text While Driving"
From:	Jill Anderson, City Manager
Submitted by:	Luanne Bain, Administrative Assistant

RECOMMENDATION

It is recommended that the City Council proclaim September 19, 2012 as National Day of "It Can Wait – No Text While Driving" and present the proclamation to a representative of AT&T.

SUMMARY

AT&T is launching a nationwide campaign in an effort to help stop texting while driving. Studies have shown that over 100,000 injury accidents are caused each year due to drivers who are texting at the time of the accident. AT&T is asking all Americans – young & old – to take the never-text-and-drive pledge which means they are committing to not writing messages, checking emails, or watching videos while driving; and to encourage others to do the same.

Visit "It Can Wait" at http://www.itcanwait.org

FINANCIAL IMPACT

No financial impact to City.

ATTACHMENTS

1. Proclamation.

CITY OF RIVERBANK
PROCLAMATION

A Proclamation of the City Council of the City of Riverbank Declaring September 19, 2012, as National Day of It Can Wait - No Text While Driving.

Whereas, the dangers of texting while driving are well-known but often ignored; and

Whereas, on July 1, 2009, the State of California banned texting while driving in an effort to reduce accidents caused by cell phone usage; and

Whereas, people who text are 23 times more likely to be in an accident; and

Whereas, over 100,000 automobile accidents with injuries, occur each year because of drivers who are texting; and

Whereas, 75% of teenagers say that texting while driving is common among their friends; and

Whereas, AT&T is launching a nationwide “It Can Wait” campaign to urge Americans to stop texting while behind the wheel; and

Whereas, the campaign will reach out to drivers of all ages asking them to commit to a lifelong pledge of text-less driving; and

Whereas, simply put, “No Text Is Worth the Risk. It Can Wait.”

Now, Therefore, the City Council of the City of Riverbank does hereby proclaim that September 19, 2012, is the National Day of “It Can Wait - No Texting While Driving”.

September 10, 2012

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Virginia Madueño, Mayor

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.2

SECTION 1: PRESENTATIONS

Meeting Date:	September 10, 2012
Subject/ Title:	Summer 2012 Recreation Program Highlights
From:	Jill Anderson, City Manager
Submitted by:	Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council receive the presentation.

SUMMARY

Sue Fitzpatrick, the Director of Parks and Recreation will give a report on the success of the City's summer recreation programs.

BACKGROUND

The City has expanded recreational programs over the past 10 years. This summer the recreation programs offered were well attended and enjoyed by the community. A powerpoint presentation has been prepared to update the City Council on the success of the summer programs.

FINANCIAL IMPACT

All summer programs were self-sustaining except for the Aquatics program which generally produces revenue to cover 60% of the annual pool operational expenses.

ATTACHMENT

There are no attachments to this report.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.A

SECTION 3: CONSENT CALENDAR

Meeting Date:	September 10, 2012
Subject/ Title:	Waiver of Readings
From:	Jill Anderson, City Manager
Submitted by:	Annabelle Aguilar, CMC, Acting City Clerk

RECOMMENDATION

It is recommended that the City Council approve the waiver of readings of Ordinances and Resolutions, except by title.

SUMMARY

The approval of the waiver of readings will allow Ordinances and Resolutions to be introduced by title only and acted upon without the need to read the entire text of the item into the public record. The documents related to proposed Ordinances and Resolutions are available for review by the public on the City's website and in the City Clerk's office at City Hall (North).

FINANCIAL IMPACT

There is no financial impact.

ATTACHMENTS

There are no attachments to this report.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.B

SECTION 3: CONSENT CALENDAR

Meeting Date:	September 10, 2012
Subject/ Title:	Approval of the August 27, 2012, Regular City Council Minutes
From:	Jill Anderson, City Manager
Submitted by:	Annabelle Aguilar, CMC, Acting City Clerk

RECOMMENDATION:

It is recommended that the City Council approve the Regular City Council meeting minutes as presented.

SUMMARY:

The draft minutes of the August 27, 2012, regular City Council meeting have been prepared for the City Council's review and approval.

FINANCIAL IMPACT:

There is no financial impact.

ATTACHMENT:

1. August 27, 2012, Minutes

CITY OF RIVERBANK
CITY COUNCIL
MINUTES
MONDAY, AUGUST 27, 2012

choose civility

CALL TO ORDER:

The City Council of the City of Riverbank met this date in a regular session at 6:00 p.m. at the Riverbank City Council Chamber, 6707 Third Street, Riverbank, California with Mayor Madueño presiding.

FLAG SALUTE: ***Mayor Virginia Madueño***

INVOCATION: **None**

ROLL CALL:

Present: ***Mayor Virginia Madueño***

Councilmember Richard O'Brien
Councilmember Jeanine Tucker

Absent: ***Vice Mayor Dotty Nygard***
Councilmember Jesse James White

CONFLICT OF INTEREST
Declaration by Council Members and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered.

Mayor Madueño recused herself from Closed Session Item 8.2 and the consideration of the League of California Cities proposed Resolution on Global Warming in Item 6.5.

1. PRESENTATIONS **None**

2. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken)
At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council. Individual comments will be limited to a **maximum of 5**

minutes per person and each person may speak once during this time. Time cannot be yielded to another person. Under State Law, matters presented under this item cannot be discussed or acted upon at this time by the City Council. The public will be invited to make comments on agenda items when the item comes up for Council consideration. For Closed Session items, the public will be invited to make comments before the meeting is recessed to Closed Session. For record purposes, you must step up to the podium, state your name, and speak into the microphone when addressing the City Council.

Ramon Bermudez objected to the City Attorney's seating at the dais, and mentioned several city locations that needed repairs; requesting staff to address his concerns.

Mike McNolte, NX Security, spoke in reference to the success of his business and the need for continued city assistance and City Council support.

Brenda Cabrera, spoke in reference to the difficulties she was encountering in trying to open a Childcare Center in the city of Riverbank.

3. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council unless otherwise requested by an individual Councilmember for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 3.A: Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 3.B: Approval of the August 13, 2012, Regular City Council Meeting Minutes.

Item 3.C: Approval of Warrant Registers for 08/09/2012 and 08/16/2012 and 07/23/2012 Credit Card Statements.

Item 3.D: Request to Approve Fee Waiver for the Mexican Consulate Visit.

Recommendation: It is recommended that City Council approve the Consent Calendar items by roll call vote.

Councilmember O'Brien inquired about Item 3.D; after further discussion it was clarified that the visit was part of El Concilio's social services program offered to the surrounding communities.

ACTION: *By motion (Tucker / O'Brien / passed 3-0) to approve Consent Calendar Items 3.A through 3.D as presented; motion carried by unanimous roll call vote.*
ABSENT: Vice Mayor Nygard and Councilmember White

4. UNFINISHED BUSINESS **None**

5. PUBLIC HEARINGS **None**

6. NEW BUSINESS

Item 6.1: **Play Streets Program Grant Opportunity** – It is recommended that City Council provide direction to staff regarding the submittal of a grant in partnership with the Community Garden.

Sue Fitzpatrick, Director of Parks and Recreation, presented the staff report and introduced Terri Spezzano, Community Gardens Board Member, who spoke about the grant; discussion ensued.

ACTION: ***By motion (Tucker / O'Brien / passed 3-0) to approve providing a letter of support from the Mayor authorizing the grant submission, and enter into an agreement between the City of Riverbank and For Partnership For A Healthier America, Inc.; subsequently have a Memorandum of Understanding between the City of Riverbank and the Community Garden Board naming the Board as the fiscal agent of the $50,000.00 grant funds; motion carried by unanimous roll call vote.***
ABSENT: Vice Mayor Nygard and Councilmember White

Item 6.2: **Accept Completion of the Remote Pipeline Televising/Inspection Equipment Purchase Project** – It is recommended that City Council accept the Remote Pipeline Televising/Inspection Equipment (RPTE) and authorize staff to file a Notice of Completion.

Jill Anderson, City Manager, presented the staff report; Council requested to receive a six-month update.

ACTION: ***By motion (O'Brien / Tucker / passed 3-0) to accept the Remote Pipeline Televising/Inspection Equipment and authorize staff to file a Notice of Completion as presented; motion carried by unanimous roll call vote.***
ABSENT: Vice Mayor Nygard and Councilmember White

Item 6.3: **Energy Conservation Report –** It is recommended that City Council provide direction regarding future energy conservation efforts.

Sue Fitzpatrick, Director of Parks and Recreation, presented the staff report and PowerPoint; Council and Staff discussed the item.

Public Comment: *Mr. Ramon Bermudez spoke in regards to not addressing the older parts of the city when it comes to modernizing efforts.*

ACTION: *City Council accepted the presentation and directed staff to present information on how the City should move forward in regards to energy conservation efforts.*

Item 6.4: **Presentation of Proposed Energy Audit** – It is recommended that Council receive proposed energy audit and provide direction.

Jill Anderson, City Manager, presented the staff report and introduced Mr. Mark Kindelberger from Schneider Electric who made a presentation on a proposed energy audit.

ACTION: *By motion (Tucker / O'Brien / passed 3-0) to proceed with the energy audit as presented; motion carried by unanimous roll call vote.*
ABSENT: Vice Mayor Nygard and Councilmember White

Item 6.5: **Consideration of the 2012 League of California Cities Annual Conference Resolutions** – It is recommended that City Council consider the five resolutions and determine the City's position to each so that Voting Delegate, Mayor Madueño, or Alternate Delegate, Councilmember O'Brien, can represent the City's position accordingly during the Annual Business meeting portion of the Conference. Staff recommends consideration to support the five resolutions.

Jill Anderson, City Manager, presented the staff report; Council considered each resolution individually.

Mayor Madueño recused herself due to working with the California Air Resources Board and departed from the dais at 7:22 p.m. during consideration of Resolution No. 4, and returned to the dais at 7:26 p.m.

ACTION: *By motion (O'Brien / Tucker / passed 3-0) to have Alternate Voting Delegate, Councilmember O'Brien, support Resolutions 1 and 2; consider the discussion during the Conference meeting on Resolution No. 3; and support Resolution No. 5; no vote to support or oppose Resolution No. 4*

occurred due to a lack of quorum; motion carried by unanimous roll call vote.
ABSENT: Vice Mayor Nygard and Councilmember White

Item 6.6: **Accepting a Dedicated Public Utility Easement in Lieu of Interest Payment at 2808 Patterson Road** – It is recommended that City Council consider accepting the dedicated Public Utility Easement at 2808 Patterson Road in lieu of interest payment resulting from a property lien filed against the property on August 8, 1989.

