Brawley City Council and Successor Agency to Brawley Community Redevelopment Agency Agenda Regular Meeting Tuesday, June 19, 2012 @ 6:00 PM

City Council Chambers
383 Main Street
Brawley, California 92227

George A. Nava, Mayor
Sam Couchman, Mayor Pro-Tempore
Miguel C. Miranda, Council Member
Ryan E. Kelley, Council Member
Don C. Campbell, Council Member

Alma Benavides, City Clerk
Jim Hamilton, City Treasurer
Dennis H. Morita, City Attorney
Rosanna Bayon Moore City Manager/ Executive Director

CALL TO ORDER

ROLL CALL

INVOCATION ***Pastor David Ascencio, Victory Outreach Church***

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

1. PUBLIC APPEARANCES/COMMENTS (Not to exceed 4 minutes) *this is the time for the public to address the Council* ***on any item not appearing on the agenda*** *that is within the subject matter jurisdiction of the City Council. The Mayor will recognize you and when you come to the microphone, please state your name for the record. You are not allowed to make personal attacks on individuals or make comments which are slanderous or which may invade an individual's personal privacy. Please* ***direct your questions and comments to the City Council.***

2. PRESENTATION

a. Certificate of Recognition presented to Isaiah Martinez – Pop Warner Little Scholar ***Pp 5***

3. DEPARTMENTAL REPORTS

a. Update on Summer Hours and Summer Reading Program at the Brawley Public Library – Marjo Mello, Library Director

4. CONSENT AGENDA Items are approved by one motion. Council Members or members of the public may request consent items be considered separately at a time determined by the Mayor.

a. Approve City Council Minutes for:
May 15, 2012 ***Pp 6-9***
May 23, 2012 (adjourned) ***Pp 10-11***
June 5, 2012 ***Pp 12-16***
June 13, 2012 (special) ***Pp 17-18***

b. Approve Accounts Payable for:
May 31, 2012 **Pp 19**
June 1, 2012 ***Pp 20***
June 7, 2012 ***Pp 21-22***

c. Adopt 2nd Reading of Ordinance No. 2012-04: Ordinance of the City of Brawley, California, amending the Brawley Municipal Code to Change the Zoning Designation for Specified Property located at 590 West Main Street. ***Pp 23-24***

d. Approve Final Parcel Map (PM09-01) for specified property located at 485 West Magnolia Street. ***Pp 25-40***

e. Approve Resolution No. 2012- : Resolution of the City Council of the City of Brawley, California, acting as the Legislative Body of Community Facilities District No. 2005-1 of the City of Brawley (***Victoria Park***), authorizing the levy of Special Taxes within Community Facilities District No. 2005-1 for Fiscal Year 2012-2013. ***Pp 41-55***

f. Approve Resolution No. 2012- : Resolution of the City Council of the City of Brawley, California, acting as the Legislative Body of Community Facilities District No. 2005-3 of the City of Brawley (***La Paloma***), authorizing the levy of Special Taxes within Community Facilities District No. 2005-3 for Fiscal Year 2012-2013. ***Pp 56-74***

g. Approve Resolution No. 2012- : Resolution of the City Council of the City of Brawley, California, acting as the Legislative Body of Community Facilities District No. 2005-4 of the City of Brawley (***Latigo Ranch***), authorizing the levy of Special Taxes within Community Facilities District No. 2005-4 for Fiscal Year 2012-2013. ***Pp 75-88***

h. Approve Resolution No. 2012- : Resolution of the City Council of the City of Brawley, California, acting as the Legislative Body of Community Facilities District No. 2006-1 of the City of Brawley (***Malan Park***), authorizing the levy of Special Taxes within Community Facilities District No. 2006-1 for Fiscal Year 2012-2013. ***Pp 89-104***

i. Approve Resolution No. 2012- : Resolution of the City Council of the City of Brawley, California, acting as the Legislative Body of Community Facilities District No. 2007-1 of the City of Brawley (***Luckey Ranch***), authorizing the levy of Special Taxes within Community Facilities District No. 2007-1 for Fiscal Year 2012-2013. ***Pp 105-124***

j. Approve Resolution No. 2012- : Resolution of the City Council of the City of Brawley, California, acting as the Legislative Body of Community Facilities District No. 2007-2 of the City of Brawley (***Springhouse***), authorizing the levy of Special Taxes within Community Facilities District No. 2007-2 for Fiscal Year 2012-2013. ***Pp 125-141***

k. Approve Legal Services Agreement between Brawley Successor Agency and Attorney, Monica Lepe-Negrete. ***Pp 142-150***

5. REGULAR BUSINESS

a. Discussion/action approving Resolution No. 2012- : Resolution of the City Council of the City of Brawley, California approving the expansion of the Imperial Valley Enterprise Zone Boundaries-Synthetic Genomics, Inc. ***Pp 151-158***

b. Discussion and potential action regarding process for addressing Brawley City Council Vacancy. ***Pp 159-169***

c. Review of 2012/2013 Wastewater Enterprise Fund Detail.

6. INFORMATION ITEMS

a. Summary of City of Brawley Building Permits Issued for May 2012, Prepared by Francisco Soto, Building Official ***Pp 170***

7. COUNCIL MEMBER REPORTS

8. CITY MANAGER REPORT

9. CLOSED SESSION

a. Conference with Labor Negotiator
Agency designated representative: Rosanna Bayon Moore, City Manager
Employee organizations:
(a) Teamsters Local 542

b. Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9(a)):

1. City of Brawley vs. La Paloma
2. City of Brawley vs. Springhouse et al.
3. City of Brawley vs. Luckey Ranch et al.
4. Jupiter Ventures vs. City of Brawley

c. Conference with Legal Counsel – Anticipated Litigation Significant Exposure to Litigation pursuant to Subdivision (b) of Section 54956.9: one (1) potential case.

ADJOURNMENT Adjourn to ***July 3, 2012 @ 6:00 PM***, City Council Chambers, 383 Main Street, Brawley, California. Supporting Documents are available for public review in the Office of the City Clerk, 383 Main Street, Brawley, California 92227 - Monday through Friday during Regular Business Hours; Individuals who require special accommodations are requested to give 48 hours prior notice. Contact: Alma Benavides, City Clerk @ 760-351-3080.

