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NO FEE REQUIRED
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE **GLV**

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF RIVERSIDE**

10
11 CITY OF BEAUMONT, a general law city,

12 Plaintiff,

13 vs.

14 THE RIVERSIDE COUNTY
15 TRANSPORTATION COMMISSION, a joint
powers agency, THE WESTERN
16 RIVERSIDE COUNCIL OF
GOVERNMENTS, a joint powers authority,
17 and THE RIVERSIDE TRANSIT AGENCY,
a joint powers agency,

18 Defendants.

CASE NO. **RIC 1211222**

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

19
20 The City of Beaumont ("Beaumont") alleges that:

21 1. Beaumont is a general law city in Riverside County ("County") created and
22 existing under the laws of the State of California.

23 2. The Riverside County Transportation Commission ("RCTC") is a joint powers
24 agency located in the County created and existing under the laws of the State of California.

25 3. The Western Riverside Council of Governments ("WRCOG") is a joint powers
26 authority located in the County created and existing under the laws of the State of California.

27 4. The Riverside Transit Agency ("RTA") is a joint powers agency located in the
28 County created and existing under the laws of the State of California.

1 5. On November 5, 2002, the voters of the County approved Measure A which
2 imposed a .5% sale tax to be levied within both the incorporated and unincorporated areas of
3 the County. A copy of Measure A is attached as Exhibit A.

4 6. Although Measure A became effective in 2002, the sales tax authorized by
5 Measure A did not become effective until April 1, 2009.

6 7. There is within the County the Transportation Uniform Mitigation Fee
7 (“TUMF”) program which charges fees on new development to assist in the building and
8 improvement of the County’s regional arterial system.

9 8. The WRCOG is charged with the administration of the TUMF program, which
10 includes receiving and disbursing all TUMF revenues collected within the County.

11 9. Measure A’s Expenditure Plan, a part of Measure A, requires that the first
12 \$400,000,000 of TUMF revenues be made available to the RCTC to fund equally the County’s
13 regional arterial system and the development of new corridors as described in Measure A.

14 10. The RCTC has not yet received \$400,000,000 in TUMF revenues.

15 11. The RCTC and the WRCOG entered into a memorandum of understanding
16 dated September 10, 2008 (“MOU”). A copy of the MOU is attached as Exhibit B.

17 12. The MOU, which became effective on April 30, 2009, provided that TUMF
18 revenues received by the WRCOG would be allocated 48.1% to the RCTC, 48.1% to the
19 WRCOG and 3.8% to the RTA.

20 13. The MOU provided that the allocation of the TUMF revenues would continue
21 with no cap and that the MOU satisfied Measure A’s Expenditure Plan’s requirement that the
22 first \$400,000,000 of TUMF revenues be made available to the RCTC.

23 14. The MOU constitutes an amendment of Measure A’s Expenditure Plan.

24 15. Measure A, as required Public Utilities Code § 240302(d), provided that any
25 amendment to Measure A’s Expenditure Plan be initiated by an amendment by the RCTC
26 reciting findings of necessity, be approved by the County’s Board of Supervisors and be
27 approved by a majority of the cities constituting a majority of the incorporated population of
28 the County.

1 16. At no time have the amendment provisions set forth in Measure A been
2 complied with.

3 17. The misallocation of the TUMF revenues has deprived and delayed Beaumont's
4 inhabitants the benefit of transportation improvements which they would otherwise have
5 enjoyed had the MOU not resulted in the misallocation of TUMF revenues.

6 18. Beaumont contends that the allocation of TUMF revenues provided for in the
7 MOU constitutes an amendment of Measure A's Expenditure Plan, that the failure to carry out
8 the amendment process set forth in Measure A means that the MOU's allocation of TUMF
9 revenues is invalid, that TUMF revenues previously allocated to the WRCOG and the RTA
10 after April 30, 2009, which have not yet been spent or allocated must be turned over to the
11 RCTC and that all future TUMF revenues received by the WRCOG must be turned over to the
12 RCTC until it has received a total \$400,000,000.

13 19. Beaumont is informed and believes, that the RCTC, the WRCOG and the RTA
14 contend that the MOU is not an amendment of Measure A's Expenditure Plan and that it
15 validly allows reallocation of TUMF funds contrary to the terms of the Expenditure Plan.

16 20. Beaumont has no adequate remedy in the ordinary course of law because TUMF
17 revenues, once spent, cannot be recovered.

18 WHEREFORE, Beaumont prays for judgment as follows:

19 A. The Court declare that the allocation of TUMF revenues provided for
20 in the MOU constitutes an amendment of Measure A's Expenditure Plan, that the
21 amendment procedure set forth in Measure A has not been complied with, that the
22 MOU's allocation of TUMF revenues is contrary to Measure A and invalid, that
23 the TUMF revenues received by the WRCOG and the RTA on and after April 30,
24 2009, which have not yet been spent or allocated must be turned over to the RCTC
25 and that all future TUMF revenues received by the WRCOG must be turned over
26 to the RCTC until a total of \$400,000,000 in TUMF revenues has been received by
27 the RCTC;

1 B. The Court issue a permanent injunction requiring the WRCOG and
2 the RTA to turn over all TUMF revenues received by them on and after July 1,
3 2009, which have not yet been spent or allocated to the RCTC and, further,
4 requiring the WRCOG to turn over all future TUMF revenues received by it to the
5 RCTC until the RCTC has received \$400,000,000 in TUMF revenues;

6 C. The Court award Beaumont its costs; and

7 D. The Court award Beaumont such other and further relief as it deems
8 proper.

9 DATED: July 23, 2012

COX, CASTLE & NICHOLSON LLP

10
11 By: 

12 Kenneth B. Bley
13 Attorneys for Plaintiff CITY OF
14 BEAUMONT

A

**MEASURE "A"
ORDINANCE NO. 02-001**

**RIVERSIDE COUNTY TRANSPORTATION COMMISSION
TRANSPORTATION EXPENDITURE PLAN
AND RETAIL TRANSACTION AND USE TAX ORDINANCE**

PREAMBLE

The transportation system in Riverside County is rapidly deteriorating and our population and economy are growing rapidly. Maintenance and repairs of existing roadways and improvements to relieve congestion cannot be accomplished with available funds. Without additional funds, the system will bog down and pavement will crumble into permanent disrepair. State highway funds are inadequate and competition for funds is increasing. Projects in areas where local sales tax funds are available have been and will continue to be viewed much more favorably in the selection process of the California Transportation Commission. Local governments must either generate revenues to expand our system and maintain our investments or watch the system collapse and endanger the health, welfare and safety of all Riverside County residents.

Continuation of our one-half percent sales tax for transportation to supplement traditional revenues and revenues to be generated through locally-adopted developer fees and assessment districts for transportation improvements is the only way local governments can be sure the transportation system will serve the current and future travel needs of Riverside County. Collection of the one-half percent sales tax will commence upon the expiration of the existing tax.

The Riverside County Transportation Commission will continue to seek maximum funding for transportation improvements through State and federal programs. The Commission will not provide sales tax revenues to any city or to the County unless revenues currently used by that agency for transportation are continued to be used for transportation purposes.

The Riverside County Transportation Commission ordains as follows:

SECTION 1. SUMMARY. This Ordinance provides for the imposition of a retail transaction and use tax of one-half percent for a period of thirty (30) years, the authority to issue bonds secured by such taxes, and the administration of the tax proceeds and a county transportation expenditure plan.

