

## ORDINANCE #MJPA 14-01

### AN ORDINANCE OF THE MARCH JOINT POWERS AUTHORITY AMENDING ORDINANCE #JPA 10-01 TO INCLUDE NEW EXEMPTIONS FOR NEWLY CONSTRUCTED SPECIALLY ADAPTED HOMES FOR SEVERELY DISABLED VETERANS UNDER THE WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) PROGRAM

The Commission of the March Joint Powers Authority (“Commission”) ordains as follows:

#### **Section 1.    Title.**

This Ordinance shall be known as Amendment No. 1 to the “Western Riverside County Transportation Uniform Mitigation Fee Program Ordinance of 2009” (“Ordinance”).

#### **Section 2.    Findings.**

A.     The March Joint Powers Authority (Authority) is a member agency of the Western Riverside Council of Governments (“WRCOG”), a joint powers agency comprised of the County of Riverside, the Authority, and 17 cities located in Western Riverside County. Acting in concert, the WRCOG Member Agencies developed a plan whereby the shortfall in funds needed to enlarge the capacity of the Regional System of Highways and Arterials in Western Riverside County (the “Regional System”) could be made up in part by a Transportation Uniform Mitigation Fee (“TUMF”) on future residential, commercial and industrial development.

B.     WRCOG, upon the recommendation of the WRCOG Executive Committee, now desires to adopt one new exemption under the Western Riverside County Transportation Uniform Mitigation Fee Program Ordinance of 2009. The exemption is for newly constructed, specially adapted homes for severely disabled veterans designed for maximum freedom movement and the ability to live more independently at no cost to qualifying disabled veterans.

C.     The Commission finds and determines that the new exemption, because of its small number of estimated properties, will not threaten the reasonable and rational relationship between the use of TUMF and the type of development projects on which the fees are imposed because the fees will be used to construct the transportation improvements that are necessary for the safety, health and welfare of the residential and non-residential users of the development in which the TUMF will be levied. The Commission has also estimated the cost of the new exemption and understands that TUMF will not be used to cover the fair share of these exempted properties on the Regional System.

#### **Section 3.    Definitions.**

The following new definition shall be added to Ordinance #JPA 10-01.

“Disabled Veteran” means any veteran who is retired or is in process of medical retirement from military service who is or was severely injured in a theatre of combat operations, and has or received a letter of eligibility for the Veterans Administration Specially Adapted Housing (SAH) Grant Program.”

“Non-Profit Organization” means an organization operated exclusively for exempt purposes set forth in section 501(c)(3) of the Internal Revenue Code, and none of its earnings may inure to any private shareholder or individual. In addition, it may not be an action organization,

i.e., it may not attempt to influence legislation as a substantial part of its activities and it may not participate in any campaign activity for or against political candidates. For the purposes of the TUMF Program the non-profit must be a 501(c)(3) charitable organization as defined by the Internal Revenue Service.

**Section 4.      Exemption: Specially Adapted Homes for Severely Disabled Veterans**

The following new exemption shall be added to Ordinance #JPA 10-01:

“New homes, constructed by non-profit organizations, specially adapted and designed for maximum freedom of movement and independent living for qualified Disabled Veterans.”

**Section 5.      Effect.**

No provisions of this Ordinance shall entitle any person who has already paid the TUMF to receive a refund, credit or reimbursement of such payment because of this new exemption.

**Section 6.      Severability.**

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

**Section 7.      Judicial Review.**

In accordance with State law, any judicial action or proceeding to attack, review, set aside, void or annul this Ordinance shall be commenced within ninety (90) days of the date of adoption of this Ordinance.

**Section 8.      Effective Date.**


This Ordinance shall take effect thirty (30) days after its adoption.

**Section 9.      Full Force and Effect.**

Except to the extent specifically modified or amended hereunder, all of the terms, covenants, and conditions of Ordinance #JPA 10-01 shall remain in full force and effect between the Parties hereto.

**INTRODUCED** on the 4<sup>th</sup> day of June, 2014.

**PASSED, APPROVED, AND ADOPTED** this

  
Marion Ashley, Chairman  
March Joint Powers Authority Commission

**ATTEST:**

I, Carey L. Allen, Clerk of the Commission of the March Joint Powers Authority, do hereby certify the foregoing Ordinance #JPA 14-01 was introduced by the Commission of the March Joint Powers Authority at a regular meeting thereof held on the 4<sup>th</sup> day of June, 2014, and subsequently adopted at a regular meeting thereof held on June 18<sup>th</sup>, 2014 by the following vote of the Commission:

Ayes: Busch, Jeffries, Baca (2 votes), Yarbrough, Gardner, Melendrez, Ashley  
Noes: None  
Abstain: None  
Absent: Molina

Date: June 18<sup>th</sup>, 2014

  
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Carey L. Allen, CMC  
Clerk, March Joint Powers Authority Commission

**MARCH JOINT POWERS COMMISSION**  
OF THE  
**MARCH JOINT POWERS AUTHORITY**

***MJPA – Ordinance Adoption***  
***Agenda Item No. 9c(1)***

**Meeting Date:** June 18, 2014

**Action:** WAIVE THE SECOND READING OF ORDINANCE #MJPA 14-01 – APPROVING AN ORDINANCE OF THE MARCH JOINT POWERS AUTHORITY TO AMEND ORDINANCE #JPA 10-01 TO INCLUDE NEW EXEMPTIONS FOR NEWLY CONSTRUCTED SPECIALLY ADAPTED HOMES FOR SEVERELY DISABLED VETERANS UNDER THE WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) PROGRAM

**Motion:** Waive the Second Reading of Ordinance #MJPA 14-01 – Approving an Ordinance of the March Joint Powers Authority to amend Ordinance #JPA 10-01 to include new exemptions for newly constructed specially adapted homes for severely disabled veterans under the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program.