Alma Benavides, City Clerk

Certificate of Recognition

presented to

Isaiah Martinez

for

Earning the distinction of

Pop Warner Little Scholar

this 19th day of June, 2012

George A. Nava, *Mayor*

Alma Benavides, *City Clerk*

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CITY OF BRAWLEY
May 15, 2012

The City Council of the City of Brawley, California met in a regular meeting at 6:00 PM, Council Chambers, 383 Main Street, Brawley, California, the date, time and place duly established for the holding of said meeting. The City Clerk attests to the posting of the agenda pursuant to G.C. §54954.2.

The meeting was called to order by ***Mayor Nava @*** 6:00 PM

The invocation was offered by ***Pastor Mike Neciuk of El Redentor Church***

The pledge of allegiance was led by ***Mayor Nava***

PRESENT: Campbell, Couchman, Kelley, Miranda, Nava
ABSENT: None

APPROVAL OF AGENDA

The agenda was ***approved*** as amended. m/s/c Miranda/Kelley 5-0

Item # 1 (a) American Public Works Association (APWA) Award Presentation - Augie Chang, Senior Project Manager ***was pulled from agenda.***

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

1. PUBLIC APPEARANCES/COMMENTS None

2. PROCLAMATIONS/PRESENTATIONS

a. Proclamation Celebrating Public Works Week.

Mayor Nava read and presented a proclamation to Yazmin Arellano, Public Works Director.

b. Proclamation in Honor of Better Hearing & Speech Month.

Mayor Nava read and presented a proclamation to Bill Williams.

3. DEPARTMENTAL REPORTS

a. Update on Fire Station No. 2 - Chuck Peraza, Interim Fire Chief

b. Update and Power Point presention on Brawley Municipal Airport - Yazmin Arellano, Public Works Director.

4. CONSENT AGENDA

The consent agenda was ***approved*** as submitted. m/s/c Couchman/Miranda 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

a. Approved Accounts Payable for April 26, 2012.

b. Approved Annual General Plan Annual Progress Report for year 2011.

c. Awarded Bid to Hazard Construction Company for Project No. 2012-06, Grapefruit Drive Rehabilitation Project, in amount of $89,451.90.

d. Adopted Resolution No. 2012-17: Resolution of the City Council of the City of Brawley, California rescinding Resolution No. 2012-11 and Approving the Application for Bicycle and/or Pedestrian Funds under the Transportation Development Act and Approving the Adoption of its Bicycle and/or Pedestrian Plan.

e. Accepted Grant of Easement for Public Purposes on South 9th Street.

f. Approved Change Order No. 1, South 9th Street Paving Project, Specification 2011-07, in the amount of $8,165 to Hazard Construction.

5. REGULAR BUSINESS

a. Discussion/action regarding Potential Water Connection to 428 East Cady Road, outside of Brawley City Limits.

The council ***motioned*** to approve Water Connection to 428 East Cady Road, outside of Brawley City Limits. m/s/c Kelley/Couchman 5-0

b. Discussion/Action regarding 1st Reading of Ordinance No. 2012-03: Ordinance of the City Council of the City of Brawley, California to allow use and sale of Safe & Sane Fireworks.

The council ***motioned*** to approve 1st Reading of Ordinance No. 2012-03: Ordinance of the City Council of the City of Brawley, California to allow use and sale of Safe & Sane Fireworks. m/s/c Kelley/Campbell 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

c. Discussion/Action regarding 2012/2013 General Fund Budget.

CM Bayon Moore briefed council with on a re-cap of the General Fund Budget process and major elements. The budget book was provided, with a memo for a recommended budget for Fiscal Year 2012/2013.

d. Discussion/Action regarding 2012/2013 Budget for Enterprise Funds Budget

The council ***motioned*** to approve the General Fund Budget and the Enterprise Funds; direction was provided to present greater detail for Wastewater Enterprises Fund. No new positions shall be created by or be filled without Council's review and approval. m/s/c Kelley/Couchman 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

6. INFORMATION ITEMS

a. **Summary of City of Brawley Building Permits Issued for April 2012,**

CM Kelley encouraged staff review return of Code Enforcement Officer position on part-time or limited time basis.

7. COUNCIL MEMBERS REPORTS

Miranda: Attended the grand opening of the Wastewater Treatment Plant.

Kelley: Attended the Brawley Public Library Board Meeting, candidates debate at the Stockmen's Club and the grand opening of the WWTP.

Campbell: Attended the grand opening of the WWTP, candidates debate. Thanked staff.

Couchman: Attended grand opening of the WWTP and the candidates debate at the Stockmen's Club.

Nava: Attended the grand opening of the WWTP opening and candidates debate.

8. CITY MANAGER REPORT/CITY ATTORNEY/CITY CLERK REPORT

Bayon Moore: Reported that council usually goes dark the month of August and would like to keep it that way so staff can plan vacations and catch up with office work; provided brief overview of Governor's proposed Budget, including State employee work four days.

Morita: Nothing to report.

Savala: Nothing to report.

9. ADJOURNED TO CLOSED SESSION

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY.

Nothing to report.

ADJOURNMENT @ 8:10 PM

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Lorena Savala, Deputy City Clerk

CITY OF BRAWLEY
May 23, 2012

The City Council of the City of Brawley, California met in an adjourned regular meeting at 5:30 PM, Council Chambers, 383 Main Street, Brawley, California, the date, time and place duly established for the holding of said meeting. The City Clerk attests to the posting of the agenda pursuant to G.C. §54954.2.

The meeting was called to order by ***Mayor Nava*** @ 5:30 PM

The invocation was offered by ***CM Campbell***

The pledge of allegiance was led by ***Mayor Nava***

PRESENT: Campbell, Couchman, Nava
ABSENT: Kelley, Miranda

APPROVAL OF AGENDA

The agenda was ***approved*** as submitted. m/s/c Campbell/Nava 3-0

AYES: Campbell, Couchman, Nava
NAYES: None
ABSTAIN: None
ABSENT: Kelley, Miranda

1. PUBLIC APPEARANCES/COMMENTS None

2. CONSENT AGENDA

The consent agenda was ***approved*** as submitted. m/s/c Couchman/Campbell 3-0 Kelley and Miranda

AYES: Campbell, Couchman, Nava
NAYES: None
ABSTAIN: None
ABSENT: Kelley, Miranda

a. Approved 2nd reading of Ordinance No. 2012-03: Ordinance of the City Council of the City of Brawley, California repealing Ordinance No. 379 and enacting Chapter 19H regulating the possession, sale and use of Safe and Sane Fireworks within the City of Brawley.