SECTION II. DEFINITIONS. The following definitions shall apply in this ordinance:

- A. **Expenditure Plan.** "The Expenditure Plan" means the Riverside County Transportation Commission Expenditure Plan (attached as Exhibit B) and adopted as part of this Ordinance including any future amendments thereto.
- B. **"County"** means the County of Riverside.
- C. **"Commission"** means the Riverside County Transportation Commission as set forth in Sections 130053, 130053.5 and 130053.7 of the Public Utilities Code.
- D. **"TUMF"** means Transportation Uniform Mitigation Fee. This fee is charged on new development by local governments to assist with the building and improvement of regional arterials.
- E. **"MSHCP"** means the Multiple Species Habitat Conservation Plan currently under development by the County of Riverside.
- F. **"Existing Tax"** means the 1/2 % retail transactions and use tax adopted pursuant to Ordinance No. 88-01.

SECTION III. AUTHORITY. This Ordinance is enacted, in part, pursuant to the provisions of Division 25 (commencing with Section 240000) of the Public Utilities Code, and Section 7252.22 of the Revenue and Taxation Code.

SECTION IV. IMPOSITION OF RETAIL TRANSACTIONS AND USE TAX. Subject to voter approval of the same, the Commission shall impose, in the incorporated and unincorporated territory of the County of Riverside, a retail transactions and use tax (referred to as the Measure "A" fund tax) at a zero percent (0%) rate until the expiration of the Existing Tax. Thereafter, a tax shall be collected for a thirty (30) year period at the rate of one-half of one percent (0.5%). This tax shall be in addition to any other taxes authorized by law, including any existing or future state or local sales tax or transactions and use tax.

SECTION V. PURPOSES. Measure "A" funds may only be used for transportation purposes including the administration of Division 25, including legal actions related thereto, the construction, capital, acquisition, maintenance, and operation of streets, roads, highways, including state highways and public transit systems and for related purposes. These purposes include expenditures for the planning, environmental reviews, engineering and design costs, and related right-of-way acquisition.

SECTION VI. BONDING AUTHORITY. Upon voter approval of Measure "A", the Commission shall have the power to sell or issue, from time to time, on or before the collection of taxes, bonds, or other evidence of indebtedness, including, but not limited to, capital appreciation bonds, in the aggregate principal amount at any one time outstanding of not to exceed \$500 million, and to secure such indebtedness solely by way of future collection of taxes, for capital outlay expenditure for the purposes set forth in Section V hereof, including to carry out the transportation projects described in the Expenditure Plan.

SECTION VII. MAINTENANCE OF EFFORT. The Commission, by the enactment of this Ordinance, intends the additional funds provided government agencies by this Chapter to supplement existing local revenues and required developer improvements being used for transportation purposes. The government agencies shall maintain their existing commitment of local funds for street, highway and public transit purposes pursuant to this Ordinance, and the Commission shall enforce this Section by appropriate actions including fiscal audits of the local agencies.

The local cities and the County shall annually submit to the Commission a list of the proposed uses for these funds and a certification that the maintenance of effort requirement is being met. If in any fiscal year the maintenance of effort requirement is not met, the agency shall not be eligible for any Measure "A" funds in the following fiscal year. Such funds shall be distributed to the remaining local governments using the formula for the area.

SECTION VIII. RETURN TO SOURCE. Funds for transportation purposes shall be allocated to the Western County, Coachella Valley, and Palo Verde Valley areas proportionate to the Measure "A" funds generated within these areas.

SECTION IX. ADMINISTRATION OF PLANS. The Commission shall impose and collect Measure "A" funds, shall allocate revenues derived, and shall administer the Expenditure Plan consistent with the authority cited herein.

SECTION X. ADMINISTRATIVE COSTS. The Commission shall expend only that amount of the funds generated from Measure "A" for staff support, audit, administrative expenses, and contract services that are necessary and reasonable to carry out its responsibilities pursuant to Division 25, and in no case shall the funds expended for salaries and benefits exceed one percent (1%) of the annual net amount of revenue raised by Measure "A".

SECTION XI. ANNUAL APPROPRIATIONS LIMIT. The annual appropriations limit has been established pursuant to Ordinance 88-01 pursuant to Article XIII B of the California Constitution and Section 240308(b) of the Public Utilities Code. The appropriations limit has and shall be subject to adjustment as provided by law.

SECTION XII. EFFECTIVE AND OPERATIVE DATES. Subject to voter approval, this Ordinance shall take effect at the close of the polls on November 5, 2002.

SECTION XIII. ELECTION. The Commission requests the Board of Supervisors to call an election for voter approval of Measure "A" (Exhibit A), which election shall be held on November 5, 2002. The election shall be called and conducted in the same manner as provided by law for the conduct of elections by a county. Pursuant to Section 240308 of the Public Utilities Code, the sample ballot to be mailed to the voters shall be the full proposition as set forth in the Ordinance, and the voter information handbook shall include the entire Expenditure Plan. Approval of the attached proposition, and the imposition of the Measure "A" retail sales and use tax described herein, shall require the affirmative vote of 2/3rds of the electors voting on the attached proposition at the election described in this section.

SECTION XIV. EXPENDITURE PLAN AMENDMENTS. The Expenditure Plan for Measure "A" funds may only be amended, if required, in accordance with Public Utilities Code section 240302, as amended. This section currently provides the following process for amendment: (1) initiation of the amendment by the Commission reciting findings of necessity; (2) approval by the Board of Supervisors; and, (3) approval by a majority of the cities constituting a majority of the incorporated population, unless such process is amended in a manner consistent with State legislation.

Commencing in 2019 and at least every ten years thereafter, the Commission shall review and, where necessary propose revisions to the Expenditure Plan. Such revisions shall be submitted for approval according to the procedures set forth in this Section XIV. Until approved, the then existing Expenditure Plan shall remain in full force and effect.

SECTION XV. SEVERABILITY. If any tax or provision of this ordinance is for any reason held invalid or unenforceable by a court of competent jurisdiction, that holding shall not affect the validity or enforceability of the remaining Measure "A" funds or provisions, and the Commission declares that it would have passed each part of this ordinance irrespective of the validity of any other part.

SECTION XVI. THE EXISTING TAX. Nothing in the ordinance is intended to modify, repeal, alter or increase the Existing Tax. The provisions of this ordinance shall apply solely to the retail transactions and use tax adopted herein, and not to the collection or administration of the Existing Tax.

APPROVED AND ADOPTED by the Riverside County Transportation Commission at its meeting on Wednesday, May 8, 2002.

By: John F. Tavaglione, Chairman
Riverside County Transportation Commission

ATTESTED:

By: Naty Kopenhaver, Clerk of the Board
Riverside County Transportation Commission



Riverside County Transportation Improvement Plan

GOALS AND OBJECTIVES

MAINTAIN AND IMPROVE THE QUALITY OF LIFE IN RIVERSIDE COUNTY BY SUPPLEMENTING EXISTING FUNDS FOR TRANSPORTATION

Reduce current congestion and provide adequate transportation facilities to accommodate reasonable growth in the future.

Provide funding for the adequate maintenance and improvement of local streets and roads in the cities and unincorporated areas.

Enhance Riverside County's ability to secure state and federal funding for transportation by offering local matching funds.