Jill Anderson, City Manager, presented the staff report. Mr. Jeff Glow, owner of Smooth as Glass, spoke in regards to the purchase of the property and requested waiver of the outstanding interest payment of $3,400 due.

ACTION: *By motion (O'Brien / Tucker / passed 3-0) to accept the dedicated Public Utility Easement at 2808 Patterson Road in lieu of the interest payment($11,611.59) [and original fees ($3,483.00)] resulting from a property lien filed against the property on August 8, 1989.; motion carried by unanimous roll call vote.*
ABSENT: Vice Mayor Nygard and Councilmember White

MAYOR MADUEÑO RECESSED TO THE LOCAL REDEVELOPMENT AUTHORITY MEETING AT 7:37 P.M.

MAYOR MADUEÑO RECONVENED THE CITY COUNCIL MEETING AT 8:05 P.M.

7. COMMENTS

Item 7.1: Staff Comments: (Information Only – No Action)

Jill Anderson, City Manager, spoke in regards to: 1) staff following up with River Cove residents' concerns and a scheduled attendance of a community meeting on September 6th; 2) the County Board of Supervisors considering the City's request for the extension of the ED bank loan on September 11th; 3) working out a plan on resolving the Housing Authority assessments that are due; and 4) the status on the maintenance of the City's parks and addressing the lack of availability of AWP workers to perform the maintenance.

Item 7.2: Council Comments: (Information Only – No Action)

Councilmember Tucker spoke in regards to: comments made earlier by Mr. Bermudez and obtaining a report of lighting needs in the older parts of the City and how it could be addressed; and 2) supporting and retaining businesses.

Councilmember O'Brien spoke in regards to: 1) appreciation of receiving the energy efficiency report; 2) looking into return on investment with the older energy project needs; 3) looking into future capital generating projects such as a hybrid system and larger solar projects by leasing property, solar tubes versus solar panels and being cognizant that it's made in America.

Item 7.3: Mayor's Comments: (Information Only – No Action)

Mayor Madueño spoke in regards to: 1) an update that the City Council will be receiving on the North County Corridor Project; 2) commending Sue Fitzpatrick, Director of Parks and Recreation, and Police Chief Bill Pooley for coordinating the meeting for the River Cove community; 3) media outlet, Good Day Sacramento's visit to Riverbank to recognize the Riverbank Community Garden and promoting the Heal City's Resolution, a Healthy Eating Active Community; and 4) City Council providing support to businesses that want to come to Riverbank and those that are already here and expressing appreciation for their partnership with the City.

MAYOR MADUEÑO ANNOUNCED THE CLOSED SESSION ITEMS AND HER RECUSAL FROM ITEM 8.2 AND RECESSED TO CLOSED SESSION AT 8:16 P.M.

8. CLOSED SESSION

Item 8.1: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Pursuant to Government Code Section 54956.8
Property: 3231 Santa Fe Street and 3233 Santa Fe Street
Agency Negotiator: Jill Anderson, City Manager
Property Negotiator: 1) German Chavez, Antigua; and 2) Bill McLimans, San Joaquin Toy Train Operators; and 3) Paulette Roberson, the Historical Society
Under negotiation: Price and Terms of Payment

Item 8.2: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to Government Code § 54956.9(a)
Name of Case: Andria Allen and Frances Allen v. City of Riverbank
Stanislaus Court Case No. 670739

Item 8.3: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to Government Code § 54956.9(a)
Name of Case: City of Riverbank v. County of Tuolumne, Jack and Tricia Gardella, and Resources Exploration and Drilling, LLC, *Real Parties in Interest.*
Sacramento County Superior Court No. 34-2011-80000950

Recommendation: It is recommended that City Council give direction to Staff on the Closed Session item.

MAYOR MADUEÑO RECOVENED THE CITY COUNCIL MEETING AT 8:35 P.M. AND REPORTED OUT.

9. REPORT FROM CLOSED SESSION

Item 9.1: Report from Closed Session Item 8.1: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

ACTION: *Direction was given to staff.*

Item 9.2: Report from Closed Session Item 8.2: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

No action; this item was not considered.

Item 9.3: Report from Closed Session Item 8.3: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

This matter would be reagendized after Tuolumne County takes action September 4th.

ADJOURNMENT

There being no further business, Mayor Madueño adjourned the meeting at 8:37 p.m.

ATTEST: **APPROVED:**

______________________________ ______________________________

Annabelle Aguilar, CMC
Acting City Clerk

Virginia Madueño
Mayor

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.C

SECTION 3: CONSENT CALENDAR

Meeting Date:	September 10, 2012
Subject/ Title:	Approval of Warrant Registers for 08/23/2012 and 08/30/2012
From:	Jill Anderson, City Manager
Submitted by:	Marisela Hernandez, Finance Director

RECOMMENDATION

It is recommended that the City Council approve the warrant registers by roll call vote.

SUMMARY

The warrant registers presented to the City Council are a listing of all expenditures paid. Major expenditures presented on the warrant registers include the following:

08/23/2012 Warrant

Vendor	Funding Source	Amount
Alejandro M. Aguilar: Sister City Event Reimbursement: Funded via donations received for the Sister City Committee	Sister City Donations	$3,436.90
Alliance: Annual assistance	General Fund	$3,170.00
DL White Law Group: Legal Fees for Continuing Matters	General Fund	$30,025.67
R.S. Technical Service: Payment #1 for purchase of Video Assessment Equipment	Sys. Dev Fee Loan to Sewer	$146,819.15

08/30/2012 Warrant

Vendor	Funding Source	Amount
Designs by Karen: Floral Arrangement for Sick Employee	General Fund	$75.00
CWP: Gate Valve Installation on Jackson Ave. & Water Meter Installation at Castleburg Park.	Water & Water Connection	$27,500

FINANCIAL IMPACT

There are various reductions in funds for payments of expenses.

ATTACHMENTS

1. Warrant Registers: 08/23/2012 and 08/30/2012

CHECK #	GL NUMBER	VENDOR #	VENDOR NAME	DESCRIPTION	Time:	AMOUNT
38003	101-403.000-709.001	105028	AGUILAR/ALEJANDRO M.//	SISTER CITY EVENT		3,436.90
						3,436.90
38004	197-439.000-704.021	88025	A & A PORTABLES INC.	PORTABLE RESTROOMS		49.74
						49.74
38005	101-405.000-702.034	100353	ALLIANCE	ANNUAL INVESTMENT		3,171.00
						3,171.00
38006	101-401.000-703.025	01115	ALPHA NUMERIC	COPY COUNT		17.93
38006	101-402.000-703.025	01115	ALPHA NUMERIC	COPY COUNT		3.36
38006	101-403.000-703.025	01115	ALPHA NUMERIC	COPY COUNT		32.98
38006	101-405.000-703.025	01115	ALPHA NUMERIC	COPY COUNT		3.85
38006	101-408.000-703.025	01115	ALPHA NUMERIC	COPY COUNT		15.57
38006	101-412.000-703.025	01115	ALPHA NUMERIC	COPY COUNT		0.51
38006	101-403.000-703.025	01115	ALPHA NUMERIC	COPY COUNT		0.01
38006	134-459.000-702.031	01115	ALPHA NUMERIC	COPY COUNT		3.99
38006	197-439.000-702.053	01115	ALPHA NUMERIC	COPY COUNT		0.01
38006	125-448.000-703.025	01115	ALPHA NUMERIC	COPY COUNT		3.51
						81.72
38007	101-412.000-703.063	22050	ARC	VACTOR PUMP STATION		627.33
						627.33
38008	106-424.000-706.026	99450	ARROWHEAD	BOTTLED WATER		130.13
38008	197-439.000-704.021	99450	ARROWHEAD	BOTTLED WATER		78.27
						208.40
38009	101-405.000-704.022	99815	AT&T-CALNET 2	COMMUNICATIONS		92.27
38009	125-448.000-704.022	99815	AT&T-CALNET 2	COMMUNICATIONS		30.76
38009	101-407.000-704.022	99815	AT&T-CALNET 2	COMMUNICATIONS		246.05
38009	101-409.000-704.022	99815	AT&T-CALNET 2	COMMUNICATIONS		215.29
38009	101-412.000-704.022	99815	AT&T-CALNET 2	COMMUNICATIONS		61.51
38009	101-414.000-704.022	99815	AT&T-CALNET 2	COMMUNICATIONS		30.76
38009	134-459.000-704.022	99815	AT&T-CALNET 2	COMMUNICATIONS		61.51
38009	106-423.000-704.022	99815	AT&T-CALNET 2	COMMUNICATIONS		61.51
38009	119-442.000-704.022	99815	AT&T-CALNET 2	COMMUNICATIONS		30.76

CHECK #	GL NUMBER	VENDOR #	VENDOR NAME	DESCRIPTION	Time: AMOUNT
					830.42
38010	201-000.000-200.080	100550	BLUE SHIELD OF CALIFORNI	HEALTH INSURANCE	29,581.50
					29,581.50
38011	118-000.000-675.090	105029	CALBREATH/BRANDA//	PARK RENTAL REFUND	100.00
					100.00
38012	101-412.000-704.021	102990	CHARTER COMMUNICATION	COMMUNICATIONS - PW	12.48
38012	101-403.000-702.032	102990	CHARTER COMMUNICATION	COMMUNICATIONS	49.33
38012	101-408.000-706.026	102990	CHARTER COMMUNICATION	COMMUNICATIONS	49.33
38012	101-402.000-703.025	102990	CHARTER COMMUNICATION	COMMUNICATIONS	49.33
					160.47
38013	101-412.000-709.001	11091	CITY OF RIVERBANK #2	REPAY TRANSFER OVERAGE	44.16
					44.16
38014	101-412.000-706.037	99937	CLEEK/KATHLEEN//	TRAVEL ALLOWANCE	198.00
					198.00
38015	101-401.000-702.031	95220	DE LAGE LANDEN FINANCIA	COPIER LEASE	194.37
38015	101-402.000-702.031	95220	DE LAGE LANDEN FINANCIA	COPIER LEASE	36.41
38015	101-403.000-702.031	95220	DE LAGE LANDEN FINANCIA	COPIER LEASE	214.93
38015	101-405.000-702.031	95220	DE LAGE LANDEN FINANCIA	COPIER LEASE	25.12
38015	125-448.000-703.025	95220	DE LAGE LANDEN FINANCIA	COPIER LEASE	22.75
38015	101-408.000-702.031	95220	DE LAGE LANDEN FINANCIA	COPIER LEASE	167.13
38015	101-412.000-702.031	95220	DE LAGE LANDEN FINANCIA	COPIER LEASE	5.57
38015	101-403.000-703.025	95220	DE LAGE LANDEN FINANCIA	COPIER LEASE	0.04
38015	197-439.000-702.053	95220	DE LAGE LANDEN FINANCIA	COPIER LEASE	0.08
38015	134-459.000-702.031	95220	DE LAGE LANDEN FINANCIA	COPIER LEASE	43.28
					709.68
38016	101-404.000-702.033	104609	DL WHITE LAW GROUP	LEGAL SERVICES	30,025.67
38016	197-439.000-702.032	104609	DL WHITE LAW GROUP	LEGAL SERVICES - LRA	145.70
					30,171.37
38017	119-442.000-705.041	104435	E.R. VINE & SONS, INC.	VEHICLE FUEL	2,659.94
					2,659.94