**Background:**

The Authority is a Member Agency of the Western Riverside Council of Governments (“WRCOG”), a joint powers agency comprised of the County of Riverside, the Authority, and seventeen (17) cities located in Western Riverside County. Acting in concert, the WRCOG Member Agencies developed a plan whereby the shortfall in funds needed to enhance the capacity of the Regional System of Highways and Arterials due to new development in Western Riverside County could be made up in part by a Transportation Uniform Mitigation Fee (“TUMF”) on future residential, commercial and industrial development. As a Member Agency of WRCOG and as a TUMF Participating Jurisdiction, the Authority participated in the preparation of a certain “Western Riverside County Transportation Uniform Fee Nexus Study,” (“2009 Nexus Study”) later adopted by the WRCOG Executive Committee. On January 20, 2010, the Authority adopted the 2009 Nexus Study and Ordinance #JPA 10-01 to implement the TUMF Program in the March Joint Powers Authority.

Pursuant to the Mitigation Fee Act (Gov. Code §§ 66000 *et seq.*), WRCOG, upon the recommendation of the WRCOG Executive Committee, now desires to amend the TUMF Ordinance to include the following exemption:

- Exempt non-profit 501(c)(3) organizations who build new single-family homes specifically constructed and adapted for qualifying severely disabled veterans injured in theatre of combat operations.

On April 7, 2014, the WRCOG Executive Committee reviewed the attached revised TUMF Program Ordinance template and recommended TUMF Participating Jurisdictions amend their TUMF ordinances to reflect the changes.

**Discussion:**

The revised TUMF Ordinance recommendation to exempt non-profit 501(c)(3) organizations from paying TUMF is specific in that it limits the exemption to new specially adapted homes for severely disabled veterans who are the recipients of a Veterans Administration Specially Adapted Housing (SAH) Grant or its equivalent. This short-fall is anticipated to be approximately one million dollars and will be accounted for in the 2014 Network Update.

**Recommendation:**

Staff recommends the Commission Waive the Second Reading of Ordinance # MJPA 14-01 – Approving an Ordinance of the March Joint Powers Authority to amend Ordinance #JPA 10-01 to include new exemptions for newly constructed specially adapted homes for severely disabled veterans under the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program.

**Attachment:**            1) Ordinance #JPA 14-01.

**MARCH JOINT POWERS COMMISSION**  
OF THE  
**MARCH JOINT POWERS AUTHORITY**

***MJPA – Public Hearing***  
***Agenda Item No. 8a***

**Meeting Date:** June 4, 2014

**Action:** INTRODUCE, WAIVE FIRST READING AND CONDUCT A PUBLIC HEARING ON ORDINANCE #JPA 14-01 TO PROVIDE NEW EXEMPTIONS FOR NEWLY CONSTRUCTED SPECIALLY ADAPTED HOMES FOR SEVERELY DISABLED VETERANS UNDER THE WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) PROGRAM AND DIRECT STAFF TO PLACE THIS ITEM ON A FUTURE AGENDA FOR SECOND READING AND FORMAL ADOPTION

**Motion:** Introduce, Waive First Reading and Conduct a Public Hearing on Ordinance #JPA 14-01 to provide new Exemptions for Newly Constructed Specially Adapted Homes for Severely Disabled Veterans under the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program and Direct Staff to place this item on a future agenda for Second Reading and Formal Adoption.

**Background:**

March Joint Powers Authority participates in the Western Riverside County Association of Governments (“WRCOG”) Transportation Uniform Mitigation Fee (“TUMF”) program, as do March JPA member agencies and 14 other cities. WRCOG has developed the TUMF program to provide funds needed to enhance the capacity of the Regional System of Highways and Arterials due to new development, through TUMF levied on new residential, commercial and industrial development. As a TUMF Participating Jurisdiction, the Authority participated in the preparation of the “Western Riverside County Transportation Uniform Fee Nexus Study,” (“2009 Nexus Study”) later adopted by the WRCOG Executive Committee. On January 20, 2010, the Authority adopted the 2009 Nexus Study and Ordinance #JPA 10-01 to implement the TUMF Program in the March Joint Powers Authority development area.

Pursuant to the Mitigation Fee Act (Gov. Code §§ 66000 *et seq.*), WRCOG, upon the recommendation of the WRCOG Executive Committee, now desires to amend the 2010 TUMF Ordinance to include the following exemption:

*Exempt non-profit 501(c)(3) organizations who build new single-family homes specifically constructed and adapted for qualifying severely disabled veterans injured in theatre of combat operations.*

On April 7, 2014, the WRCOG Executive Committee reviewed the attached revised TUMF Program Ordinance template and recommended TUMF Participating Jurisdictions amend their TUMF ordinances to reflect the changes.

**Discussion:**

The revised TUMF Ordinance recommendation to exempt non-profit 501(c)(3) organizations from paying TUMF is specific in that it limits the exemption to new specially adapted homes for severely disabled veterans who are the recipients of a Veterans Administration Specially Adapted Housing (SAH) Grant or its equivalent.

This TUMF ordinance amendment may have no effect on fees collected at the JPA, as there is no new single family housing presently planned with the JPA. On a regional basis, WRCOG expects the short-fall to be approximately one million dollars, which will be accounted for in the 2014 Network Update.

**Recommendation:**

Staff recommends the Commission take action to conduct the public hearing on this first reading of Ordinance #JPA 14-01, consistent with the information provided in Motion section above.

**Attachment:**            1) Ordinance #JPA 14-01.