PROVIDE FOR ACCOUNTABILITY IN THE EXPENDITURE OF TAX PAYER FUNDS

Provides for mandatory dedication of sales tax funds only for the transportation improvements and programs identified in the Expenditure Plan and no other purpose.

Provides for a mandatory, annual financial audit of program expenditures to insure that all funds are spent in accordance with this voter adopted Plan and associated legal ordinance.

Provides for a Maintenance of Effort requirement in funds made available to city and county governments for local street and road programs to insure the new money for this purpose is adding to current funding levels.

Provides for the strict limitation of administrative staff costs in implementing this plan, by limiting, in law, funds expended for salaries and benefits to no more than one (1) percent of the annual net amount of revenues raised by Measure "A".

Provides for the Plan to be updated every 10 years for the period it is in effect to insure that the changing needs and priorities of the county are met.

Provides for the mandatory termination of the tax in 2039, requiring additional voter approval for extension at a County General Election according to state law.

PROVIDE FOR EQUITY IN THE DISTRIBUTION OF MEASURE "A" REVENUES

Return funds to the Western County, Coachella Valley and Palo Verde Valley proportionate to the funds generated in those areas.

Adopt a Transportation Improvement Plan, which address the unique needs of each of the areas of the county.

Provide a reasonable balance between competing highway, commuter rail, transit, and local streets and roads needs.

PROVIDE FOR LOCAL CONTROL OF THE TRANSPORTATION IMPROVEMENT PROGRAM

Provide for cost effective, local administration of the program through the existing Riverside County Transportation Commission. No new agency would be required to administer these funds.

Delegates appropriate administrative responsibility to the cities and the county and other local agencies for local programs.

This TRANSPORTATION IMPROVEMENT PLAN, which shall act as the County's Expenditure Plan, was prepared by the Riverside County Transportation Commission for the purpose of extending the current 1/2 cent local transaction and use tax for transportation to be collected for an additional 30 years, if approved by the voters on November 5, 2002 - Measure "A". This is proposed by the Commission as a means to fill the funding shortfall to: implement necessary highway, commuter rail, and transit projects; secure new transportation corridors through environmental clearance and right of way purchases; provide adequate maintenance and improvements on the local street and road system; promote economic growth throughout the county; and provide specialized programs to meet the needs of commuters and the specialized needs of the growing senior and disabled population.

TAXPAYER ACCOUNTABILITY SAFEGUARDS

LEGAL DEDICATION OF FUNDS

Measure "A" funds may only be used for transportation purposes and described in the local ordinance governing this program, including the construction, environmental mitigation of transportation projects, capital activities, acquisition, maintenance, and operation of streets, roads, highways, including state highways and public transit systems and for related purposes. These purposes include but are not limited to expenditures for the planning, environmental reviews, engineering and design costs, related right-of-way acquisition, and construction, engineering and administration.



MANDATORY ANNUAL FISCAL AUDIT

No less than annually, the RCTC shall conduct an independent fiscal audit of the expenditure of all sales tax funds raised by this measure. The audit, which shall be made available to the public, shall report on evidence that the expenditure of funds is in accordance with the Riverside County Transportation Improvement Plan as adopted by the voters in approving the sales tax measure on November 5, 2002. In addition, the audit shall determine that Maintenance of Effort requirements, other requirements regarding local government participation in Transportation Uniform Mitigation Fee Programs, as well as requirements described in Section 5 of the Plan entitled "Local Streets and Roads" have been complied with. The audit shall also insure that no more than 1 (one) percent of total sales tax expenditures are used for administrative staff salaries and benefits in implementing this Plan.

MANDATORY PLAN UPDATE AND TERMINATION OF SALES TAX

This Plan shall be updated by RCTC every 10 years that the sales tax is in effect to reflect current and changing priorities and needs in the County, as defined by the duly elected local government representatives on the RCTC Board. Any changes to this Plan must be adopted in accordance with current law in effect at the time of the update and must be based on findings of necessity for change by the Commission. The sales tax authorized to be collected by the voters shall be terminated on March 31, 2039, unless reauthorized by the voters to extend the sales tax prior to the termination date as required under state law in effect at the time of the vote for extension.

SPECIFIC TRANSPORTATION PROJECTS TO BE FUNDED

WESTERN RIVERSIDE COUNTY

The Expenditure Plan Map illustrates the Western and Coachella Valley areas. The Western County area includes the cities of Banning, Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Moreno Valley, Riverside, Murrieta, Norco, Perris, San Jacinto, and Temecula. It also includes the unincorporated communities of Jurupa, Mira Loma, Menifee, Wildomar, and Sun City and other more sparsely populated areas, and the reservations of the Pechanga Band of Mission Indians, the Soboba Band of Mission Indians, the Cahuilla Band of Mission Indians, the Ramona Band of Cahuilla Indians, and the Morongo Band of Indians.

1. STATE HIGHWAYS

Many more state highway improvement projects are needed to deal with congestion and safety problems than existing state and federal revenues can fund. Projected formula funds from these sources over the 30 years is estimated to be \$640 million and will fund less than 1/2 of the improvements needed and identified in the Expenditure Plan, which are estimated to cost \$1.66 billion in current dollars. Measure "A" funds will supplement those funding sources by an estimated \$1.02 billion and will cover the remaining costs estimated to accomplish these improvements.

The Highway projects to be implemented with funding returned to the Western County Area by extending the Measure "A" Program are as follows:

ROUTE	LIMITS	PROJECT	EST. COST
91, 60, I-15, & I-215		Reducing congestion on these routes will require that new transportation corridors are constructed	See Section 2
Rte 91	Pierce Street to Orange County Line	Add 1 lane each direction	\$ 161
91 /I-15	Interchange	Add new Connector from I-15 North to 91 West	\$ 243
91 /71	Interchange	Improve Interchange	\$ 26
Rte 71	Rte 91 to San Bernardino County Line	Widen to 3 lanes each direction	\$ 68
I-215	60/91 /215 to San Bernardino County Line	Add 2 lanes each direction	\$ 231
I-215	Eucalyptus Ave to I-15	Add 1 lane each direction	\$ 210
I-15	Rte 60 to San Diego County Line	Add 1 lane each direction	\$ 359
I-10	San Bernardino County Line to Banning	Add eastbound truck climbing lane	\$ 75
I-10/60	Interchange	Construct new interchange	\$ 129
Rte 60	Badlands area, east of Moreno Valley	Add truck climbing lane	\$ 26
Rte 79	Ramona Expressway to Domenigoni Parkway	Realign highway	\$ 132
SUBTOTAL	Measure "A" Funding		\$1.02 Billion
	State & Federal Formula Funds		\$0.64 Billion
TOTAL			\$1.66 Billion

The Commission may add additional State Highway projects, should additional Measure "A" revenue become available.

An estimated 5% of the total cost for these highway projects (\$83 million) will be used for environmental purposes to mitigate the cumulative and indirect impacts associated with construction of these projects.

2. DEVELOPMENT OF NEW TRANSPORTATION CORRIDORS

State Routes 91 and 60 and Interstate Routes 15 and 215 cannot cost effectively be widened enough to provide for the traffic expected as Riverside County continues to grow. In addition to the specific highway improvements listed in Section 1 above, congestion relief for these highways will require that new north-south and east-west transportation corridors will have to be developed to provide mobility within Riverside County and between Riverside County and its neighboring Orange and San Bernardino Counties.