3. REGULAR BUSINESS None

4. COUNCIL MEMBERS REPORTS

Campbell: Invited everyone to the Hidalgo Hall Friday, May 25, 2012, for Pop Warner Raffle.

Couchman: Nothing to report

Nava: Nothing to report

5. CITY MANAGER REPORT/CITY ATTORNEY/CITY MANAGER

Bayon Moore: Briefed council that the prison crew, at no cost to the City, will be retained; will update further at next meeting.

Morita: Nothing to report

Savala: Nothing to report

ADJOURNMENT @ 5:40 PM

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Alma Benavides, City Clerk

CITY OF BRAWLEY
June 5, 2012

The City Council of the City of Brawley, California met in a Regular meeting at 6:00 PM, Council Chambers, 383 Main Street, Brawley, California, the date, time and place duly established for the holding of said meeting. The City Clerk attests to the posting of the agenda pursuant to G.C. §54954.2.

The meeting was called to order by ***Mayor Nava*** @ 6:00 PM

The invocation was offered by ***CM Campbell***

The pledge of allegiance was led by ***Mayor Nava***

PRESENT: Campbell, Couchman, Kelley, Miranda, Nava
ABSENT: None

APPROVAL OF AGENDA

Item # 4 (i) Legal Services Agreement between Brawley Successor Agency and Attorney ***was pulled from agenda.***

The agenda was ***approved*** as amended. m/s/c Miranda/Couchman 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

1. PUBLIC APPEARANCES/COMMENTS

Diane Cason, Imperial Valley Enterprise Zone Manager briefed council on the ICSC Trade Show in Las Vegas and announced the Regional Trade Show scheduled in San Diego on September 19th, 2012.

2. PRESENTATION

a. American Public Works Association (APWA) Award Presentation by Augie Chang, Senior Project Manager.

Augie Chang, Director and Past President of APWA presented an award to Public Works.

3. DEPARTMENTAL REPORTS

a. Monthly Staffing Report – Shirley Bonillas, Personnel & Risk Management Administrator.

b. Update and Power Point Presentation regarding Women's Softball League, Karin Morgan, Parks & Recreation Director

Public Comments were made by:

Jesse Silva, Misfits Coach
Adrienne Rodriguez, Misfits Player
Esther Banda
Sandra Rivas
Rudy Maza

c. Update on Fire Station No. 2 – Chuck Peraza, Interim Fire Chief

2. CONSENT AGENDA

The consent agenda was ***approved*** as submitted. m/s/c Campbell/Miranda 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

a. Approved City Council Minutes for: April 17, 2012
April 26, 2012
May 1, 2012
May 8, 2012

b. Approved Accounts Payable for: May 10, 2012
May 17, 2012
May 24, 2012

c. Authorized Contract Change Order No. 3 to Hazard Construction for the amount of $8,819.25 for Contract No. 2011-13 – Brawley Municipal Airport Taxiway Rehabilitation.

d. Adopted Resolution No. 2012-18: Resolution of the City Council of the City of Brawley, California, authorizing the submission of the City of Brawley's projects for the Congestion Mitigation and Air Quality (CMAQ) Program SAFETEA-LU Call for Projects for Fiscal Years 2012/2013, 2013/2014, 2014/2015 and 2015/2016 and supporting the project delivery schedules and timely use of funding.

e. Rescinded Resolution No. 2009-03 and Adopted Resolution No. 2012-19: Resolution of the City Council of the City of Brawley, California authorizing the City Manager or his/her designee to execute agreements, amendments, etc. with the California Department of Transportation.

f. Approved City of Brawley Rehabilitation Loan No. 436 for a single family dwelling to be funded by 06-CalHome-261 in the amount of $39,260.00.

g. Authorized Contract Change Order Nos. 14 & 15 for Contract No. 2009-06, Wastewater Treatment Plant Improvement Project in the amount of $240,614 for CW Roen.

h. Reviewed and approved City of Brawley Wireless Internet Policy for Public Access.

i. Approved Memorandum of Agreement by and between Pioneers Memorial Healthcare District and the City of Brawley for Sexual Assault Response Team (SART) Services.

4. REGULAR BUSINSS

a. Approve 1st Reading of Ordinance No. 2012-04: Ordinance of the City Council of the City of Brawley, California amending the Brawley Municipal Code property located at West 590 Main Street.

The council ***motioned*** to approve 1st Reading of Ordinance No. 2012-04: Ordinance of the City Council of the City of Brawley, California amending the Brawley Municipal Code to change the Zoning Designation for Specified Property located at 590 West Main Street, Brawley, CA. with staff recommendations. m/s/c Nava/Campbell 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

As a result of failing to open a Public Hearing the council motioned to ***rescind*** 1st Reading of Ordinance No. 2012-04: Ordinance of the City Council of the City of Brawley, California amending the Brawley Municipal Code to change the Zoning Designation for Specified Property located at 590 West Main Street, Brawley, CA. m/s/c Nava/Campbell 5-0

OPENED PUBLIC HEARING @ 6:50 PM

PUBLIC COMMENTS WERE MADE BY:

Carlos Romero, ProTerra on behalf of Applicant
Craig Adam, Resident

CLOSED PUBLIC HEARING @ 6:55 PM

The council ***motioned*** to approve 1st Reading of Ordinance No. 2012-04: Ordinance of the City Council of the City of Brawley, California amending the Brawley Municipal Code to change the Zoning Designation for Specified Property located at 590 West Main Street, Brawley, CA. with removal of chain link fence on Westside and adding 6 ft. block wall. m/s/c Nava/Miranda 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

b. Reviewed and approved Resolution No. 2012-20: Resolution of the City Council of the City of Brawley, California amending the City of Brawley General Plan for property located at West 590 Main Street.