CHECK #	GL NUMBER	VENDOR #	VENDOR NAME	DESCRIPTION	Time:	AMOUNT
38018	197-439.000-706.029	13010	FAR WEST	WATER SAMPLES - LRA		390.00
						390.00
38019	197-439.000-702.063	104543	GEIL ENTERPRISES, INC.	SECURITY SERVICE		13,033.44
						13,033.44
38020	197-439.000-704.021	17801	GILTON SOLID WASTE MGMT	BIN SERVICE - LRA		93.02
						93.02
38021	106-424.000-706.050	100164	GRAINGER	SAFETY EQUIPMENT		187.69
38021	106-424.000-703.049	100164	GRAINGER	CHEMICALS		77.23
38021	106-424.000-706.029	100164	GRAINGER	BUILDING MAINTENANCE		72.76
38021	119-442.000-706.050	100164	GRAINGER	SAFETY EQUIPMENT		80.57
38021	119-442.000-705.040	100164	GRAINGER	VEHICLE MAINTENANCE		5.76
						424.01
38022	175-590.000-706.029	99588	GROVER LANDSCAPE SERV	LANDSCAPE MAINTENANCE		1,367.50
						1,367.50
38023	197-439.000-704.021	104288	HETCH HETCHY WATER & P	UTILITIES - LRA		24,824.08
						24,824.08
38024	101-405.000-706.037	100447	HIGHTOWER/JEFFREY D.//	TRAVEL ALLOWANCE		198.00
						198.00
38025	106-424.000-706.029	100312	HOME DEPOT CREDIT SERVI	BUILDING MAINTENANCE		939.46
38025	197-439.000-706.029	100312	HOME DEPOT CREDIT SERVI	BUILDING MAINTENANCE		2,840.07
						3,779.53
38026	101-412.000-706.036	105030	IMSA BILLING OFFICE	MEMBERSHIP DUES		190.00
						190.00
38027	119-442.000-705.040	10110	INDUSTRIAL COMMUNICATIO	VEHICLE MAINTENANCE		483.83
						483.83
38028	151-477.000-707.101	104440	INTERWEST CONSULTING GR	CONSULTING SERVICES		227.50
						227.50
38029	138-461.000-707.003	105032	KNIGHT/JOHN//	REIMBURSEMENT		123.54
						123.54

CHECK #	GL NUMBER	VENDOR #	VENDOR NAME	DESCRIPTION	Time: AMOUNT
38030	198-439.500-702.032	103353	KUTAK ROCK LLP	LEGAL SERVICES - LRA	4,817.20
					4,817.20
38031	118-000.000-672.005	105031	LINDZY/MARY//	DEPOSIT REFUND	100.00
					100.00
38032	173-590.000-704.021	32627	MID	UTILITIES	105.17
38032	220-590.000-704.021	32627	MID	UTILITIES	31.76
38032	119-442.000-704.021	32627	MID	UTILITIES	119.47
38032	114-433.000-704.021	32627	MID	UTILITIES	2,631.87
38032	220-590.000-704.021	32627	MID	UTILITIES	159.31
38032	101-412.000-704.021	32627	MID	UTILITIES	359.91
38032	101-407.000-704.021	32627	MID	UTILITIES	802.18
38032	102-418.000-704.021	32627	MID	UTILITIES	54.61
38032	119-442.000-704.021	32627	MID	UTILITIES	1,687.67
38032	171-590.000-704.021	32627	MID	UTILITIES	15.88
38032	173-590.000-704.021	32627	MID	UTILITIES	169.90
38032	220-590.000-704.021	32627	MID	UTILITIES	3,477.23
38032	223-590.000-704.021	32627	MID	UTILITIES	24.28
					9,639.24
38033	124-450.000-707.002	104592	NORTH STAR ENGINEERING G	VACTOR TRUCK DUMP STA	2,290.34
					2,290.34
38034	198-439.500-706.037	103187	OLSON/DEBBIE//	TRAVEL REIMBURSEMENT	100.67
38034	197-439.000-702.053	103187	OLSON/DEBBIE//	TRAVEL REIMBURSEMENT	22.61
38034	198-439.500-706.037	103187	OLSON/DEBBIE//	TRAVEL REIMBURSEMENT	659.86
					783.14
38035	106-424.000-704.021	39021	PACIFIC GAS & ELECTRIC	UTILITIES	197.77
38035	101-414.000-704.021	39021	PACIFIC GAS & ELECTRIC	UTILITIES	4.58
38035	102-418.000-704.021	39021	PACIFIC GAS & ELECTRIC	UTILITIES	268.77
38035	114-433.000-704.021	39021	PACIFIC GAS & ELECTRIC	UTILITIES	9,365.25
38035	118-441.000-704.021	39021	PACIFIC GAS & ELECTRIC	UTILITIES	327.67
38035	102-418.000-704.021	39021	PACIFIC GAS & ELECTRIC	UTILITIES	47.29
38035	102-418.000-704.021	39021	PACIFIC GAS & ELECTRIC	UTILITIES	9.53

CHECK #	GL NUMBER	VENDOR #	VENDOR NAME	DESCRIPTION	Time:	AMOUNT
38035	102-418.000-704.021	39021	PACIFIC GAS & ELECTRIC	UTILITIES		9.53
38035	102-418.000-704.021	39021	PACIFIC GAS & ELECTRIC	UTILITIES		20.23
38035	119-442.000-704.021	39021	PACIFIC GAS & ELECTRIC	UTILITIES		297.16
						10,547.78
38036	101-000.000-600.090	40725	PACIFIC PLAN REVIEW	PLAN CHECK FEE		600.00
38036	101-000.000-600.090	40725	PACIFIC PLAN REVIEW	PLAN CHECK FEE		150.00
38036	101-000.000-600.090	40725	PACIFIC PLAN REVIEW	PLAN CHECK FEE		150.00
38036	101-000.000-600.090	40725	PACIFIC PLAN REVIEW	PLAN CHECK FEE		187.50
38036	101-000.000-600.090	40725	PACIFIC PLAN REVIEW	PLAN CHECK FEE		337.50
38036	101-000.000-600.090	40725	PACIFIC PLAN REVIEW	PLAN CHECK FEE		336.35
						1,761.35
38037	101-414.000-706.038	100971	PAPA	EDUCATION & TRAINING		80.00
38037	101-414.000-706.038	100971	PAPA	EDUCATION & TRAINING		80.00
						160.00
38038	197-439.000-702.032	45073	PETTY CASH	LRA		40.69
						40.69
38039	106-000.000-200.175	10170	R.S. TECHNICAL SERVICES IN	BUILDING MAINTENANCE		1,334.00
38039	106-000.000-200.175	10170	R.S. TECHNICAL SERVICES IN	BUILDING MAINTENANCE		1,334.00
38039	114-000.000-200.175	10170	R.S. TECHNICAL SERVICES IN	BUILDING MAINTENANCE		1,334.00
38039	106-423.000-707.003	10170	R.S. TECHNICAL SERVICES IN	BUILDING MAINTENANCE		142,817.15
						146,819.15
38040	118-000.000-200.150	105033	REINHARDT/STEPHANIE//	DEPOSIT REFUND		700.00
						700.00
38041	102-418.000-706.037	105034	RIDDELL/MICHAEL//	TRAVEL ALLOWANCE		198.00
						198.00
38042	114-000.000-200.171	103071	ROCA/AUGUSTINE//	DEPOSIT REFUND		52.90
						52.90
38043	114-000.000-200.170	50010	STAGNO/ROBIN//	OVERPAYMENT REFUND		10.52
						10.52
38044	101-401.000-706.036	71004	STANCOG	FY 2012/13 DUES		882.00

CHECK #	GL NUMBER	VENDOR #	VENDOR NAME	DESCRIPTION	Time: AMOUNT
					882.00
38045	101-409.000-702.034	102745	STANISLAUS CO. SHERIFF'S D	VEHICLE MILEAGE - JULY 2	10,201.82
					10,201.82
38046	201-000.000-200.082	1000039	STANISLAUS FOUNDATION	DENTAL LIABILITY	1,804.00
					1,804.00
38047	101-408.000-703.025	12015	STAPLES CREDIT PLAN	OFFICE SUPPLIES	26.60
38047	134-459.000-703.025	12015	STAPLES CREDIT PLAN	OFFICE SUPPLIES	25.29
38047	101-414.000-706.029	12015	STAPLES CREDIT PLAN	OFFICE SUPPLIES	39.72
38047	106-424.000-703.025	12015	STAPLES CREDIT PLAN	OFFICE SUPPLIES	69.75
38047	101-403.000-703.025	12015	STAPLES CREDIT PLAN	OFFICE SUPPLIES	21.46
38047	106-424.000-703.025	12015	STAPLES CREDIT PLAN	OFFICE SUPPLIES	31.95
38047	101-412.000-703.025	12015	STAPLES CREDIT PLAN	OFFICE SUPPLIES	16.91
38047	114-433.000-703.025	12015	STAPLES CREDIT PLAN	OFFICE SUPPLIES	16.91
38047	106-423.000-703.025	12015	STAPLES CREDIT PLAN	OFFICE SUPPLIES	16.91
38047	106-424.000-703.025	12015	STAPLES CREDIT PLAN	OFFICE SUPPLIES	16.91
38047	114-433.000-706.029	12015	STAPLES CREDIT PLAN	OFFICE SUPPLIES	50.87
38047	106-424.000-702.030	12015	STAPLES CREDIT PLAN	OFFICE SUPPLIES	515.39
38047	197-439.000-702.032	12015	STAPLES CREDIT PLAN	OFFICE SUPPLIES	210.68
					1,059.35
38048	101-439.000-702.043	103004	THE PLANNING CENTER - DC	RIVERBANK SPECIFIC PLAN	535.00
					535.00
38049	101-409.000-702.031	11011	US BANCORP	LANIER COPIER	404.81
38049	213-597.041-702.053	11011	US BANCORP	LANIER COPIER	69.10
38049	118-441.000-706.026	11011	US BANCORP	LANIER COPIER	122.49
38049	101-414.000-702.031	11011	US BANCORP	LANIER COPIER	122.48
					718.88
38050	101-408.000-703.025	99962	WILSON TECHNOLOGIES	TELEPHONE MAINTENANCE	228.85
					228.85
				CHECK RUN TOTAL	**310,515.29**