Four new Transportation Corridors have been identified as necessary through the Community Environmental Transportation Approval Process (CETAP) currently underway. An estimated \$370 million in Measure "A" matching funds to leverage local, state and federal funding will be made available for environmental clearance, right of way, and construction of these new corridors. An estimated \$70 million of these funds will be used to mitigate the cumulative and indirect impacts associated with construction of these projects.

3. PUBLIC TRANSIT

The Transportation Improvement Plan will provide an estimated \$390 million to expand commuter rail, implement intercity bus services and to continue and expand programs to assist the elderly, disabled and commuters.

A. Discount Fares and Transit Services for Seniors and Disabled Persons

Seniors and disabled persons are becoming an increasing percentage of the population each year. They are currently charged a fare on fixed route transit services that is one-half the normal fare for service within the Western County area. In addition a number of specialized transportation programs have been implemented which meet specialized needs for transportation to medical services, social service



agencies and programs, shopping and other purposes that cannot be met by conventional transit. A minimum of \$85 million in Measure "A" funds will be used to guarantee these services.

B. Commuter Rail and Intercity Bus Service

Metrolink has provided a viable alternative to the automobile for thousands of daily commuters to Orange and Los Angeles counties and reduces the demand on our freeways. The current service level needs to double in the future and expansion of the system to Moreno Valley and Perris is needed to relieve congestion on I-215. In addition, an intercity express bus service that feeds the Metrolink service and provides a reasonable alternative to the automobile for daily commuters who travel within the region is needed. Measure "A" funds will be made available for operations of these services and to match federal funds for capital.

C. Commuter Services, Ridesharing, Vanpools, Buspools, Park-N-Ride

Commuter traffic created by Riverside County residents traveling to jobs in neighboring Orange, Los Angeles, and San Bernardino counties adds significantly to the peak hour congestion on the freeway and highway system. A number of programs have been implemented to assist commuters to share rides, reduce congestion, and take advantage of travel in the "carpool" lanes. These programs include; rideshare matching services; incentive programs; vanpool "seed money"; buspool subsidies; and park-n-ride lot leasing. These programs will become even more necessary in the future as traffic increases. A minimum of \$50 million in Measure "A" funds will be used for this purpose.

4. REGIONAL ARTERIAL SYSTEM

The freeway and state highway system can no longer be expected to handle the traffic demands for travel between and through the cities of the Western County area, with the development projected for the future. A system of regional arterials (major local roadways) with limited access, freeway interchanges, grade separations, and coordinated traffic signals are needed to supplement the highway backbone system. The Western Riverside Council of Governments (WRCOG), in conjunction with the cities and the County, has developed this system of roadways to meet this need. This roadway system will be periodically updated by the Commission, or the Western Riverside Council of Governments, to reflect actual development trends.

Funding to widen existing roads and construct new roads on this system will be funded by an estimated \$300 million in revenues generated by Measure "A" and by matching revenues to be generated by the cities and County implementing a Transportation Uniform Mitigation Fee (TUMF) administered by the Commission or the Western Riverside Council of Governments (WRCOG).

Examples of the roadways on the regional arterial system that may be eligible to receive Measure "A" and TUMF funding for widening and other improvements to increase capacity and traffic flow are:

- Van Buren Boulevard from I-215 to State Route 60
- Alessandro Boulevard from I-215 westerly to Central Avenue
- Central Avenue from Alessandro Blvd to Van Buren Boulevard
- Arlington Avenue from Central Avenue to Van Buren Boulevard
- Green River Road from Dominguez Ranch Rd to State Route 91
- Foothill Parkway from Lincoln Ave to Green River Road
- Scott Road from State Route 79 to I-215
- Clinton Keith Road from State Route 79 to I-215
- Date Street from State Route 79 to I-15
- State Route 79/I-10 Interchange Improvements and possible bypass to I-10
- Ramsey Street from Banning City Limits to Field Road
- Ramona Expressway from San Jacinto to I-215
- Cajalco Road from I-215 to I-15
- Perris Boulevard from State Route 74 to San Bernardino Co. Line
- Pyrite Street from San Bernardino County Line to State Route 60
- Schleisman Road from San Bernardino County Line to I-15 and Arlington Avenue
- Domenigoni Parkway from State Street to I-215
- Railroad Canyon/Newport Road from I-215 to I-15

The final scope and project limits of all improvements proposed for the regional arterial system will be determined through noticed public hearings, environmental clearance process, and agreement with affected agencies.

5. LOCAL STREETS AND ROADS

The local street and road system is critical to the every day movement of people within the cities and the county. This system is reaching "middle age", with potholes and is in need of continued maintenance and rehabilitation. New local roads adjacent to new residential and business developments will continue to be constructed and paid for by the developers.

Current resources, without the extension of the existing sales tax revenues for transportation, cannot provide adequate funding to maintain the local street and road system at the level necessary to adequately serve the public.

The Transportation Improvement Plan will provide an estimated \$970 million specifically for this purpose. The funds made available in the Western County area will be distributed to the cities and the county by a formula based 75% on proportionate population and 25% on revenues generated by Measure "A". In order to be eligible for these funds, each agency will be required to: 1) File a Five-Year Capital Improvement Program, updated annually, with the Commission; 2) Participate in a Transportation Uniform Mitigation Fee (TUMF) Program to be developed and administered by the Commission or the Western Riverside Council of Governments (WRCOG); and, 3) Participate in the Multi-Species Habitat Conservation Plan (MSHCP) currently under development by the County of Riverside by endorsing the Permit Application and signing the Implementation Agreement.

The TUMF Program shall be adopted according to all applicable laws and shall provide that the first \$400 million of TUMF revenues will be made available to the Commission to fund equally the: 1) Regional Arterial System, as described above; and, 2) Development of New Corridors ("CETAP") described above.

6. ECONOMIC DEVELOPMENT INCENTIVES PROGRAM

The need to attract new commercial and industrial development and jobs to Riverside County to reduce the need for long commutes to Orange and Los Angeles counties is important to the economic vitality and quality of life of Western Riverside County. A greater jobs - housing balance is needed immediately.

The Transportation Improvement Plan will provide an estimated \$40 million for this purpose. These funds will be used to create an Infrastructure Improvement Bank to improve existing interchanges, construct new interchanges, provide public transit linkages or stations, and make other improvements to the transportation system. Given the limited amount of funds available, the RCTC shall develop a program of competitive incentives to attract commercial and industrial development and jobs to locate within the Western Riverside County area.

In particular, the highest priority for these funds shall be for use in attracting key industrial development. For example, Western Riverside County through the provision of a needed interchange or transit service as a part of an overall package of incentives, could attract industrial development, which may have otherwise located elsewhere in California, in the United States or internationally.

7. BOND FINANCING

Construction of the highway and rail projects and implementation of the local streets and roads and other programs identified in the Transportation Improvement Plan are needed as soon as possible. In order to accomplish this, some level of borrowing will be required. The Commission will determine the extent of borrowing that is reasonable as the program is implemented. Up to \$270 million, 8% of the revenues expected to be generated, will be made available for this purpose.