The council ***motioned*** to approve Resolution No. 2012-20: Resolution of the City Council of the City of Brawley, California amending the City of Brawley General Plan.

c. Reviewed and approved Department of Parks and Recreation Five-Year Plan, 2012- 2017.

The council ***motioned*** to approve the Department of Parks and Recreation Five-Year Plan, 2012-2017. m/s/c Couchman/Miranda 5-0

d. Reviewed and approved Recognized Obligation Payment Schedule for the period of July 2012 through December 2012.

The council ***motioned*** to approve Recognized Obligation Payment Schedule for the period of July 2012 through December 2012. m/s/c Miranda /Campbell 5-0

e. Review and approve budget adjustment in the amount of $17,246 for the City Clerk Department.

The council ***motioned*** to approve budget adjustment in the amount of $17,246 for the City Clerk Department Budget. m/s/c Kelley /Couchman 5-0

4. COUNCIL MEMBERS REPORTS

Miranda: Attended the ICSC Trade Show in Las Vegas, Nevada and the Brawley Chamber of Commerce Good Morning Breakfast.

Kelley: Attended several events.

Campbell: Attended the Brawley Chamber of Commerce Good Morning Breakfast; Requested recognition of Isaiah Martinez for receiving an award from Pop Warner.

Couchman: Attended the Brawley Chamber of Commerce Good Morning Breakfast and several other events.

Nava: Attended the ICSC Trade Show in Las Vegas, Nevada, the Brawley Chamber of Commerce Good Morning Breakfast and other events.

5. CITY MANAGER REPORT/CITY ATTORNEY/CITY CLERK

Bayon Moore: Nothing to report.

Morita: Nothing to report.

Savala: Nothing to report.

6. ADJOURNED TO CLOSED SESSION

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY.

Nothing to report.

ADJOURNMENT @ 7:40 PM

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Lorena Savala, Deputy City Clerk

CITY OF BRAWLEY
June 13, 2012

The City Council of the City of Brawley, California met in a special meeting at 7:15 AM, Council Chambers, 383 Main Street, Brawley, California, the date, time and place duly established for the holding of said meeting. The City Clerk attests to the posting of the agenda pursuant to G.C. §54956.

The meeting was called to order by ***Mayor Nava @*** 7:15 AM

The invocation was offered by ***CM Campbell***

The pledge of allegiance was led by ***CM Nava***

PRESENT: Campbell, Couchman, Kelley, Miranda, Nava
ABSENT: None

APPROVAL OF AGENDA

The City Manager determined that this item arose after the agenda was posted and there is a need for immediate action which cannot reasonably wait for the next regularly scheduled meeting (G.C. § 54954.2(b)2.

a. Federal Transit Administration (FTA) Disadvantaged Business Enterprise (DBE) Goal for Fiscal Year 2012-2013.

The agenda was ***approved*** as amended. m/s/c Miranda/Nava 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

1. PUBLIC APPEARANCES/COMMENTS

Scott Emanuelli, Top Notch Seeds & EMJO Properties, LLC on South 5th Street briefed council on parking lot requirements for office building project.

2. REGULAR BUSINESS

a. Federal Transit Administration (FTA) Disadvantaged Business Enterprise (DBE) Goal for Fiscal Year 2012-2013.

The council ***motioned*** to authorize staff to advertise the City of Brawley Draft Federal Transit Administration DBE Goal for Fiscal Year 2012-2013 for public comment. m/s/c Nava/Kelley 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