CHECK #	GL NUMBER	VENDOR #	VENDOR NAME	DESCRIPTION	Time:	AMOUNT
38051	114-433.000-707.003	104635	CWP	EQUIPMENT PROJECT		11,100.00
38051	157-437.000-707.003	104635	CWP	EQUIPMENT PROJECT		16,400.00
						27,500.00
38052	101-000.000-200.170	104272	AECOM INC.	LID STAND. & SPECS		15,432.60
						15,432.60
38053	101-414.000-706.029	105036	ALLENBAUGH SERVICE & RE	BUILDING MAINTENANCE		300.00
						300.00
38054	101-408.000-702.032	60001	AMERICAN LEGAL PUBLISH	CODE OF ORDINANCES		217.79
38054	101-408.000-702.030	60001	AMERICAN LEGAL PUBLISH	CODE OF ORDINANCES		315.00
						532.79
38055	114-433.000-702.032	10026	AMERICAN WATER WORKS A	TRAINING MATERIAL		502.50
						502.50
38056	118-000.000-200.150	105035	APPIANO/DANA//	DEPOSIT REFUND		125.00
						125.00
38057	101-407.000-704.022	99815	AT&T-CALNET 2	COMMUNICATIONS		76.23
38057	101-409.000-704.022	99815	AT&T-CALNET 2	COMMUNICATIONS		21.38
38057	198-439.500-702.053	99815	AT&T-CALNET 2	COMMUNICATIONS - LRA		344.01
						441.62
38058	119-442.000-702.030	100817	BAGLEY ENTERPRISES, INC.	MONTHLY INSPECTION - AU		300.00
						300.00
38059	101-407.000-702.032	103079	BAY ALARM COMPANY	ALARM SERVICES		580.35
38059	114-433.000-702.032	103079	BAY ALARM COMPANY	ALARM SERVICES		160.00
38059	106-423.000-702.032	103079	BAY ALARM COMPANY	ALARM SERVICES		160.00
						900.35
38060	134-000.000-672.000	105037	BENITEZ/WENDY//	DEPOSIT REFUND		70.00
						70.00
38061	101-403.000-702.030	11123	BILLS SAFE & LOCK	BUILDING MAINTENANCE		76.44
38061	101-405.000-702.034	11123	BILLS SAFE & LOCK	BUILDING MAINTENANCE		99.46
						175.90
38062	118-441.000-706.079	105021	BLACK/REBECCA//	LAUNDRY & CELL PHONE ST		70.00

CHECK #	GL NUMBER	VENDOR #	VENDOR NAME	DESCRIPTION	AMOUNT
					70.00
38063	101-407.000-702.030	104761	BLAYLOCK ELECTRIC	EQUIPMENT MAINTENANCE	490.00
					490.00
38064	101-414.000-706.029	100877	CENTRAL SANITARY SUPPL	JANITORIAL SUPPLIES	118.16
38064	101-414.000-706.029	100877	CENTRAL SANITARY SUPPL	JANITORIAL SUPPLIES	81.78
					199.94
38065	101-407.000-702.032	102990	CHARTER COMMUNICATION	COMMUNICATIONS/TEEN CE	79.99
					79.99
38066	101-413.000-702.030	100317	CITY OF MODESTO	TRAFFIC SIGNALS	1,519.41
					1,519.41
38067	101-000.000-200.170	11091	CITY OF RIVERBANK #2	TRANSFER OF FUNDS	1,385.95
					1,385.95
38068	119-442.000-705.040	102446	CNH CAPITAL	VEHICLE MAINTENANCE	54.37
					54.37
38069	114-433.000-702.030	99572	CONLIN SUPPLY CO.	EQUIPMENT MAINTENANCE	58.24
					58.24
38070	177-590.000-707.003	104932	D R ENTERPRISES	BUILDING MAINTENANCE	4,230.00
					4,230.00
38071	118-441.000-702.032	22045	DEPARTMENT OF JUSTICE	FINGERPRINT APPS	160.00
					160.00
38072	101-402.000-703.025	03001	DESIGNS BY KAREN	FLORAL ARRANGEMENT	75.00
					75.00
38073	102-418.000-706.050	103284	FASTENAL COMPANY	SAFETY EQUIPMENT	103.54
38073	114-433.000-706.050	103284	FASTENAL COMPANY	SAFETY EQUIPMENT	103.54
38073	114-433.000-702.030	103284	FASTENAL COMPANY	EQUIPMENT MAINTENANCE	15.87
38073	119-442.000-702.044	103284	FASTENAL COMPANY	CNG MAINTENANCE	34.33
					257.28
38074	101-000.000-600.090	13300	FEDEX	POSTAGE	23.43
					23.43

CHECK #	GL NUMBER	VENDOR #	VENDOR NAME	DESCRIPTION	Time: AMOUNT
38075	102-418.000-706.029	101020	GEORGE REED, INC.	BUILDING MAINTENANCE	163.60
					163.60
38076	151-477.000-707.101	10028	GIULIANI & KULL, INC.	OAKDALE & MORRILL ROAD	680.00
					680.00
38077	114-433.000-702.030	17950	GROENIGER #1423	EQUIPMENT MAINTENANCE	617.07
38077	114-433.000-702.030	17950	GROENIGER #1423	EQUIPMENT MAINTENANCE	115.52
					732.59
38078	101-407.000-706.029	99588	GROVER LANDSCAPE SERV	LANDSCAPE MAINTENANCE	71.34
					71.34
38079	101-404.000-702.032	100808	HALLINAN/TOM//	RETAINER FOR JULY - SEP 2	12,825.00
					12,825.00
38080	101-407.000-706.029	100459	HILLYARD-SACRAMENTO	JANITORIAL SUPPLIES	25.78
38080	102-418.000-706.050	100459	HILLYARD-SACRAMENTO	JANITORIAL SUPPLIES	25.78
38080	114-433.000-706.050	100459	HILLYARD-SACRAMENTO	JANITORIAL SUPPLIES	25.78
38080	106-424.000-706.050	100459	HILLYARD-SACRAMENTO	JANITORIAL SUPPLIES	25.79
					103.13
38081	114-433.000-702.030	19690	HOWK SYSTEMS	EQUIPMENT MAINTENANCE	127.50
					127.50
38082	118-441.000-706.035	104013	HUB INTERNATIONAL INSUR	RENTAL INSURANCE	393.55
					393.55
38083	106-423.000-702.032	95225	INDUSTRIAL ELECTRICAL CO	BUILDING MAINTENANCE	405.00
38083	106-423.000-702.032	95225	INDUSTRIAL ELECTRICAL CO	BUILDING MAINTENANCE	360.00
					765.00
38084	118-000.000-200.150	105038	JACOBS/MALINA//	DEPOSIT RENTAL	700.00
					700.00
38085	101-401.000-706.037	29004	LEAGUE OF CALIFORNIA CI	CONFERENCE REGISTRATIO	525.00
					525.00
38086	220-590.000-704.021	32627	MID	UTILITIES	29.82
38086	173-590.000-704.021	32627	MID	UTILITIES	24.27
38086	173-590.000-704.021	32627	MID	UTILITIES	80.90

CHECK #	GL NUMBER	VENDOR #	VENDOR NAME	DESCRIPTION	Time:	AMOUNT
38086	173-590.000-704.021	32627	MID	UTILITIES		19.59
38086	101-413.000-704.021	32627	MID	UTILITIES		783.80
38086	114-433.000-704.021	32627	MID	UTILITIES		8,686.62
38086	114-433.000-704.021	32627	MID	UTILITIES		217.41
38086	101-414.000-704.021	32627	MID	UTILITIES		262.85
						10,105.26
38087	101-414.000-707.003	99198	MIRACLE RECREATION EQU	BUILDING MAINTENANCE		422.61
38087	101-414.000-707.003	99198	MIRACLE RECREATION EQU	BUILDING MAINTENANCE		95.81
						518.42
38088	101-407.000-706.029	33900	NORMAC	BUILDING MAINTENANCE		461.72
						461.72
38089	101-414.000-706.029	88042	NORQUIST	BUILDING MAINTENANCE		106.25
38089	138-461.000-707.003	88042	NORQUIST	DUCT CLEANING		2,450.00
						2,556.25
38090	101-401.000-706.037	104106	O'BRIEN/RICHARD//	LEAGUE OF CA CITIES		1,596.39
						1,596.39
38091	198-439.500-706.037	103187	OLSON/DEBBIE//	TRAVEL ALLOWANCE		60.00
						60.00
38092	118-441.000-703.066	101123	ONTEL SECURITY SERVICES,	SECURITY SERVICES		584.00
						584.00
38093	197-439.000-704.021	39021	PACIFIC GAS & ELECTRIC	UTILITIES - LRA		7.85
						7.85
38094	114-000.000-200.170	105039	RIVAS/GABRIELA//	OVERPAYMENT REFUND		16.30
						16.30
38095	118-441.000-703.030	103555	SHEWMAKER/RON//	TAI CHI INSTRUCTOR		51.80
						51.80
38096	101-414.000-703.049	95028	SUNRISE ENVIRONMENTAL	CHEMICALS		751.36
						751.36
38097	201-000.000-200.086	104161	THE LINCOLN NATIONAL LI	LIFE INSURANCE		426.85

CHECK #	GL NUMBER	VENDOR #	VENDOR NAME	DESCRIPTION	Time:	AMOUNT
						426.85
38098	119-442.000-706.050	100857	TOMLINSON FIRE PROTECTI	FIRE EXTINGUISHER		401.05
						401.05
38099	114-433.000-702.031	11011	US BANCORP	LANIER COPIER - PW		101.87
38099	101-412.000-702.031	11011	US BANCORP	LANIER COPIER - PW		101.87
38099	106-423.000-702.031	11011	US BANCORP	LANIER COPIER - PW		101.88
38099	198-439.500-702.053	11011	US BANCORP	LANIER COPIER - LRA		254.68
						560.30
38100	201-000.000-200.084	56390	VISION SERVICE PLAN	VISION PREMIUM		826.50
						826.50
				CHECK RUN TOTAL		**90,895.13**

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.1

SECTION 5: PUBLIC HEARING

Meeting Date:	September 10, 2012
Subject/ Title:	Resolution to Establish, Amend, or Authorize Fees for the City of Riverbank Recreation Programs and Facility Use
From:	Jill Anderson, City Manager
Submitted by:	Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that City Council open the public hearing, receive comments, close the public hearing and adopt the Resolution by roll call vote.