COACHELLA VALLEY AREA

The Coachella Valley area is located in the central part of Riverside County and includes the cities of Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, and Rancho Mirage. It also includes the unincorporated areas, and the reservations of the Agua Caliente Band of Cahuilla Indians, the Cabazon Band of Mission Indians, and the Torres Martinez Desert Cahuilla Indians. The Transportation Improvement Plan is designed to give flexibility to adjust to changing circumstances and to:

- Improve Traffic Flow and Reduce Congestion on Highway 111
- Add/Improve Interchanges on Highway 86 and I-10
- Provide funding for Local Streets and Roads Improvements
- Improve Safety and Visibility at Major Intersections and Arterial Roads
- Reduce Congestion by Improving Major Roadways Identified as Important by Local Governments in the Coachella Valley
- Provide Express East-West Transit Routes in the Coachella Valley
- Improve and Expand Public and Specialty Transit Service

1. STATE HIGHWAYS AND MAJOR REGIONAL ROAD PROJECT

Fifty percent (50%) of the Measure "A" revenues will be used for State highways and regional road improvements. The Transportation Project Prioritization Study (TPPS), developed through the Coachella Valley Association of Governments (CVAG), will function as the Plan for future needs. Preventive maintenance of these Measure "A" funded arterials will be allowed, if a majority of the Coachella Valley local governments give approval.

The system improvements will be accomplished with a mix of Measure "A" funds, state and federal highway funds, and the existing Transportation Uniform Mitigation Fee (TUMF) on new development.

This segment of the Measure "A" Expenditure Plan will be implemented through the Coachella Valley Association of Governments.



2. LOCAL STREETS AND ROADS

Thirty-five percent (35%) of the Measure "A" revenues will be returned to the cities and the county in the Coachella Valley and shall be used to assist with the funding local street and road improvements. These funds will supplement existing federal, state, and local funds. Local street improvements adjacent to new residential and business developments will continue to be paid for by the developers.

Cities and the county in the Coachella Valley must participate in the Transportation Uniform Mitigation Fee (TUMF) program to assist in the financing of the priority regional arterial system in order to receive these funds. If a city or the county chooses not to levy the TUMF, the funds they would otherwise receive for local streets and roads will be added to the Measure "A" funds for the Regional Arterial Program.

Allocations of funds to the cities and the county will be based on a formula weighted 50% on proportionate dwelling units and 50% on Measure "A" revenues generated within each jurisdiction. A Five-Year Capital Improvement Program for the use of these funds will be prepared and annually updated with public participation by each city and the county.

3. PUBLIC TRANSIT

Fifteen percent (15%) of the Measure "A" revenues will be used to improve and expand public transit and specialized transportation services.

A. Discount Fares and Expanded Transportation Services for Seniors and Persons with Disabilities

For Seniors (age 60 and older) and persons with disabilities, access to healthcare, social services, shopping, and recreation is a key to quality of life. Sunline Transit Agency offers a full array of public transit and specialized transportation services at reduced prices to individuals in these special groups. Measure "A" funds will guarantee discounts continue for the next 30 years. Funds will also be used to expand services to meet future needs of the growing population of the valley.

B. Specialized Transportation Services

In addition to providing SunBus public transit service, SunDial paratransit service, and SunLink express commuter service to Riverside, the Sunline Transit Agency offers specialized transportation services to Coachella Valley residents and visitors. These services include the Vets Express that provides free transportation to the Veterans Hospital in Loma Linda; SunTrip, that enables those beyond Sunline's fixed route service area to receive reimbursement they can pay to volunteer drivers; and SunRide that coordinates the transportation services offered by many non-profit social service organizations. All of Sunline's vehicles operate on clean, alternative fuels thereby preserving the environment and creating a healthier community while increasing access. Measure "A" funds will assist these and other types of specialized transportation services which may be implemented.

C. Bus Replacement and More Frequent Service

Public bus transportation offers communities many benefits - reduced traffic congestion, reduced wear and tear on roads, reduced parking demand, and lower emissions. By providing access to schools, jobs and shopping, it is also a vital force in economic development. This is especially true in the Coachella Valley where nearly 75% of the 4 million annual SunBus riders take a bus to work and/or school. Public transit buses have a 12 year life. Passage of Measure "A" will enable Sunline's fleet to be replaced as needed. Funds will also be used to increase frequency of service, which is the single most important factor in use of public transportation.

PALO VERDE VALLEY AREA

The Palo Verde Valley area is located in the far eastern part of Riverside County. It is geographically separated from the Western and Coachella Valley areas. The population within the area is relatively small, and significant growth over the next 30 years is not anticipated.

The Palo Verde Valley is served by Interstate 10 which provides adequate connections to the more westerly portions of Riverside County and easterly to Arizona. Increasing transit needs can be adequately met using existing revenue sources available for that purpose. The greatest need for the Palo Verde Valley is additional funding to adequately maintain and rehabilitate local streets and roads.

All of the funding generated by Measure "A" returned to the Palo Verde Valley is to be used for local streets and roads. Funds shall be distributed to the City of Blythe and the County of Riverside by formula. The formula distribution is based 75% on proportionate population and 25% on sales tax revenues generated in each area.

MEASURE "A" REVENUE ALLOCATIONS
(\$ millions)

Western County Area	
Highway Improvements	\$1,020
New Corridors	\$ 370
Commuter Rail / Intercity Bus/ Specialized Transit/ Commuter Services	\$ 390
Regional Arterial Projects	\$ 300
Local Streets and Road Improvements	\$ 970
Bond Finance	\$ 270
Economic Development Projects	\$ 40
TOTAL	\$3,360
Coachella Valley	
Highways and Regional Arterials	\$ 628
Local Streets and Roads	\$ 439
Specialized and Public Transit	\$ 188
TOTAL	\$1,255
Palo Verde Valley Area	
Local Street and Road Improvements	\$ 47
TOTAL	\$ 47

**GENERAL PROVISIONS OF
THE TRANSPORTATION IMPROVEMENT PLAN**

1. BASIS FOR REVENUE ESTIMATES

Federal and state participation for highways, commuter rail, new corridors, and major non-highway roadway improvements is assumed to be \$40 million per year, allocated biannually by the California Transportation Commission through the State Transportation Improvement Program (STIP) process. The Riverside County Transportation Commission currently programs 24.2% of these funds on a discretionary basis for projects. This practice will be continued in order to fund major improvements that will arise and have not been anticipated by this Transportation Improvement Plan.

Measure "A" revenue estimates have not been adjusted to reflect inflation. It is assumed that inflation revenue increases will be offset by inflation costs to deliver the projects. "Real Growth" is assumed to parallel countywide population growth. Based upon these factors Measure "A" revenues over the 30-year period are assumed to be about \$4.665 billion.

2. BASIS FOR COST ESTIMATES

All cost estimates for highway projects were developed by Caltrans based on a specific scope of improvements and are based on 2001 values. Future costs may increase due to inflation or other factors beyond the control of the Commission. The 2001 costs estimates are to be used to determine the proportionate distribution of funds to the categories of projects and programs identified in the transportation program.

3. STATE HIGHWAY AND MAJOR ARTERIAL PROGRAMS

A. Eligible state highway project costs include preliminary engineering, environmental clearances, design engineering, project management, right of way acquisition and long-term leases and construction. Measure "A" funds are intended to supplement and not replace existing federal and state sources. If it is determined by the Commission that Riverside County is not receiving its fair share of existing funds, sales tax funds may be directed to other types of transportation needs.

B. The actual scope of the highway, and major arterial projects to be implemented is to be determined through a prioritization process, required environmental analysis, and full consideration of reasonable alternatives. Public participation during the environmental analysis process is required.