3. COUNCIL MEMBERS REPORTS

Miranda: Nothing to report

Kelley: Nothing to report

Campbell: Nothing to report

Couchman: Nothing to report

Nava: Nothing to report

4. CITY MANAGER REPORT/CITY ATTORNEY/CITY MANAGER

Bayon Moore: Nothing to report

Morita: Nothing to report

Savala: Nothing to report

ADJOURNMENT @ 7:42 AM

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Alma Benavides, City Clerk

Check Register Report

Date: 05/31/2012
Time: 4:00 PM
Page: 1

City of Brawley

Check Number	Check Date	Status	Vendor Number	Vendor Name	Check Description	Amount
19083	05/31/2012	Printed	A371	ADT SECURITY SERVICES INC.	Alarm Monitoring - Admin	90.60
19084	05/31/2012	Printed	A368	AFLAC INC.	Flex One Service May 2012	55.00
19085	05/31/2012	Printed	A497	SUSHIL AGRAWAL	Refund OvPymt 1019 Olive Way	17.85
19086	05/31/2012	Printed	A047	AIRSOFT ZONE CORP.	Batteries	203.91
19087	05/31/2012	Printed	A126	ALSCO AMERICAN LINEN DIV.	Cleaning Services	433.51
19088	05/31/2012	Printed	A202	APWA	ASCE Lunch Meeting/Arellano	56.00
19089	05/31/2012	Printed	A001	YAZMIN ARELLANO	Reimb Travel/Luckey Ranch Depo	12.75
19090	05/31/2012	Printed	A461	AT&T-CALNET 2	Telephone Service 4/12-5/11	109.06
19091	05/31/2012	Printed	A592	AUTO ZONE, INC. #2804	Radiator Cap	18.09
19092	05/31/2012	Printed	A930	AVAYA FINANCIAL SERVICES	City Hall Phone System	150.54
19093	05/31/2012	Printed	A277	AVAYA INC.	Service Agreements	126.69
19094	05/31/2012	Printed	A965	HILDA Y. AYON	Refund Deposit 150 W K St	170.86
19095	05/31/2012	Printed	B374	BAEZA'S HEATING & COOLING	Service HVAC Systems	130.00
19096	05/31/2012	Printed	B231	JONATHAN BLACKSTONE	Travel Adv/Tactical Operations	562.50
19097	05/31/2012	Printed	B210	BRAWLEY CHAMBER OF	Branding Iron Annual Dinner	540.00
19098	05/31/2012	Printed	C312	CA PUBLIC EMP. RETIREMENT	June 2012 Health Insurance	82,410.05
19099	05/31/2012	Printed	D397	DION INTERNATIONAL TRUCKS,	Throttle Switch #104 Sewer	741.43
19100	05/31/2012	Printed	F105	FEDERAL EXPRESS CORP.	Mailings - City Clerk	55.94
19101	05/31/2012	Printed	F967	FULL THROTTLE ENTERPRISES	Refund OvPymt 844 W Ronald	106.55
19102	05/31/2012	Printed	G789	MARK GILLMORE	Travel Adv/911 Ctr Consolidate	251.50
19103	05/31/2012	Printed	H119	HAAKER EQUIPMENT CO., INC.	Tank Strap Sweeper #15 Streets	122.47
19104	05/31/2012	Void			Void Check	0.00
19105	05/31/2012	Printed	I301	IMPERIAL HARDWARE CO., INC.	Bulbs	1,005.09
19106	05/31/2012	Printed	J139	RICARDO JASSO	Reimb Tuition/Driver Oper 1B	175.00
19107	05/31/2012	Printed	K186	K-CAL PROPERTY	Refund OvPymt 1080 G Street	134.37
19108	05/31/2012	Printed	L603	LIEBERT CASSIDY WHITMORE	Update Personnel Policies	2,646.00
19109	05/31/2012	Printed	L541	JOSE LIMON	Reimb Grade 1 WT Operator Test	30.00
19110	05/31/2012	Printed	G936	MANSFIELD GAS EQUIPMENT	Install Compressors CNG Statn	6,827.02
19111	05/31/2012	Printed	M765	GEOR MITCHELL BUILDERS, INC.	Remodel Front Counter	3,491.60
19112	05/31/2012	Printed	N246	NENA	9-1-1 Center Consolidation	275.00
19113	05/31/2012	Printed	N418	NEXTEL COMMUNICATIONS, INC.	Cell Phone Charges/Council	366.17
19114	05/31/2012	Printed	N045	NORTHEND AUTOPARTS, INC.	Hal Bulb	64.71
19115	05/31/2012	Printed	O123	OCE	Planning Copier May 2012	63.53
19116	05/31/2012	Printed	O125	OFFICE SUPPLY CO.	Rubb Finger, Binders	71.62
19117	05/31/2012	Printed	O901	ORANGE COMMERCIAL CREDIT	Effluent Analysis	1,450.00
19118	05/31/2012	Printed	P006	CHARLES & DORIS PATE	Refund OvPymt 653 S Rio Vista	116.46
19119	05/31/2012	Printed	P113	PETTY CASH -CITY CLERK	Petty Cash - City Clerk	16.14
19120	05/31/2012	Printed	P370	PIONEERS MEMORIAL HOSPITAL	PMH April 2012	40.00
19121	05/31/2012	Printed	P903	PRINCIPAL FINANCIAL GROUP	Life Insurance June 2012	3,770.01
19122	05/31/2012	Printed	R702	RADIO SHACK	Cables, Adapters	127.19
19123	05/31/2012	Printed	R107	RAIN FOR RENT	Credit Valve	362.92
19124	05/31/2012	Printed	S169	SMALL EQUIPMENT CENTER	Hour Meter/Counter	203.00
19125	05/31/2012	Printed	S495	SOUTHERN CALIFORNIA GAS CO.	015 325 6300 2	16.74
19126	05/31/2012	Printed	S689	STAPLES ADVANTAGE	USB WD Passport	166.36
19127	05/31/2012	Printed	T150	THE ECLIPSE GROUP, LLP	Attorney Services Jupiter	60,214.51
19128	05/31/2012	Printed	V452	VISION SERVICE PLAN (CA), I	June Vision Insurance	2,924.91
19129	05/31/2012	Printed	W231	DOUG WASSER	Refund Deposit 1124 E Street	27.93
19130	05/31/2012	Printed	W833	WATER TECH	Sprinkler	16.93
19131	05/31/2012	Printed	W629	WEST PAYMENT CENTER	Zoning Bulletin Subscription	249.48
			49		**Checks Total (excluding void checks):**	**171,217.99**

Check Register Report

Date: 06/01/201
Time: 9:22 AI
Page:

City of Brawley

Check Number	Check Date	Status	Vendor Number	Vendor Name	Check Description	Amour
19132	06/01/2012	Printed	A368	AFLAC INC.	Cancer, Disability Withheld	3,146.3
19133	06/01/2012	Void			Void Check	0.0
19134	06/01/2012	Printed	C889	CALIFORNIA STATE DISBURSEME	Deductions	3,119.3
19135	06/01/2012	Printed	C110	COLUMBUS BANK & TRUST COMPA	Unreimbursed Medical Deduction	561.7
19136	06/01/2012	Printed	C240	COURT SERVICES (CIVIL)	Deductions	75.0
19137	06/01/2012	Printed	F689	FRANCHISE TAX BOARD	Deductions	460.0
19138	06/01/2012	Printed	N944	NATIONAL PLAN COORDINATORS	Deferred Compensation 34023301	7,710.7
19139	06/01/2012	Printed	N187	NATIONWIDE RETIREMENT SOLUTION	Deferred Compensation #05270	820.8
19140	06/01/2012	Printed	S325	SUN COMMUNITY FED. CREDIT UNIO	Credit Union Deductions	2,022.0
19141	06/01/2012	Printed	U110	UNITED WAY OF IMPERIAL COUN	United Way Deductions	38.0
			10		**Checks Total (excluding void checks):**	**17,954.0**

Check Register Report

Date: 06/07/20
Time: 4:20
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City of Brawley