SUMMARY

The Fall/Winter 2012-2013 recreation program schedule has been completed and changes the proposed fee schedule are being submitted for City Council consideration. At this time there are no requests to increase fees for current programs or for facility use. The programs for which fees remain the same or continue as non-fee programs are not listed below but will appear in the Fall/Winter Activity guide. Proposed changes to the fee schedule are for new programs, with the exception of the recommendation to discontinue the fee for Teen Center membership. The proposed fee changes are summarized in the following table.

Proposed Fee Adjustments

Program	Prior Year Fee	New Proposed Fee
Tae Kwon Do For Tots		$65 per session Contract 70/30
KidSafe Self Defense		$65 per session Contract 70/30
Cardio Kickboxing		$65 per session Contract 70/30
Intermediate Tennis		$25 per session
Tennis Tournament		$5.00 per player

Zumba Gold		$45 per session Contract 70/30
Teen Center	$25 annual membership fee	Free membership

The decision to recommend discontinuing the $25 annual membership fee for the Teen Center was made after experimenting with the fee for one year. It was observed that the fee was creating some barriers for teens attending the center. The Teen Action Committee will increase their fundraising efforts to assist with supplies, equipment, special events and trips to make up for the loss of the fee.

FINANCIAL IMPACT

The financial impact would be positive and reflected in the 2012-2013 budget predominately within the enterprise fund (#118) as most of these recreational programs are operated as contract classes and designed to be self sustaining or revenue generating. With contract classes the City usually retains 30% of the revenue generated and the instructor retains 70%.

ATTACHMENT

1. Resolution
2. Exhibit A: Fee Table

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK TO ESTABLISH, AMEND, OR AUTHORIZE FEES FOR THE CITY OF RIVERBANK RECREATION PROGRAMS, PARKS AND FACILITY USE

WHEREAS, it is necessary as established in the Riverbank Municipal Code for the proper and effective operation of City Government to establish, amend, or authorize fees for services in order to provide for the financial support of City Government; and

WHEREAS, from time to time, the City Council reviews the fees to ensure that they are adequately supporting the operation of City Government; and

WHEREAS, the foregoing rates in Exhibit A continue and take effect on October 1, 2012 by resolution.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 10th day of September, 2012; motioned by Councilmember ______, seconded by Councilmember ______, and upon roll call was carried by the following vote of ___:

AYES:
NAYS:
ABSENT:
ABSTAIN:

ATTEST:	**APPROVED:**
____________________________	____________________________
Annabelle Aguilar **Acting City Clerk**	**Virginia Madueno** **Mayor**

Attachment: Exhibit A – Fee Table Fall 2012/2013

Exhibit A
City of Riverbank
Fall/Winter 2012-2013 Fees
Parks & Recreation

Fees for New Programs

Program	Prior Year Fee	New Proposed Fee
Tae Kwon Do For Tots		$65 per session Contract 70/30
KidSafe Self Defense		$65 per session Contract 70/30
Cardio Kickboxing		$65 per session Contract 70/30
Intermediate Tennis		$25 per session
Tennis Tournament		$5.00 per player
Zumba Gold		$45 per session Contract 70/30
Teen Center	$25 annual membership fee	Free membership

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date:	September 10, 2012
Subject/ Title:	Fee Waiver Request from the Riverbank Sister City Committee for a Multicultural Parade and Festival
From:	Jill Anderson, City Manager
Submitted by:	Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council review the fee wavier request and provide direction to staff.

SUMMARY

The Sister City Committee will be hosting a Multicultural Day Celebration on September 16, 2012 at the Plaza Del Rio Park and downtown area. The committee is requesting that the City waive $1,141.99 in fees for City services, facility rental, and insurance, which are as follows:

City services:	$	251.99
Plaza Rental:	$	50.00
Insurance:	$	840.00
		$1,141.99

The event will be required to have 4 security guards and 2 sheriffs to patrol the event and monitor the beer garden. The cost for security will be $1,153. The committee has not requested a fee wavier for these services.

BACKGROUND

The Sister City Committee has submitted the special event request application for the Multicultural Day Celebration. The event will held on Sunday September 16, 2012 from 1:00 pm until 7:00 pm. The streets will be closed at Topeka to Stanislaus and partial closure on Santa Fe St. from the Cultural Arts Center to the Museum. There will be a parade that will take place for a 20 minute timeframe on Third Street. The parade will stage at the parking lot on Third Street and turn around at Topeka. The event will have a stage located on Santa Fe and a fenced beer garden at the Plaza.

City Stand-by staff is needed to set out the barricades, move them back from Topeka after the parade and remove them after the event. A Park Aide is required to dump the garbage and handle litter during and after the event downtown and within the Plaza.

It is estimated that 1,000 people will attend this event but those numbers could increase due to the popularity of the bands that are scheduled. A Craig's List advertisement stated the group is expecting 2,000 people. Due to these factors and the beer garden the requirement for security was set by the Sheriff Department.

The Food Vendor that will be at the event does have insurance but that would only provide limited coverage for the City related to the activities of the Food Vendor. This event is a Class III event and insurance is needed to protect the City from liability.

FINANCIAL IMPACT

If the fees are waived for insurance, facility rental and City services, the financial impact to the City will be $1,141.99. This event was not budgeted in the 2012-2013 budget, so any fees waived would affect the general fund and may need to be adjusted at Mid-Year.

As with other community activities, this event is expected to draw people to the downtown, which could help the businesses and contribute to the local economy.

ATTACHMENTS

There are no attachments to this report.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. <u>6.2</u>

SECTION 6: NEW BUSINESS

Meeting Date:	September 10, 2012
Subject:	Response to the Findings of the 2012 Stanislaus County Civil Grand Jury
From:	Tom Hallinan, City Attorney Jill Anderson, City Manager

RECOMMENDATION

It is recommended that the City Council review and approve the submittal of the attached responses to the 2011-2012 Stanislaus County Civil Grand Jury Report.

SUMMARY

The City's letters of reply to the Stanislaus County Civil Grand Jury request for responses to their findings regarding the City of Riverbank System Development Funds and the Stanislaus Consolidated Fire Protection District have been prepared for City Council consideration.

BACKGROUND

Each year the Presiding Judge of the Superior Court of Stanislaus convenes a grand jury to investigate matters of civil concern in the County. The 2011-2012 report includes an overview of the City of Riverbank's System Development Fees and the Stanislaus Consolidated Fire Protection District. The City of Riverbank has been directed to respond to a number of the findings related to these subjects.

Draft letters of response have been prepared to address each of the findings and recommendations that required comment by the City of Riverbank; however, the City does not have governing authority over the Stanislaus Consolidated Fire District, so that letter reflects that Riverbank is not in a position to comment. The two letters are attached for review and comment prior to submittal to the Presiding Judge.

FINANCIAL IMPACT

There is no fiscal impact associated with action on this report.

ATTACHMENTS

The draft letters of response are attached for review, along with the portions of the Grand Jury Report that refer to Riverbank.

Draft

September ___, 2012

The Honorable Ricardo Cordova
Presiding Judge
Superior Court – Stanislaus County
P.O. Box 3488
Modesto, CA 95353

Subject: Response to the Stanislaus County Civil Grand Jury Report

Dear Judge Cordova,

The City of Riverbank has reviewed the findings and recommendations of the 2011-2012 Stanislaus County Grand Jury Report concerning the City of Riverbank System Development Funds and has provided its response below.

RESPONSE TO FINDINGS

F1. City staff has responded to the public with many documents in an attempt to roll forward 25 years of activity in Acct. 145-Overpass, without the benefit of a full and complete financial history. The public is left with the impression that funds have been misappropriated or misused. The City's CPA could have provided a more complete and accurate roll-forward for far less money and time spent.

Respondent agrees that it has responded to the public with many documents in an attempt to roll forward 25 years of activity without the benefit of a complete financial history. Respondent disagrees that anyone other than a few members of the public are left with the impression that funds have been misappropriated or misused. Respondent cannot agree or disagree that its CPA could have provided a more economical and complete roll-forward since many different GASB regulations have been in place over the 25 year period.

F2. The 2011-12 SCCGJ finds that prior to 1999, the lack of proper and basic accounting policies and procedures, the lack of staff understanding of the fundamentals of accounting processes and an inept accounting software conversion all contributed to the Acct.145-Overpass beginning balance cleanup of $296,497 executed in the 1996-1997 financial statements.

Respondent agrees with this finding.

F3. The City of Riverbank continues to achieve an Unqualified (highest status) audit ranking. No internal control findings or recommendations are being reported by the auditors, an indication that appropriate GASB financial policy and procedural standards are being followed.

Respondent agrees with this finding.

F4. The additional revenue posted to Acct.145-Overpass in the years 1998-99, 2001-02 and 2002-03 was proper.

Respondent agrees with this finding.

F5. The total fees collected per Res. 87-68, $397,355 and resulting interest earned over the 25 years has never provided sufficient funds for the City to complete the Overpass Project. Past and current city officials and staff have allowed Acct. 145-Overpass to remain in existence for 25 years without constructing a capital improvement.

Respondent agrees with this finding.

F6. The 2011-12 SCCGJ concludes that the revenues in Acct. 145-Overpass have not been transferred or spent for general fund purposes or to fund other undisclosed projects. However, in 2008-09 the City of Riverbank began utilizing Account 145-Overpass for the Santa Fe Underpass Project. The core purpose (to mitigate the railroad and traffic issue and to connect the East and West sectors of the City) may be the same, however the actual projects are different. This multi-use of funds is not in compliance with AB 1600.

Respondent agrees with this finding.

F7. The City of Riverbank, California Code of Ordinances for Building Regulations related to development fees and projects, established initially in 1967, do not reference and are not in compliance with AB 1600.

Respondent agrees with this finding.

F8. Clearly, there is a need for the City of Riverbank to provide safe access between the East and West ends of town and to overcome the railroad dissection of the City.

Respondent agrees with this finding.

F9. During the January 9, 2012, council meeting, the City Council asked for an opinion from the City Attorney regarding the proper procedures to address the use or disposition of the balance in Acct.145-Overpass. As of June 2012, the Mayor has not received a written opinion.

Respondent agrees with this finding.

F10. Though General and Specific Plans have been approved by the current City Council in open and public meetings a review of the March 20, 2012, Downtown Specific Plan does not tie in the Plan together with the Funds established and collected for the City's SDF projects. Consequently, several sections of AB 1600 appear to be disregarded and or not utilized for 1) full and clear disclosure to the citizens of the city 2) powers granted to the City Council; and 3) responsibilities and action that need to be taken by the City Council.