C. The Commission shall establish a "State Highway Account" for funding capital expenditures for state highway improvements.

4. PUBLIC TRANSIT

A. Eligible programs include: special discount fares for the elderly and persons with disabilities; funding for computer assisted rideshare programs; commuter incentive programs; "seed" programs to encourage the creation of vanpools and buspools; bus capital replacement



and additional bus service in the Coachella Valley; and capital and operating assistance for commuter rail expansion and intercity bus service implementation in the Western County area.

- B. Western County area commuter rail services are anticipated to continue to be operated by Metrolink on existing rail lines to Los Angeles, Orange and San Bernardino counties. Increasing the level of services will require negotiation of the appropriate agreements with the railroads and appropriate cost sharing between the counties served. Extension of service to the Moreno Valley area and the City of Perris is anticipated to be along the San Jacinto Branch Line owned by the Commission. Measure "A" funds will be used for operating costs and to match federal and state funds for capital improvements.
- C. Western County area intercity bus express services to be implemented are intended to specifically target commuters and provide a viable connection to the Metrolink service and transportation between and to key employment centers within the region.
- D. The Commission shall establish a "Public Transit Account" for funding these programs. The Commission shall determine which public transportation or specialized transportation services operators, and carpool/vanpool facilitating agencies, shall receive funding assistance. The Commission may directly provide or operate these services and programs if it is determined that they are the most appropriate agency to do so in the Western County area. In the Coachella Valley area, the services will be provided by the SunLine Transit Agency. Based on 30 year funding estimates, the amount of funds should be \$340 million for the Western County and \$188 million for the Coachella Valley area.

5. LOCAL STREETS AND ROADS PROJECTS

- A. Eligible local street and road project costs include any environmental review and mitigation, engineering, right of way acquisition and, capital or maintenance cost. Decisions on projects are to be made by local jurisdictions, but subject to capital improvement requirements.
- B. Annual population estimates used for the distribution formula for the Western County and Palo Verde Valley areas shall be from the State Department of Finance. Dwelling unit estimates used for the distribution formula in the Coachella Valley shall be from the Riverside County Planning Department. Actual State Board of Equalization retail sales transactions shall be used for the formula in all three areas. The County Planning Department shall estimate the share for each of the unincorporated areas for the three areas, from the total retail sales transactions for the total unincorporated area.
- C. The Commission shall assure the cities and the County are in compliance with maintenance of effort requirements before allocating funds for local streets and roads. Further, the Commission shall not allocate funds to an individual city or the County for local streets and roads within the Western County and Coachella Valley areas unless the local agency is certified by the Coachella Valley Association of Governments or in the Western County Area by the Commission or the Western Riverside County Association of Governments as applicable, to be a participant in the Transportation Uniform Mitigation Fee (TUMF) program necessary for the implementation of the Regional Arterial Program in their area. The cities and the county in the Western County Area must participate in the Multi Species Habitat Conservation Plan (MSHCP) by endorsing the Permit Allocation and executing the Implementation Agreement with the resources agencies in order to be eligible to receive local streets and roads funds.
- D. Funding which is not allocated to a city or the county because it is not a participant in the TUMF program in the Coachella Valley area and the TUMF and the MSHCP in the Western County area shall be allocated to the Regional Arterial Program in the geographic area in which the city or portion of the county is located.

6. FUNDING FLEXIBILITY AND BONDING TO EXPEDITE PROJECTS

The Commission may make maximum use of available funds by temporarily shifting allocations between geographic areas and transportation purposes. However, the proportionate shares for areas and purposes over the 30-year period may not be changed without an amendment of the Transportation Improvement Plan as required by law. Shifts may not be made without previous consultation with the affected agencies and two-thirds majority approval of the Board of Commissioners.

The Commission may also use bonds to speed implementation of some projects. Bonding will not be used without first determining that the benefits of an accelerated program outweigh the additional cost of interest on borrowing funds.

7. INFORMING THE PUBLIC OF LOCAL FUNDING SUPPORT

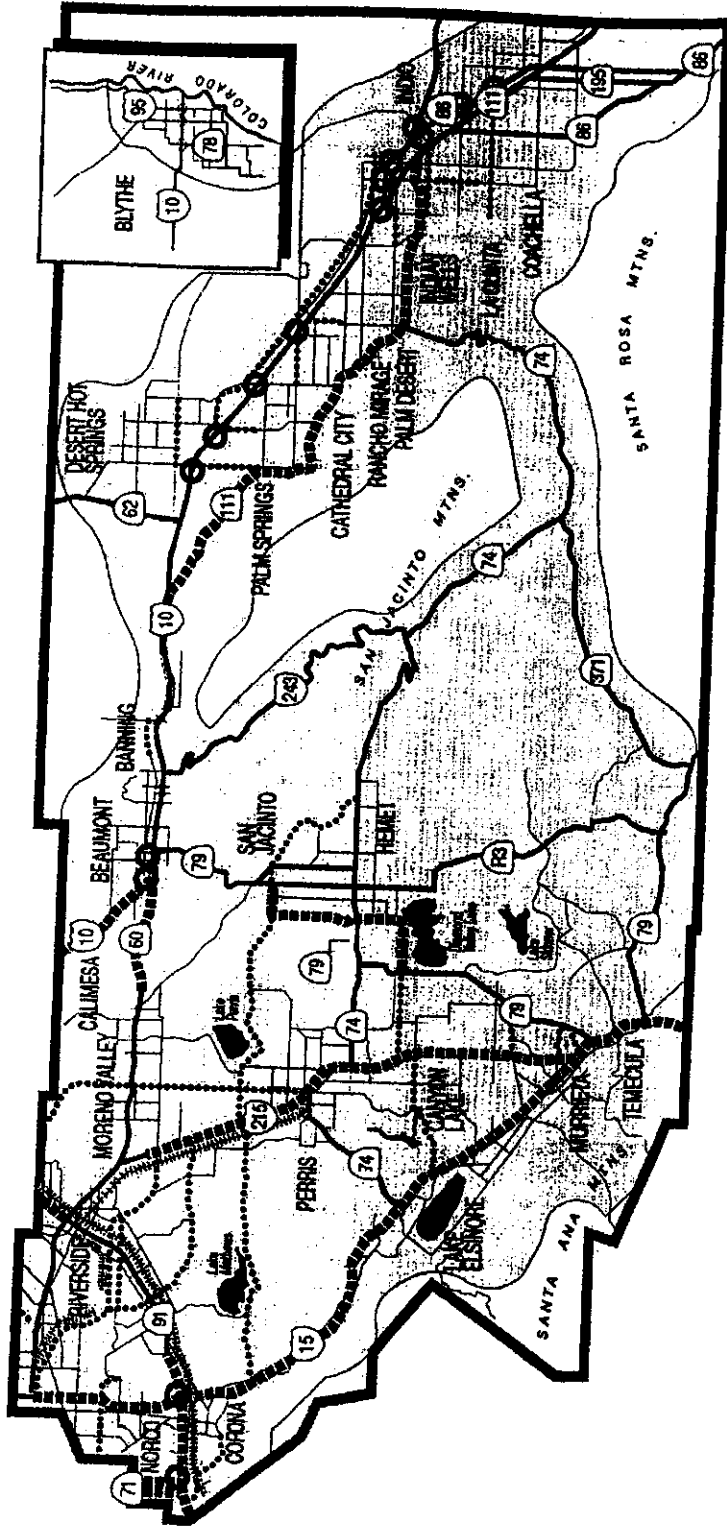
All state highway, commuter rail, and regional arterial projects using \$1 million or more of sales tax revenues shall be signed to inform the public that local voter approved revenues are being used to support the project.