Check Number	Check Date	Status	Vendor Number	Vendor Name	Check Description	Amo
19142	06/07/2012	Printed	A242	A T & T	Telephone Svcs FD #2 5/19-6/18	415
19143	06/07/2012	Printed	A272	A THING CALLED CAKE	Desserts - WWTP Grand Opening	150
19144	06/07/2012	Printed	A204	ALCO TARGET CO. INC.	Range Targets	506
19145	06/07/2012	Printed	A554	ALLIED WASTE SERVICES #467	Solid Waste Services May 2012	84,990
19146	06/07/2012	Void			Void Check	0
19147	06/07/2012	Printed	A126	ALSCO AMERICAN LINEN DIV.	Uniform Cleaning Service	483
19148	06/07/2012	Printed	A868	ALTISOURCE SOLUTIONS, INC	Refund Dep/OvPymt 1088 G St	178
19149	06/07/2012	Printed	A915	AM COPIERS, INC.	Copier Maint Jan, April-WTP	20
19150	06/07/2012	Printed	A804	AMERICAN RED CROSS	CPR & First Aid Training	836
19151	06/07/2012	Printed	A155	ARCTIC AIR COND. & HEATING	Repair A/C - WTP	955
19152	06/07/2012	Printed	A685	ASSOCIATES LANDSCAPE CO.	Remove Tree 9th & Malan	1,200
19153	06/07/2012	Printed	A785	AT&T	U-Verse Internet 5/24-6/23	144
19154	06/07/2012	Printed	A757	AT&T DATACOMM INC.	Smartnet Contract Renewal	4,637
19155	06/07/2012	Printed	A461	AT&T-CALNET 2	Telephone Svcs 4/20-5/19	3,692
19156	06/07/2012	Printed	A277	AVAYA INC.	Equipment Lease 4/23-5/22 P.W.	372
19157	06/07/2012	Printed	B684	LAURA P. BLAKE	Zumba Instructor Mornings May	789
19158	06/07/2012	Printed	B390	BRAWLEY AUTO BODY	Paint Suction Tube #104 Sewer	171
19159	06/07/2012	Printed	B210	BRAWLEY CHAMBER OF COMMERCE	June 2012 Allocation	2,793
19160	06/07/2012	Printed	B261	BRAWLEY ELEMENTARY SCHOOL	Training Facility 6/6/12	66
19161	06/07/2012	Printed	B269	BRAWLEY TRACTOR PARTS	Nuts & Bolts #15 Streets	14
19162	06/07/2012	Printed	B747	BRENNTAG PACIFIC INC.	Sodium Hypochlorite	5,386
19163	06/07/2012	Printed	B550	KELLY BROWN	Travel Adv Leadership Training	461
19164	06/07/2012	Printed	C123	VIRIDIANA Y. CATLETT	Zumba Instructor May 2012	259
19165	06/07/2012	Printed	C226	CHIEF SUPPLY, INC.	Narcotic Test Kits	134
19166	06/07/2012	Printed	C504	CITY OF EL CENTRO	2011-2012 IVRMA Recycle Grant	7,097
19167	06/07/2012	Printed	C853	CRAIG'S CRANE & SERVICES, INC.	Remove & Replace Pump Motor	1,560
19168	06/07/2012	Printed	C249	CREATIVE CONTROL SYSTEM	Service PLC, SCADA/WTP	6,300
19169	06/07/2012	Printed	D705	THOMAS DAM	Parking Lot Rent June 2012	125
19170	06/07/2012	Printed	D402	DAPPER TIRE CO., INC.	Tires- P.D. Stock	708
19171	06/07/2012	Printed	D701	DAVID & SONS TRUCK REPAIR, INC	Brake Fitting #3912 F.D.	6
19172	06/07/2012	Printed	D103	DELTA DENTAL	Dental Insurance June 2012	9,420
19173	06/07/2012	Printed	D478	DEPARTMENT OF JUSTICE	Evidentiary Drug Analysis	119
19174	06/07/2012	Printed	D397	DION INTERNATIONAL TRUCKS, LLC	Repair LAMBS Bus	724
19175	06/07/2012	Printed	E390	PHILLIP EDWARD	Refund Deposit 827 Santillan	176
19176	06/07/2012	Printed	E145	ELMS EQUIPMENT	Repair Hedger - Parks	730
19177	06/07/2012	Printed	F105	FEDERAL EXPRESS CORP.	Mailings - City Clerk	105
19178	06/07/2012	Printed	F629	FLEET SERVICES	CNG Charge Sweeper #16	4
19179	06/07/2012	Printed	G401	MARK GADDIS	Refund OverPymt 1037 D St	105
19180	06/07/2012	Printed	G466	ESTEBAN GARCIA	Reimb Travel/Sweeper Training	51
19181	06/07/2012	Printed	G520	GROUP DELTA CONSULTANTS	Soil Sampling/9th St. Project	830
19182	06/07/2012	Printed	H182	HACH COMPANY, INC.	Ampule, Chlorine Kits	393
19183	06/07/2012	Printed	H646	HAZARD CONSTRUCTION CO. INC	9th Street Paving Project	17,496
19184	06/07/2012	Printed	H377	HYDRAULICS & BEARING SUPPLY IN	Air Hose, Fittings #3912 F.D.	219
19185	06/07/2012	Void			Void Check	0
19186	06/07/2012	Void			Void Check	0
19187	06/07/2012	Printed	I301	IMPERIAL HARDWARE CO., INC.	Filter, Tape, Pan	548.
19188	06/07/2012	Printed	I103	IMPERIAL IRRIGATION DISTRIC	Power Bills 4/26/12-05/24/12	833.
19189	06/07/2012	Printed	J819	JCI JONES CHEMICALS, INC.	Chlorine Tanks	4,288.
19190	06/07/2012	Printed	K797	KEARNY MESA AUTOMOTIVE CO.	Gasket, Seals #100 Distribtion	183.
19191	06/07/2012	Printed	L223	LANDMARK CONSULTANTS, INC.	Soil Sampling F.D. #2	87.
19192	06/07/2012	Printed	L541	JOSE LIMON	Reimb Tuition WT140-1	231.