Respondent agrees that these sections appear to be not fully utilized, while disagreeing that they have been disregarded.

RESPONSE TO RECOMMENDATIONS

R1. The 2011-12 SCCGJ suggests that the City of Riverbank review its need for a Treasurer; finds the creation and assignments of the city's volunteer Finance/Budget Committee is a positive action to involve more members of the public in financial decisions, especially in these tough financial times. However, there are powers, responsibilities and duties granted to a Treasurer that may provide a higher level of over-sight compliance.

Respondent agrees with this recommendation. However, respondent is concerned that this takes what is basically an administrative function and could cause it to become "political."

R2. Obtain the requested opinion from the City Attorney per the City Council request of January 9, 2012. Provide a copy of the opinion to the SCCGJ.

Respondent agrees with this recommendation.

R3. Complete the System Development Report. Insure that the report is in full compliance with AB 1600, and treat the SDF Report as a living document. This document can serve as a current and historical record of the status for each fund/project, creating accountability for city staff, the foundation for adherence to GASB 54, full disclosure to the public along with being a historical document for current and future staff and elected officials.

Respondent agrees with this recommendation.

R4. Provide a copy of this first "catch-up" SDF Report to the SCCGJ by October 29, 2012.

Respondent agrees with this recommendation.

R5. The current City Council is now charged with the responsibility of understanding and correcting the action or lack of performance by prior city officials. A first step is an understanding of AB 1600. This education process should be completed by the Mayor, all City Council members, finance staff, City Manager, Development Services Director, Planning Commission and any other participant in city government responsible for compliance with AB 1600.

Respondent agrees with this recommendation.

R6. The City of Riverbank should review, correct and amend its Code of Ordinances related to Building Regulations for System Development Fee Projects for accuracy and compliance with AB 1600.

Respondent agrees with this recommendation.

R7. AB 1600 requires that the City Council pass by resolution, the SDF Report. The resulting approval or re-approval, of each SDF fund should be included as part of the resolution. The city's financial records should reflect each action.

Respondent agrees with this recommendation.

R8. If the City Council passes a resolution to abandon the East/West Access RR crossing project, obviously, R7 no longer applies and the process of refund should be executed per AB 1600.

Respondent agrees in theory to this recommendation. However, with the passage of time and the lack of a full and complete financial history, this recommendation will be extremely difficult to apply in practice.

R9. Utilize the Finance/Budget Committee to review AB 1600 for the benefit of understanding the fiscal reporting responsibilities for the SDF funds. In addition, the committee can help prepare the city for compliance with GASB 54. Compliance with AB 1600 could reduce audit costs associated with GASB 54. The City's Certified Public Accounting Firm can provide the specifics of GASB 54 requirements as it relates to the City of Riverbank's financial reporting responsibilities.

Respondent agrees with this recommendation.

R10. It is suggested that city staff and the City Council rely heavily on the advice of the City's CPA and City Attorney to guide the city through the approval of each SDF Fund and the amendments to the SDF Fund City Ordinance for compliance with AB 1600 and GASB 54.

Respondent agrees with this recommendation.

If you have any questions regarding the City's response or would like additional information, please contact me at 209-863-7115.

Sincerely,

Tom Hallinan
City Attorney

cc: Jill Anderson, City Manager, City of Riverbank

September __, 2012

The Honorable Ricardo Cordova
Presiding Judge
Superior Court – Stanislaus County
Post Office Box 3488
Modesto, California 95353

RE: Stanislaus County Civil Grand Jury Response – Stanislaus Consolidated Fire Protection District

Dear Judge Cordova,

The City of Riverbank has reviewed the findings and recommendations of the 2011-2012 Stanislaus County Grand Jury Report concerning the Stanislaus Consolidated Fire Protection District.

The Stanislaus Consolidated Fire Protection District is an independent entity for which this responding party, the City of Riverbank, has no governing authority. As such, we lack the information to accurately base any response upon. That being said, as a general matter of equity to our residents, we have no opposition to the Board of Directors becoming an elected body.

If you have any questions regarding the City's response or would like additional information, please contact me at 209-324-6205.

Sincerely,

Thomas P. Hallinan
City Attorney, City of Riverbank

TPH/lb

CC: Jill Anderson, City Manager, City of Riverbank

Stanislaus County
Striving to be the Best

STANISLAUS COUNTY CIVIL GRAND JURY

Post Office Box 3387 • Modesto, California 95353 • (209) 558-7766 • Fax (209) 558-8170

June 27, 2012

CONFIDENTIAL

City Council
City of Riverbank
6707 Third Street
Riverbank, CA 95367

Dear Council Members:

The Civil Grand Jury is providing the Council Members with the attached copy of the portions of the Civil Grand Jury final report relating to the City of Riverbank System Development Funds and the Stanislaus Consolidated Fire Protection District. The Grand Jury is releasing these reports to you, two working days prior to their release to the public. The Penal Code prohibits you from disclosing any contents of the reports prior to their public release (Penal Code Section 933.05 (f)).

Your response to the findings and recommendations in the reports must be submitted to Presiding Judge Ricardo Córdova, Superior Court - Stanislaus County, at P. O. Box 3488, Modesto, CA 95353. We are enclosing guidelines that may be helpful as you prepare your response. Please submit a hard copy of your response along with a copy on a CD in Microsoft Word or PDF format.

Sincerely,

Benny Del Re
Foreperson
2011-2012 Civil Grand Jury

Attached report: 12-16C and 12-17C

Hand delivery

HOW TO RESPOND TO FINDINGS & RECOMMENDATIONS

Responses

The California Penal Code §933(c) specifies both the deadline by which responses shall be made to the Civil Grand Jury Final Report recommendations, and the required content of those responses.

Deadline for Responses

All agencies are directed to respond to the Presiding Judge of the Stanislaus County Superior Court,

- Not later than 90 days after the Civil Grand Jury submits a final report on the operations of a public agency, the governing body of that agency shall respond to the findings and recommendations pertaining to the operations of that agency.
- Not later than 60 days after the Civil Grand Jury submits a final report on the operation of a County agency, the elected head governing that agency shall respond to the findings and recommendations pertaining to the operations of their agency.
- Information copies of responses pertaining to matters under the control of a county officer or agency are to be sent to the Board of Supervisors.
- A copy of all responses to the Civil Grand Jury reports shall be placed on file with the clerk of the public agency and the Office of the County Clerk, or the city clerk when applicable.
- One copy shall be placed on file with the applicable Civil Grand Jury by, and in the control of, the currently impaneled Grand Jury, where it shall be maintained for a minimum of five years.

Content of Responses

For each Civil Grand Jury findings and recommendations, the responding person or entity shall report one of the following actions:

- The respondent agrees with the finding
- The respondent disagrees wholly or partially with finding and shall include an explanation.
- The recommendation has been implemented, with a summary regarding the implemented action.
- The recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation.
- The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame if it is to be implemented later.
- The recommendation will not be implemented because it is unwarranted or unreasonable, with supportive explanation.

2011 – 2012 Stanislaus County Civil Grand Jury
City of Riverbank System Development Funds
(Account 145-Overpass)
Case 12-16C

Summary

The 2011-2012 Stanislaus County Civil Grand Jury (SCCGJ) investigated a citizen complaint alleging that during past fiscal years, the City of Riverbank, a general law city, misappropriated funds from its Systems Development Fee (SDF) funds. The complaint specifically identified Account 145 – SDF Overpass Funds. The primary sum in question was a transaction recorded in 1997 for $296,497. Although this transaction occurred fifteen years ago, the Overpass Fund is still reported on the financial statements for the City of Riverbank. The SCCGJ investigated whether the City of Riverbank was operating within the guidelines of AB 1600 Government Codes 66000-66025 and whether the funds in this account have been properly administered and to determine if the City of Riverbank had misused or mis-appropriated funds.

Glossary

AB1600
California Government Code 66000-66025

Adopted in 1987 with an effective date of January 1,1989. Various amendments have applied refinements to the bill from the period of 1988 through 2006; however the initial purpose of the code has not changed.

These codes provide guidance for the definition, purpose, disclosure, establishment, collection, specific uses and local agency responsibilities for Development Fees. "Building permit" fees are imposed on development projects in order to offset the impact on public facilities for infrastructure improvements created by new housing, commercial and/or industrial projects. The code stipulates that these fees shall not be levied, collected, or imposed for general revenue purposes (that is, salaries). The accounts associated with these fees are commonly referred to as SDF funds.

City of Riverbank
Code of Ordinance 150.31

"...a. since new development generates a need for new infrastructure such as parks, bridges, public works, facilities...it has been determined that development should pay for increase costs of this need"; "b.–to promote orderly and efficient expansion of public improvements, to adequately meet the domestic and economic needs of the community, and to minimize adverse fiscal and environmental impacts of new development."

City of Riverbank
Code of Ordinance 150.34

A systems development fee, as established from time-to-time by City Council, by resolution, shall be due and payable as established by resolution of the City Council. ('67 Code, 5-17-4)

City of Riverbank
Code of Ordinance 150.36

All of the systems development charges collected shall be placed in one or more special funds which are hereby created and established for such purposes and which shall be known as Systems Development Funds. Sums collected under this chapter may be expended for any "Systems Development", as defined in 150.36 (churches, hospitals, multi-family dwellings, etc.) provided that such expenditures from funds has been authorized by City Council. '67 Code Ordinance 89-13 passed 11-13-89.

City of Riverbank Resolution 87-68 (Res. 87-68)	A resolution passed in 1987 to establish System Development Fees. The resolution identified each infrastructure project and delineated the amounts to be collected for residential, commercial and industrial building permits. This 1987 resolution remained in effect until the 1997 passage of Resolution 97-110, adopting a new System Development Fee structure and rescinding and/or deleting prior SDF resolutions.
City of Riverbank Resolution 87-68 Overpass Project	In 1987, the City Council passed this Resolution to collect system development fees from developers for several purposes, one of which was this Overpass Project at Kentucky and Talbot.
Overpass Fund (Account 145)	A general ledger account established in 1987 to report the fees collected and expenditures, per Res. 87-68, for this overpass project at Kentucky and Talbot. This account is still reported on the City of Riverbank financial statements. (Acct.145-Overpass)
Reclassification Entry	A term used by accountants to describe a necessary accounting entry to correct errors posted in the General Ledger.
GASB 54	Fund Balance Reporting and Governmental Fund Type Definitions (Issued 02/09). A statement now required by the Governmental Accounting Standards Board (GASB), intended to enhance the usefulness of fund balance information provided in a local agency's audited financial statements. These new disclosure guidelines are effective for financial statements for periods beginning after June 15, 2010.