8. SEVERANCE PROVISIONS

If any provision of this Transportation Improvement Plan is for any reason held invalid and unenforceable by a court of competent jurisdiction, that holding shall not effect the validity or enforceability of the remaining provisions, and the Commission declares that it would have passed each part of the Plan irrespective of the validity of any other part.



Major Highway and Commuter Rail Projects Under the New Measure A Transportation Improvement Plan



- INTERCHANGE
- +++++ COMMUTER RAIL
- MAJOR ARTERIALS
- ===== FREEWAYS/HIGHWAYS



B

**REVISED AND RESTATED
MEMORANDUM OF UNDERSTANDING
BETWEEN THE
RIVERSIDE COUNTY TRANSPORTATION COMMISSION
AND THE
WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS
CLARIFYING THE RELATIONSHIP BETWEEN MEASURE "A" AND TUMF**

THIS REVISED AND RESTATED MEMORANDUM OF UNDERSTANDING is made and effective this 10th day of Sept., 2008, by and between the RIVERSIDE COUNTY TRANSPORTATION COMMISSION ("RCTC") and the WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS ("WRCOG"). RCTC and WRCOG are sometimes collectively referred to herein as the "PARTIES".

RECITALS

A. On May 8, 2002, RCTC enacted Ordinance No. 02-001 for the purpose, among others, of imposing a 0.5% retail transactions and use tax (Measure "A" (2002)) the proceeds of which would be spent in accordance with the Transportation Improvement Plan attached to the Ordinance as Exhibit "B" ("TIP"). The collection of Measure "A" (2002) sales taxes shall commence upon the expiration of the existing Measure "A" sales tax on or about April 2009.

B. On November 5, 2002, a supermajority of Riverside County voters approved Measure "A" (2002), including the TIP. By its terms, the TIP conditioned the expenditure of Measure "A" (2002) revenues in city and county jurisdictions with the requirement, among other things, that matching revenues be generated within such jurisdictions in the form of a "Transportation Uniform Mitigation Fee", or "TUMF".

C. WRCOG is a joint powers public agency consisting of the County of Riverside, sixteen cities, and two regional water districts situated in the western end of Riverside County. WRCOG developed a TUMF Ordinance and Administrative Plan that was adopted by its member agencies between December 2003 and April 2004 that would serve to implement the TUMF. The TUMF is expected to result in transportation improvements in Western Riverside County valued at about \$5 billion, and the ordinance designates WRCOG as the program administrator.

D. The TIP includes a requirement that \$400 million of TUMF revenues (the "\$400 Million TUMF Requirement") be transferred to RCTC to fund, equally, the Measure "A" (2002) Regional Arterial System and the CETAP Corridors System that are identified as part of the Regional System of Highways and Arterials.

E. Because the TUMF program was not finalized by the time Measure "A" (2002) was approved by Riverside county voters, the details necessary to fully coordinate the two revenue programs could not be worked out.

F. On July 10, 2003 WRCOG and RCTC entered into an MOU (the "Original MOU") that established the process whereby the \$400 Million would be transferred to RCTC. The agreement stipulated that after WRCOG deducted the administrative component, the balance of the revenue would be allocated as follows: 48.1% to RCTC for the RCTC regional program, 48.1% for the WRCOG Zone program and 3.8% for the Riverside Transit Agency for regional transit projects. Further, the agreement stipulated that if the \$400 Million TUMF requirement was not satisfied by April 1, 2009 then all TUMF revenues, excluding administrative cost, would be transferred to RCTC until the obligation had been satisfied.

G. Between 2003 – 2007 both agencies adopted TUMF Transportation Improvement Programs with significant funding commitments. In order not to disrupt funding for existing project commitments both parties have agreed to revise the Original MOU to assure that funding will be available to support the delivery of projects programmed by WRCOG, RCTC and RTA.

H. WRCOG and RCTC have agreed to this Revised and Restated MOU for the purpose of, among other things, of revising the Original MOU to 1) delete the requirement in the Original MOU that after April 2009 all TUMF revenues (excluding administrative costs) be allocated to RCTC until the \$400 Million TUMF Requirement is satisfied; 2) remove the \$400 Million cap on TUMF revenues to be allocated to RCTC under the TUMF program; and 3) to direct TUMF revenues (after deduction for administrative costs, transit funding and MSHCP funding) equally to the WRCOG Zone program and RCTC Regional Arterial TUMF Program.

I. This Revised and Restated MOU supersedes the Original MOU as of April 30, 2009. Prior to April 30, 2009, the Original MOU shall control.

MUTUAL UNDERSTANDINGS

NOW, THEREFORE, in consideration of the foregoing facts and mutual understandings, the PARTIES wish to memorialize, by this Memorandum, the following mutual understandings:

1. **Allocation of TUMF Revenues from October 1, 2008 thereafter.** Pursuant to Government Code Section 66000 et seq., WRCOG has prepared and periodically updates at Nexus Study (the "Nexus Study") to support the imposition of the TUMF. The Nexus Study will determine the percent allocation for each of the program components under the TUMF. After the set aside of funds for Program Administration and the Multi Species Habitat Conservation Plan ("MSHCP"), TUMF revenues shall be allocated for the following purposes in accordance with the Nexus Study as follows:

- a. Regional transit; and
- b. Equally to: 1) the RCTC Regional Arterial TUMF Program consistent with Measure "A" (2002) and the TIP; and 2) the WRCOG Zone Program, as more specifically provided for in the WRCOG TUMF Administrative Plan.

The allocation of revenues set forth in this Section 1 shall continue until this Revised and Restated MOU is modified or amended in writing by the parties and shall not be capped at a total of \$400 Million.

2. Satisfaction of the \$400 Million TUMF Requirement. WRCOG and RCTC agree that the requirements of this MOU shall satisfy the \$400 Million TUMF Requirement set forth in Measure "A" (2002).

3. RCTC Regional Arterial TUMF Program. The development and approval of the RCTC Regional Arterial TUMF Program of projects and funding priorities will be through the following integrated RCTC /WRCOG process:

- a. For the purpose of developing and updating the RCTC Regional Arterial TUMF Program, the western jurisdictions of the RCTC TAC will be combined with the WRCOG Public Works Committee into a single committee known as the TUMF Public Works Committee (TPWC). This Committee will be comprised of the Public Works Directors from each city in western Riverside County and the Transportation Director from the County of Riverside and will meet on a regular basis according to an adopted schedule. The TPWC will make recommendations regarding the RCTC Regional Arterial TUMF Program to the WRCOG TAC and RCTC Budget and Implementation Committee.
- b. WRCOG Technical Advisory Committee (WRCOG TAC), comprised of the City Managers, County Executive management, General Managers from two regional water districts, and the Executive Director of March JPA meets regularly according to an adopted schedule and will review the TPWC recommendations and forward the recommendations on the RCTC Regional Arterial TUMF Program with any revisions to the WRCOG Executive Committee for action.
- c. RCTC Budget and Implementation Committee, comprised of RCTC Commissioners, meets monthly according to an adopted schedule and will review the RCTC Regional Arterial TUMF Program along with the TPWC recommendations and any additional recommendations from the WRCOG TAC and forward their recommendation to the full RCTC Board for action.