Check Register Report

Date: 06/07/20
Time: 4:20 P
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City of Brawley

Check Number	Check Date	Status	Vendor Number	Vendor Name	Check Description	Amou
19193	06/07/2012	Printed	M004	MCNEECE BROS OIL COMPANY	Fuel - P.W.	213.
19194	06/07/2012	Printed	M765	GEOR MITCHELL BUILDERS, INC.	Feb Rental & Parts	2,380.
19195	06/07/2012	Printed	M881	MOTOROLA, INC.	Radio System Service Agreement	2,841.
19196	06/07/2012	Printed	M195	MOYLE ELECTRIC	Repair HP Motor	174.
19197	06/07/2012	Printed	M275	MSC INDUSTRIAL SUPPLY CO. INC.	HP Motor, Trailer Winch	193.
19198	06/07/2012	Printed	N418	NEXTEL COMMUNICATIONS, INC.	Cell Phone Charges/Various	197.
19199	06/07/2012	Printed	N045	NORTHEND AUTOPARTS, INC.	Wire Loom - #3912 F.D.	52.
19200	06/07/2012	Printed	O567	JIM O'MALLEY PLUMBING	PVC Cutter, Coupling	29.
19201	06/07/2012	Printed	O755	OCE IMAGISTICS,INC.	Copier Maint 4/1-4/30 P.D.	164.
19202	06/07/2012	Printed	O901	ORANGE COMMERCIAL CREDIT	Effluent Analysis	9,415.
19203	06/07/2012	Printed	P344	PADRE JANITORIAL SUPPLIES, INC	Cleaning Wipes	11.
19204	06/07/2012	Printed	P110	PESTMASTER SERVICES	Pest Control - P.D.	65.
19205	06/07/2012	Printed	P255	PITNEY BOWES PURCHASE POWER	Postage - Police Dept	454.
19206	06/07/2012	Printed	P229	PONTON INDUSTRIES, INC.	Robicon W120 Series	14,869.
19207	06/07/2012	Printed	P558	PRO RECORD STORAGE, INC.	Document Storage May 2012	101.
19208	06/07/2012	Printed	P342	PSOMAS & ASSOCIATES, INC.	Integrated Master Pl 3/30-4/26	62,452.
19209	06/07/2012	Printed	P104	PUBLIC EMPLOYEES RETIREMENT	5/14/12-5/28/12 PERS	91,425.
19210	06/07/2012	Printed	N232	R J NEILD R E APPRAISALS	Appraisal - 1103 J Street	375.
19211	06/07/2012	Printed	R753	RDJ SPECIALTIES, INC.	Promotional Material	1,357.
19212	06/07/2012	Printed	R947	C.W. ROEN CONSTRUCTION, CO.	WWTP Improvements 2009-06	445,375.
19213	06/07/2012	Printed	R985	ROMAINE ELECTRIC CORP	Alternator #3912 F.D.	1,067.
19214	06/07/2012	Printed	S155	SAN DIEGO COUNTY	Police Radio System Fees May	1,855.
19215	06/07/2012	Printed	G985	SIMPLEXGRINNEL FIRE PROTECTION	Fire Extinguisher Maint/WTP	431.
19216	06/07/2012	Printed	S885	SIRCHIE FINGERPRINT LABORATORI	Evidence Lift Tape & Bags	384.
19217	06/07/2012	Printed	S412	SONIA CORINA, INC.	Dial A Ride JUne 2012	18,860.
19218	06/07/2012	Printed	S689	STAPLES ADVANTAGE	Copy Paper, Binders, Tape	1,822.
19219	06/07/2012	Printed	S712	STIFF EQUIPMENT INC.	Hot Roll Round, Hot Roll Flat	41.
19220	06/07/2012	Printed	T122	TEAM VIEWER INC	Remote Software Support	1,449.
19221	06/07/2012	Printed	T808	TIME WARNER CABLE	Internet 8448 42 002 0055391	139.
19222	06/07/2012	Printed	T306	TIMEPAYMENT CORP.	Drinking Water Service P.D.	65.7
19223	06/07/2012	Printed	T452	TUCKER TOWING	Refund OvPymt Bus Lic#5680	16.
19224	06/07/2012	Printed	U630	UNITED PARCEL SERVICE, INC	Mailings - Engineering	110.7
19225	06/07/2012	Printed	U156	UNITED ROTARY BRUSH CORP.	Gutter Broom #15,16.110 Sts	443.
19226	06/07/2012	Printed	U901	UNITED STATES POSTAL SERVIC	City Hall Postage Refill	2,841.
19227	06/07/2012	Printed	U602	USA BLUEBOOK, INC	Z-Ball Valve	155.5
19228	06/07/2012	Printed	V130	CYNTHIA W VANDIVER, SRA	Appraisal - 633 N 7th Street	350.
19229	06/07/2012	Printed	V079	VERIZON WIRELESS SERVICES L	MDC Connection to Network	966.6
19230	06/07/2012	Printed	V940	KAREN VOGEL	Property Taxes 049-213-001-000	277.2
19231	06/07/2012	Printed	W221	WAL-MART STORES, INC. #01-1555	Vizio Television & Warranty	691.8
19232	06/07/2012	Printed	W833	WATER TECH	Valve Adapter, Glue	189.0
19233	06/07/2012	Printed	W351	MARICELA WEBSTER	Reimb Mileage Jan Thru May	28.1
19234	06/07/2012	Printed	W551	WESTERN GROWERS INSURANCE	Safety Training 4/18, 4/20	529.0
19235	06/07/2012	Printed	W319	JOSHUA AARON WISE	Gym Supervisor 5/17-5/24	40.0
19236	06/07/2012	Printed	W482	WOLTERS KLUWER LAW & BUSINESS	CA Payroll Guide 2012	314.5
19237	06/07/2012	Printed	X100	XEROX CORPOPATION	Copier Usuage May	623.5
			96		**Checks Total (excluding void checks):**	**826,851.4**

ORDINANCE NO. 2012-04

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA, AMENDING THE BRAWLEY MUNICIPAL CODE TO CHANGE THE ZONING DESIGNATION FOR SPECIFIED PROPERTY

THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

Section 1: The zoning map adopted at Chapter 27, Article III, Section 27.60 of the Brawley Municipal Code is hereby amended as follows:

The affected property is described as follows: A portion of the West 350 feet of Block 13, Rio Vista Ranch Subdivision, south of Highway 86 excepting the south 300 feet, City of Brawley, County of Imperial, State of California. (APN 048-020-022) ("Property).

The current zoning for the Property is R-3. The zoning for the Property enacted by this ordinance is C-2.

APN	ZONE CLASSIFICATION	
	As amended by this Ordinance	Existing
048-020-022	C-2 (Medium Commercial)	R-3 (Residential Medium Density)

SECTION 2: This ordinance shall be effective thirty (30) days after its adoption and the City Clerk shall cause a certified copy of this ordinance to be published one time within fifteen (15) days after its adoption in the Imperial Valley Press, a newspaper of general circulation printed in Imperial County and circulated in the City of Brawley.