Historical Background – Overpass Project

The City Council minutes of January 9, 2012. Agenda Item 6.2 summarizes the history of the **Overpass Project**. *"...This overpass (between Kentucky Ave and Talbot* St*) was intended to be constructed in order to allow vehicular and pedestrian traffic to travel over the railroad tracks. Subsequent housing development in the Kentucky Ave. area no longer made this project feasible, but was still reflected with the prior General Plan. During the General Plan update performed, staff removed this project. It was noted that a second pathway linking the eastern and western portion of the City was of extreme importance and during the development of the Downtown Specific Plan the creation of an* ***underpass*** *would serve to provide a direct connection to any future commercial and residential development that will occur..."* (**note: emphasis added by the SCCGJ**).

By 2008, the City of Riverbank included in its General and Specific Plan(s) development discussions, the need to utilize these Overpass Funds collected for the Kentucky/ Talbot intersection for an Underpass Project at Santa Fe Ave. These facts are supported by the reports submitted and the open and public meeting minutes of the City Council, as required by the open and public laws, namely the Ralph M. Brown Act and the public disclosure requirements in AB1600.

A recent City of Riverbank Development Services Department Staff Report dated March 20, 2012, provides clear evidence that the same issue of the divided traffic issue created by the BNSF railroad tracks (the original purpose of the Overpass Project) still exists today.

Method of Investigation

The 2011-2012 SCCGJ requested financial data, audited financial reports, financial audit information, city council resolutions, city council minutes and related agenda item detail, including staff reports. The SCCGJ also reviewed, in their entirety, the City's Chapter 150: Building Regulation Code of Ordinances, prior SCCGJ reports issued regarding the City of Riverbank and California AB1600 Government Codes 66000-66025. The Grand Jury conducted interviews with the complainant, the City of Riverbank Certified Public Accounting Firm, the City Attorney and city officials and staff. The 2011-2012 SCCGJ utilized a committee that included accountants, financial and educational professionals to conduct this investigation. The investigation began in January 2012 and was finalized in June 2012.

Accounting for SDF Account 145 -Overpass

Per Res. 87-68 the portion of the building permit fees to be collected for the Overpass Project was $340 per residential unit. Fees were collected for two residential subdivisions, namely, Welch Acres and Churchill Downs Estates. The majority of the residential permits issued and collected occurred between 1987 and 1998 totaling 1,112 dwelling units. This provided $ 378,080 in SDF revenue.

One commercial building permit (Galaxy Theatre) was issued and paid $12,698.55 into Fund Acct.145-Overpass for the period 1999 to 2003.

Budget

The complaint states that the city budget figures for Acct.145- Overpass, was in excess of $500,000 and was reported at its highest point as $565,234 for the 1998-99 fiscal year. The City of Riverbank Financial Statements and supporting documents agree. The 2011-12 SCCGJ did not investigate the development of the budget figures:

1) a balance sheet budget is a (life of the account) target figure
2) the investigation of the actual revenues and expenses provided the information to determine if there was an actual mis-appropriation of funds and if the City was in compliance with AB1600 (Government Codes 66000-66025).

Actual

In 1996, a beginning balance in Acct 145-Overpass of $494,778 was reported on the City of Riverbank's financial statements. The1996-97 Financial Statements reflect, the entry of concern, of $296,497 that was posted to reduce the balance in the account, with no apparent explanation as to the purpose or use of the funds, leading one to question whether amounts were being erroneously posted, misappropriated or to cover deficit spending.

The 2011-12 SCCGJ discovered that there was a concerted effort during the 1996-97 fiscal year to correct beginning balance issues in at least 15 balance sheet accounts in that fiscal year alone. One of the entries was the $296,497, reducing the balance in Acct.145-Overpass. These fund balance corrections were created in part by the inaccurate posting of fund revenues received and/or collected in prior fiscal years and a 1991 accounting software conversion that moved the City of Riverbank from a single entry accounting system to a double entry accounting system. These facts are supported by the following historical records:

a) The SCCGJ report of 1995 details severe accounting deficiencies for periods prior to 1991 and continuing to 1993 with deficit spending issues due to the poor financial reporting at the time.
b) Notations in the financial audit for 1996-97 indicated that a comprehensive reconciliation of fund beginning balances was performed by the CPA firm and the City of Riverbank staff to correct the fund balances with what was noted as 'reclassification entries'.

c) The Certified Public Accounting Management Letters published as part of the 1996, 1997, 1998 audits continued to detail many major fundamental accounting deficiencies. Additional balance sheet 'clean-up' or reclassification entries were posted in the 1998 and 1999 Financials. However, none affected Acct. 145-Overpass.

d) The City of Riverbank received Qualified Audits (an indication of findings and concerns) until 1999, when the financial records of the city finally received an Unqualified (highest ranking) status.

In 1998-99, 2001-02, and 2002-03, $2951, $518 and $3,108 of residential SDF funds were collected and posted to this Overpass Account, respectively, after the rescinding of Res. 87-68 in 1997. All are cases where the vesting tentative maps (Welch Acres and Churchill Downs Estates) were approved but the individual building permits were pulled after the City Council approval of Res. 97-110 in 1997. Because the maps were vested the original conditions applied and the resulting fees were booked to Acct.145-Overpass.

The SCCGJ has determined that the total building permit revenue collected for the life of Acct. 145 - Overpass was $397,355.

$	378,080.00	1,112 building permits issued from 1987 to 1996
$	12,698.00	Galaxy Theater Commercial Building Permit
$	2,951.00	1998-99 Additional Residential Permits
$	518.00	2001-02 Additional Residential Permits
$	3,108.00	2002-03 Additional Residential Permits
$	**397,355.00**	**Total Fees Collected**

Today, the City of Riverbank utilizes a 10-member citizen volunteer committee, to review the financial status, budget(s) and various assigned projects requested by the City Council. This Finance/Budget Committee was created by the city council as an advisory group and works with the City Finance Director along with other city directors as needed. A member of the city council attends these Finance Committee meetings, as a non-voting member. Recently this committee has been utilized to make recommendations to the city council on how to overcome an initial $500,000 budget deficit for the upcoming fiscal year.

Per the financial statements and G/L detail, no expenses were incurred or booked to Acct. 145- Overpass for the fiscal years 2000-01 to 2007-08. During the fiscal periods of 2008-09 to 2010-11 the City of Riverbank reported expenses in the account totaling $141,345.09 for an Underpass Project at Santa Fe Avenue.

The 2010-11 audited financial statements reports an ending fund balance in Acct. 145-Overpass of $225,462.27 (all fees collected + interest earned – expenses). The 2011-2012 SCCGJ concurs with this balance as a result of its investigation.

Findings: Accounting For SDF Account 145 (Overpass)

F1: City staff has responded to the public with many documents in an attempt to roll forward 25 years of activity in Acct.145-Overpass, without the benefit of a full and complete financial history. The public is left with the impression that funds have been mis-appropriated or misused. The City's CPA could have provided a more complete and accurate roll-forward for far less money and time spent.

F2: The 2011-12 SCCGJ finds that prior to 1999, the lack of proper and basic accounting policies and procedures, the lack of staff understanding of the fundamentals of accounting processes and an inept accounting software conversion all contributed to the Acct.145-Overpass beginning balance cleanup of $296,497 executed in the 1996-97 financial statements.

F3: The City of Riverbank continues to achieve an Unqualified (highest status) audit ranking. No internal control findings or recommendations are being reported by the auditors, an indication that appropriate GASB financial policy and procedural standards are being followed.

F4: The additional revenue posted to Acct.145-Overpass in the years of 1998-99, 2001-02 and 2002-03 was proper.

F5: The total fees collected per Res. 87-68, $397,355 and resulting interest earned over the last 25 years has never provided sufficient funds for the City to complete the Overpass Project. Past and current city officials and staff have allowed Acct. 145-Overpass to remain in existence for 25 years without constructing a capital improvement.

F6: The 2011-12 SCCGJ concludes that the revenues in Acct. 145-Overpass have not been transferred or spent for general fund purposes or to fund some other undisclosed project. However, in 2008-09 the City of Riverbank began utilizing Account 145-Overpass for the Santa Fe Underpass Project. The core purpose (to mitigate the railroad and traffic issue and to connect the East and West sectors of the City) may be the same, however the actual projects are different. This multi-use of Funds is not in compliance with AB1600.

AB1600 Government Codes 66000-66025

AB1600 Government Codes 66000-66025 provides clear direction for the handling and public disclosure for SDF funds, public funds collected for the public and held 'in trust' by a local agency.
The SCCGJ reviewed the City of Riverbank's compliance with regards to these codes.

The City of Riverbank consultants and staff are currently preparing a System Development Fee Report that will define and summarize the project status of the General and Specific Plans and each SDF fund. The City Council minutes of January 9, 2012 stated, "*... the annual (SDF) report will be presented to Council every December 15th and the first catch-up report will be presented as soon as possible.*"

F7: The City of Riverbank, California Code of Ordinances for Building Regulations related to System Development fees and projects, established initially in 1967, do not reference and are not in compliance with AB1600 California Code 66000-66025.

F8: Clearly, there is a need for the City of Riverbank to provide safe access between the East and West ends of town and to overcome the railroad dissection of the City of Riverbank.

F9: During the January 9, 2012 council meeting, the City Council asked for an opinion from the City Attorney regarding the proper procedures to address the use or disposition of the balance in Acct. 145-Overpass. As of June 2012, the Mayor has not received a written opinion.

F10: Though General and Specific Plans have been approved by the current City Council in open and public meetings a review of the March 20, 2012 Downtown Specific Plan does not tie the Plan together with the Funds established and collected for the city's SDF projects. Consequently, several sections of AB1600 Government Code 66000-66025 appear to be disregarded and/or not fully utilized for;

1) full and clear disclosure to the citizens of the city
2) powers granted to the City Council, and
3) responsibilities and actions that need to be taken by the City Council.

Recommendations

R1: The 2011-12 SCCGJ suggests that the City of Riverbank review its need for a City Treasurer. The 2011-12 SCCGJ finds the creation and assignments of the city's volunteer Finance/Budget Committee is a positive action to involve more members of the public in financial decisions, especially in these tough financial times. However, there are powers, responsibilities and duties granted to a Treasurer that may provide a higher level of over-sight and compliance.

R2: Obtain the requested written opinion from the City Attorney per the City Council request of January 9, 2012. Provide a copy of the opinion to the SCCGJ.