- d. WRCOG Executive Committee will review the RCTC Regional Arterial TUMF Program along with the WRCOG TAC recommendations and any additional information from the RCTC Budget and Implementation Committee and forward their recommendations to the RCTC Board.
- e. The RCTC Board of Commissioners shall be presented with the proposed RCTC Regional Arterial TUMF Program along with any concerns raised by any of the RCTC or WRCOG Committees described above. If the Board of Commissioners desires to make any changes to the Program, the RCTC Regional Arterial Program shall be referred to the Coordinating Committee for resolution and approval.

It is intended that steps a – e will be accomplished within a 30 day meeting cycle. This process is designed to move quickly and build better consensus for the two agencies for project delivery. In the event that approval of the RCTC Regional Arterial TUMF Program is not achieved within 90 days of presentation of the matter to the TUMF Public Works Committee, the Program shall be returned to the RCTC Board for final consideration and approval, or redirection to the appropriate committee. In such cases, the action of the RCTC Board of Commissions shall be final and not subject to further review under this MOU.

4. **CETAP Corridors as TUMF Improvements.** TUMF revenues shall not be used to develop new CETAP corridors that are not also designated on the Regional System of Highways and Arterials as established in the TUMF Nexus Study.

5. **RCTC's Expenditure of TUMF Revenues.** Accounting and expenditure of TUMF revenues shall be in conformance with the Nexus Study, the Administrative Plan and applicable state laws, including Government Code Sections 66000 et seq.

6. **Allocation of Unclaimed Measure "A" (2002) Local Streets and Roads Funds.** Section 5.D. of the "General Provisions of the Transportation Improvement Plan" of the TIP establishes the method for allocating Local Streets and Roads Funds of agencies not participating in the TUMF. RCTC agrees that in allocating such funds, that it will consider, among other things:

- a. The zones created by WRCOG for the TUMF.
- b. The allocation to Regional Arterial improvements so as to allow the timely use of such funds.

7. **Establishment of a Coordinating Committee.** There is hereby established a six-member "Measure "A"/TUMF Policy Coordinating Committee", consisting of the Chairperson, Vice-Chairperson and the Second Vice Chairperson of RCTC, and the Chairperson, Vice-Chairperson and Second Vice Chairperson of the WRCOG Executive Committee. The Policy Coordinating Committee shall meet as necessary for the purpose of

coordinating the allocation and expenditure of TUMF and Measure "A" revenues or review the RCTC Regional Arterial TUMF Program as described herein. If any of the above listed positions at WRCOG or RCTC are vacant, the Chair of the respective agency may appoint a temporary member.

8. **Amendment.** This Memorandum of Understanding may be amended in writing by mutual agreement of the PARTIES.

IN WITNESS WHEREOF, the Parties have caused this Amendment to be signed as of the date first above written.

**RIVERSIDE COUNTY
TRANSPORTATION COMMISSION**

**WESTERN RIVERSIDE COUNCIL
OF GOVERNMENTS**

By: 
Jeff Stone, Chairperson

By: 
Jeff Stone, Chairperson

*Reviewed and Recommended
for approval:*

*Reviewed and Recommended
for approval:*

By: 
Anne Mayer, Executive Director

By: 
Rick Bishop, Executive Director

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Bar number, and address):

FOR COURT USE ONLY

KENNETH B. BLEY, ESQ. (SB # 60600)
COX, CASTLE & NICHOLSON LLP
2049 Century Park East, #2800
Los Angeles, CA 90067-3284

TELEPHONE NO.: (310) 284-2231

FAX NO.: (310) 284-2100

ATTORNEY FOR (Name): Plaintiff CITY OF BEAUMONT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

STREET ADDRESS: 4050 Main Street

MAILING ADDRESS: 4050 Main Street

CITY AND ZIP CODE: Riverside, California 92501-3703

BRANCH NAME:

CASE NAME: City of Beaumont v. The Riverside County Transportation Commission, et al.

CIVIL CASE COVER SHEET

Unlimited (Amount demanded exceeds \$25,000)
Limited (Amount demanded is \$25,000 or less)

Complex Case Designation

Counter Joinder

Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

RIC 1211222

JUDGE:

DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

- Auto (22)
Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
Product liability (24)
Medical malpractice (45)
Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

- Business tort/unfair business practice (07)
Civil rights (08)
Defamation (13)
Fraud (16)
Intellectual property (19)
Professional negligence (25)
Other non-PI/PD/WD tort (35)

Employment

- Wrongful termination (36)
Other employment (15)

Contract

- Breach of contract/warranty (06)
Rule 3.740 collections (09)
Other collections (09)
Insurance coverage (18)
Other contract (37)

Real Property

- Eminent domain/Inverse condemnation (14)
Wrongful eviction (33)
Other real property (26)

Unlawful Detainer

- Commercial (31)
Residential (32)
Drugs (38)

Judicial Review

- Asset forfeiture (05)
Petition re: arbitration award (11)
Writ of mandate (02)
Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

- Antitrust/Trade regulation (03)
Construction defect (10)
Mass tort (40)
Securities litigation (28)
Environmental/Toxic tort (30)
Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

- Enforcement of judgment (20)

Miscellaneous Civil Complaint

- RICO (27)
Other complaint (not specified above) (42)

Miscellaneous Civil Petition

- Partnership and corporate governance (21)
Other petition (not specified above) (43)

2. This case is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties
b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. Substantial amount of documentary evidence
d. Large number of witnesses
e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): 2

5. This case is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: July 23, 2012

KENNETH B. BLEY

(TYPE OR PRINT NAME)

By: Kenneth B. Bley

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
File this cover sheet in addition to any cover sheet required by local court rule.
If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36) Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
4050 Main Street
Riverside, CA 92501
www.riverside.courts.ca.gov

NOTICE OF ASSIGNMENT TO DEPARTMENT FOR CASE MANAGEMENT PURPOSES
AND CASE MANAGEMENT CONFERENCE (CRC 3.722)

CITY OF BEAUMONT VS THE RIVERSIDE COUNTY

CASE NO. RIC 1211222

This case is assigned to the Honorable Judge Ronald L Taylor
in Department 06 for case management purposes.
The Case Management Conference is scheduled for 01/28/13
at 8:30 in Department 06.

Case is Assigned to Department 12 for Law and Motion Purposes.

The plaintiff/cross-complainant shall serve a copy of this notice on
all defendants/cross-defendants who are named or added to the
complaint and file proof of service.

Any disqualification pursuant to CCP Section 170.6(a)(2) shall be
filed in accordance with that section.

CERTIFICATE OF MAILING

I certify that I am currently employed by the Superior Court of
California, County of Riverside, and that I am not a party to this
action or proceeding. In my capacity, I am familiar with the practices
and procedures used in connection with the mailing of correspondence.
Such correspondence is deposited in the outgoing mail of the Superior
Court. Outgoing mail is delivered to and mailed by the United States
Postal Service, postage prepaid, the same day in the ordinary course
of business. I certify that I served a copy of the foregoing
notice on this date, by depositing said copy as stated above.

Dated: 07/25/12

Court Executive Officer/Clerk

By: _____

CARMEN I. MUNDO, Deputy Clerk

ac:cmc; cmcb; cmch; cmct; cmcc
cmccb; cmcch; cmcct