R3: Complete the System Development Report. Insure that the report is in full compliance with AB1600 (Government Codes 66000 – 66025), including a brief description of the city's intention of use and feasibility of each fund project. Treat the SDF Report as a living document. This document can serve as a current and historical record of the status for each fund / project, creating accountability for city staff, the foundation for the adherence to GASB 54, full disclosure to the public along with being a historical document for current and future staff and elected city officials.

R4: Provide a copy of this first "catch-up" SDF Report to the SCCGJ by October 29, 2012.

R5: The current City Council is now charged with the responsibility of understanding and correcting the action or lack of performance by prior city officials. A first step is an understanding of AB1600 (Government Codes 66000 – 66025). This educational process should be completed by the Mayor, all City Council members, finance staff, City Manager, Development Services Director, Planning Commission and any other participants in city government responsible for compliance with AB1600 California Government Codes (66000-66025).

R6: The City of Riverbank should review, correct and amend its Code of Ordinances related to Building Regulations for System Development Fee Projects for accuracy and compliance with AB1600 Government Codes 66000-66025.

R7: AB1600 Government Code 66001 requires that the City Council pass by resolution, the SDF Report. The resulting approval or re-approval, of each SDF fund should be included as part of the resolution. The city's Financial Records (G/L) should reflect each action.

> For example, for Acct.145-Overpass, if the City Council decision is to replace the Kentucky/Talbot Overpass Project with the Santa Fe Underpass Project, the financial statements should reflect that decision/ resolution.
> Acct. 145-Overpass should be closed out and all funds transferred to a new G/L Fund Account (preserving the detail of the Santa Fe Underpass expenditures). This general ledger action will serve as a clear delineation between the projects and will provide compliance with AB1600.

R8: If the City Council passes a resolution to abandon the East/West Access RR crossing project, obviously, R7 no longer applies and the process of refund should be executed per AB1600.

R9: Utilize the Finance/Budget Committee to review AB1600 Government Codes 66000-66025 for the benefit of understanding the fiscal and reporting responsibilities for the SDF funds. In addition, the committee can help prepare the city for compliance with GASB 54. Compliance with AB1600 (Government Codes 66000-66025) could reduce audit costs associated with GASB 54. The City's Certified Public Accounting Firm can provide the specifics of the GASB 54 requirements as it relates to the City of Riverbank's financial reporting responsibilities.

R10: It is suggested that city staff and the City Council rely heavily on the advice of the City's CPA and City Attorney to guide the city through the approval of each SDF Fund and the amendments to the SDF Fund City Ordinances for compliance with AB1600 and GASB 54.

This report of case #12-16C is issued by the 2011-2012 Stanislaus County Civil Grand Jury and no members of the grand jury volunteered to recuse themselves due to a perceived conflict of interest.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code § 929 requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code § 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

The primary function of the SCCGJ is to provide unbiased oversight and to investigate complaints from citizens about the operations of county and city government, school districts and special districts, as required by law. The grand jury is one means to inform citizens that government is operating efficiently and in an ethical, honest manner. The grand jury investigates policies and procedures and makes recommendations to improve local governmental operations. It has no power to enforce its recommendations. It only informs citizens about some of the legislative and administrative work of their local governments. All grand jury investigations and reports are approved by at least a 60% supermajority vote of the entire grand jury panel.

Response Requested:

City of Riverbank City Council

2011-2012 Stanislaus County Civil Grand Jury
Stanislaus Consolidated Fire Protection District
Case 12-17C

SUMMARY

The Stanislaus County Civil Grand Jury (SCCGJ) received a detailed complaint on February 1, 2012 alleging dereliction of duty by the Fire Chief of the Stanislaus Consolidated Fire Protection District. The majority of the complaint cited personnel issues that are outside the purview of the SCCGJ, and are not a part of this report.

GLOSSARY

SCCGJ - Stanislaus County Civil Grand Jury

District - The Stanislaus Consolidated Fire Protection District

Union - The Stanislaus Consolidated Firefighters Association Local 3339 Union

Board - The Stanislaus Consolidated Fire Protection District Board of Directors

Fire Chief - The Senior Manager of Operations for the District

MOU - Memorandum of Understanding

California Government Code 61040 (e) - A member of the board of directors shall not be the general manager, the district treasurer, or any other compensated employee of the district, except for volunteer firefighters as provided by Section 53227.

California Government Code 61045 (g) - The board of directors shall adopt policies for the operation of the district, including, but not limited to, administrative policies, fiscal policies, personnel policies, and the purchasing policies required by this division.

BACKGROUND

The District was created in March 1995 with the merger of the Stanislaus County Fire District, Riverbank Fire District, Waterford-Hickman Fire District and Empire Fire District. It currently serves the cities of Riverbank and Waterford and the communities of Empire, Hickman and LaGrange and has recently negotiated a partnership with the Oakdale Fire Department and Oakdale Fire Protection District.

The District is governed by a five-member Board of Directors, currently with one vacancy. The Board members are appointed by each city in the district (Riverbank and Waterford) with the remaining three (3) members being appointed by the Stanislaus County Board of Supervisors.

SUMMARY OF COMPLAINT

The complainant alleges that the Fire Chief is derelict in his duties for the following reasons:

a) Improper business practices
b) Poor financial practices
c) Failure to comply with Generally Accepted Accounting Principles
d) Discrimination against the Union and Union members

METHODOLOGY OF INVESTIGATION

The investigation of this complaint took place between April and June, 2012. Interviews were conducted with the complainant, the current District Board President, the current Fire Chief and the President of the Union. The SCCGJ reviewed the 2010 and 2011 financial statements and independent auditor's reports, the District's Policies and Procedures, the District's Directors Policy Manual, the Fire Chief's employment contract and California Government Codes 61040-60148 and 61060-61070 pertaining to a District Board's governance responsibilities.

FINDINGS

F1: The Stanislaus Consolidated Fire Protection District's financial statements for the fiscal years 2009-2010 and 2010-2011 are free of material misstatements. An independent CPA firm conducted an audit by testing financial records and reviewing provisions of the law, regulations, contracts and grants relevant to the District's financial performance. The audit reports state, "The tests did not disclose any instances of noncompliance that are required to be reported under Government Auditing Standards."

F2: The Board delegates a major portion of its governance responsibilities to the Fire Chief. The Fire Chief's list of responsibilities include the writing, review and approval of District policies and procedures, business and financial matters (budget and financial reports), personnel relations and issues with the Union. The 2011-2012 SCCGJ identified eight different job functions performed by the Fire Chief:

1) Chief Executive/Operations Officer
2) Policy Administrator
3) Clerk/Secretary of SCFPD Board
4) Chief Financial Officer and Board Treasurer
5) Chief of Oakdale and the Oakdale Rural Fire District
6) Human Resources/Personnel Administrator
7) Clinical Director
8) Office Manager

The scope of responsibility given to the Fire Chief is far too much for one person to handle and can lead to conflicts of interest and ineffective, biased decision making.

The Board has abdicated its District governance responsibilities. This is a major impediment to the effective functioning of the District. Consequently, the Board is not in compliance with California Government Code Sections 61040 (e) and 61045 (g).

F3: The Fire Chief has not received a formal written annual performance review from the Board since 2008.

F4: The Board does not have a written evaluation policy for the Fire Chief, its senior manager of operations.

F5: The Board has been remiss in its responsibilities regarding the review and approval of all policies. Due to the numerous functions performed by the Fire Chief, he is not able to keep the Board informed about the suggested policy and procedures, submitted by employees that could help in the performance of administrative and operational tasks. This results in a disruption of an open and orderly process.

F6: The frequent turnover of Board members is affecting the Board's ability to govern effectively and with continuity. Without consistent, informed, experienced leadership for a reasonable period of time, the job of governing and supporting the district is compromised and results in ineffective leadership. Currently only one member of the Board has more than two years of service, two are newly appointed and one position is vacant.

F7: Administration staff is not part of the Union MOU yet are filing complaints through the Union.

F8: The Board's Directors Policy Manual outlines the full set of responsibilities for the position of the Clerk of the Board. The 2011-2012 SCCGJ finds this position has been delegated to the Fire Chief and the Board's own policies are not being followed.

F9: The Board's Directors Policy Manual with regards to financial responsibility is essentially non-existent. The Policy Manual states the following "The Board of Directors recognizes excellent fiscal planning as a key factor in attaining the District's goals and priorities. The Board seeks to engage in thorough advance planning of budgets to devise expenditures which achieve the greatest returns given the District's available resources." No further Board direction or definition of responsibility is provided.

RECOMMENDATIONS

R1: The 2011-2012 SCCGJ recommends that the Board read and implement all provisions of California Government Codes 61040-60148 and 61060-61070. The authority granted to the Board are the responsibility of the Board and may not be delegated to a paid employee.

R2: The Board should review the Directors Policy Manual to insure it is in full compliance with California Government Codes 61040-61048 and 61060-61070. The Directors Policy Manual should define the Board's responsibilities in detail.

R3: The Board must approve all District policies. Implementation of the approved policies is the responsibility of the Fire Chief.

R4: Final approval or rejection of new or changed policies should be completed in a timely manner and parties involved notified of their acceptance or rejection.

R5: The Board should develop a written policy for the annual Board evaluation of the Fire Chief, its senior manager of operations.

R6: The Board should complete and deliver a written performance evaluation to the Fire Chief annually. A "catch up" review should be completed by September 30, 2012.

R7: The Administration Staff is not part of the Union MOU with the District. Since no in-house Human Resources position exists, any administrative staff personnel complaints should be referred directly to the Board and not through the Union grievance process.

R8: At least three of the members of the Board should be elected (per Government Code Section 61008). One of the elected members should be named as Clerk for the Board and another be named as Treasurer. There should be a job description outlining minimum qualifications for each position. The District's Directors Policy Manual provides a full job description for Clerk of the Board. The Treasurer should understand accounting and auditing procedures and should be responsible for reviewing the budget and the quarterly financial position of the District.

This report is issued by the 2011-2012 Stanislaus County Civil Grand Jury. No members of the grand jury volunteered to recuse themselves due to a perceived conflict of interest.

The primary function of the SCCGJ is to provide unbiased oversight and to investigate complaints from citizens about the operations of county and city government, school districts and special districts, as required by law. The grand jury is one means to inform citizens that government is operating efficiently and in an ethical, honest manner. The grand jury investigates policies and procedures and makes recommendations to improve local governmental operations. It has no power to enforce its recommendations. It only informs citizens about some of the legislative and administrative work of their local governments. All grand jury investigations and reports are approved by at least a 60% supermajority vote of the entire grand jury panel.

Request for Response

Stanislaus Consolidated Fire Protection District Board of Directors
Riverbank City Council
Waterford City Council
Stanislaus County Board of Supervisors