APPROVED PASSED AND ADOPTED, at the regular meeting of the Brawley City Council of the City of Brawley, held on the 19th day of June, 2012.

CITY OF BRAWLEY, CALIFORNIA

_____

George A. Nava, Mayor

ATTEST:

_____

Alma Benavides, City Clerk

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL)
CITY OF BRAWLEY)

1st Reading

I, Alma Benavides, City Clerk of the City of Brawley, California, **DO HEREBY CERTIFY** that the foregoing Ordinance No. 2012-04 was passed and adopted by the City Council of the City of Brawley, California, at a regular meeting held on the 5th day of June, 2012 and that it was so adopted by the following roll call vote: m/s/c Nava/Miranda 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

DATED: June 5, 2012

_____
Alma Benavides, City Clerk

2nd Reading & Adoption

I, Alma Benavides, City Clerk of the City of Brawley, California, **DO HEREBY CERTIFY** that the foregoing Ordinance No. 2012- was passed and adopted by the City Council of the City of Brawley, California, at a regular meeting held on the 19th day of June, 2012 and that it was so adopted by the following roll call vote: m/s/c

AYES:
NAYES:
ABSTAIN:
ABSENT:

DATED: June 19, 2012

_____
Alma Benavides, City Clerk

COUNCIL AGENDA REPORT
City of Brawley

Meeting Date:	June 19, 2012
City Manager:	_____

FROM: **Prepared by**: Gordon R. Gaste, Planning Director
Presented by: Gordon R. Gaste, Planning Director

SUBJECT: Final Parcel Map (PM09-01) for property located at 485 West Magnolia Street

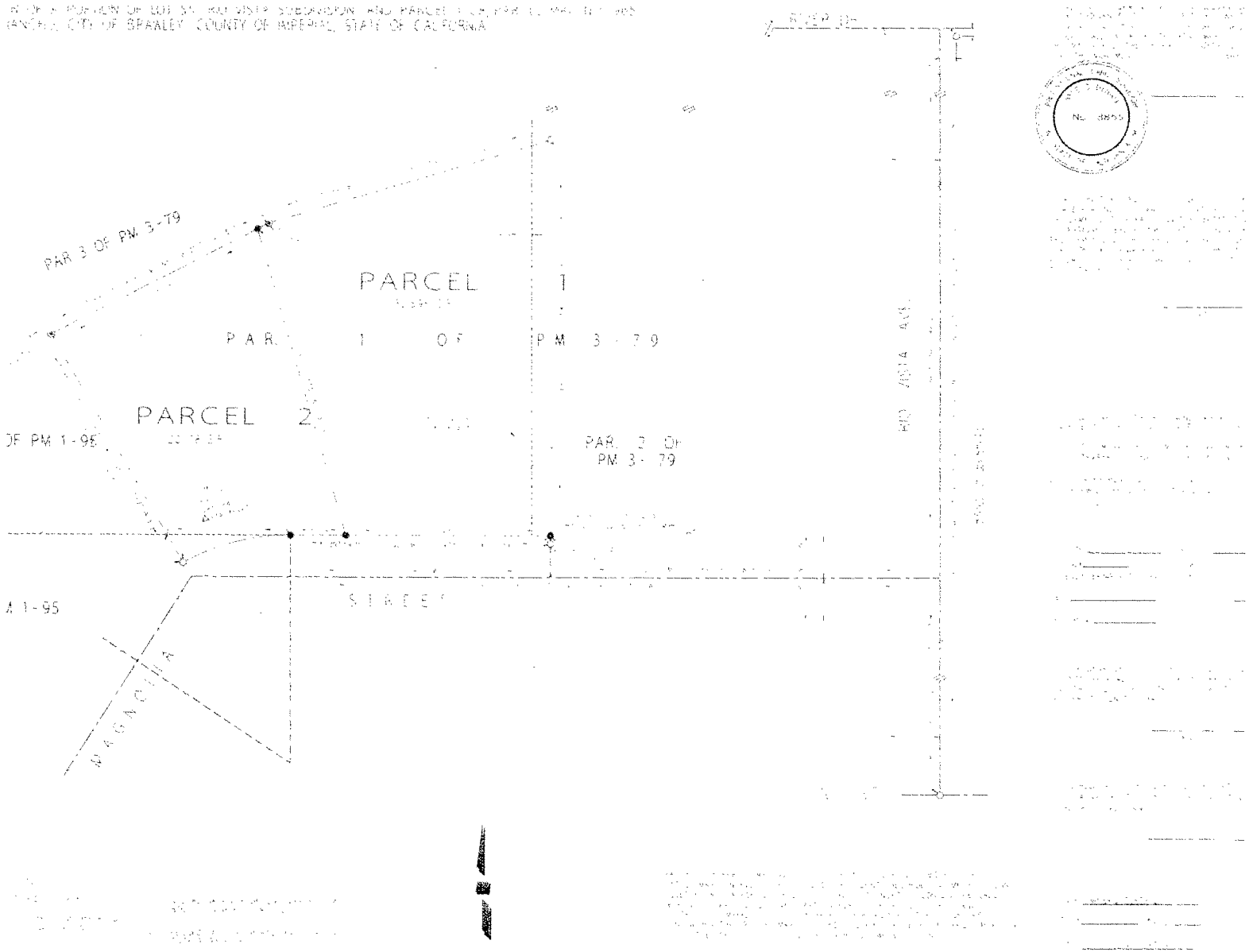
CITY MANAGER AND PLANNING COMMISSION RECOMMENDATION: Approve

DISCUSSION: Section 23A.12 of the Brawley Subdivision Ordinance requires City Council approval of final maps. The City Council may only approve a final map that complies with an approved tentative map. The property is currently zoned R-1 (Residential Single Family). A tentative map was approved by the Planning Commission on March 4, 2009.

The Acting City Surveyor and Planning Director have reviewed the final map for compliance with the tentative map, the conditions of approval, the Subdivision Ordinance and the Subdivision Map Act. The Acting City Surveyor and Planning Director have approved the final map. The tentative map, final map and other project documents are also on file at the City Clerk's office for public review.

FISCAL IMPACT: None

ATTACHMENTS: Final Parcel Map, Owners Certificates, Subdivision Guarantee

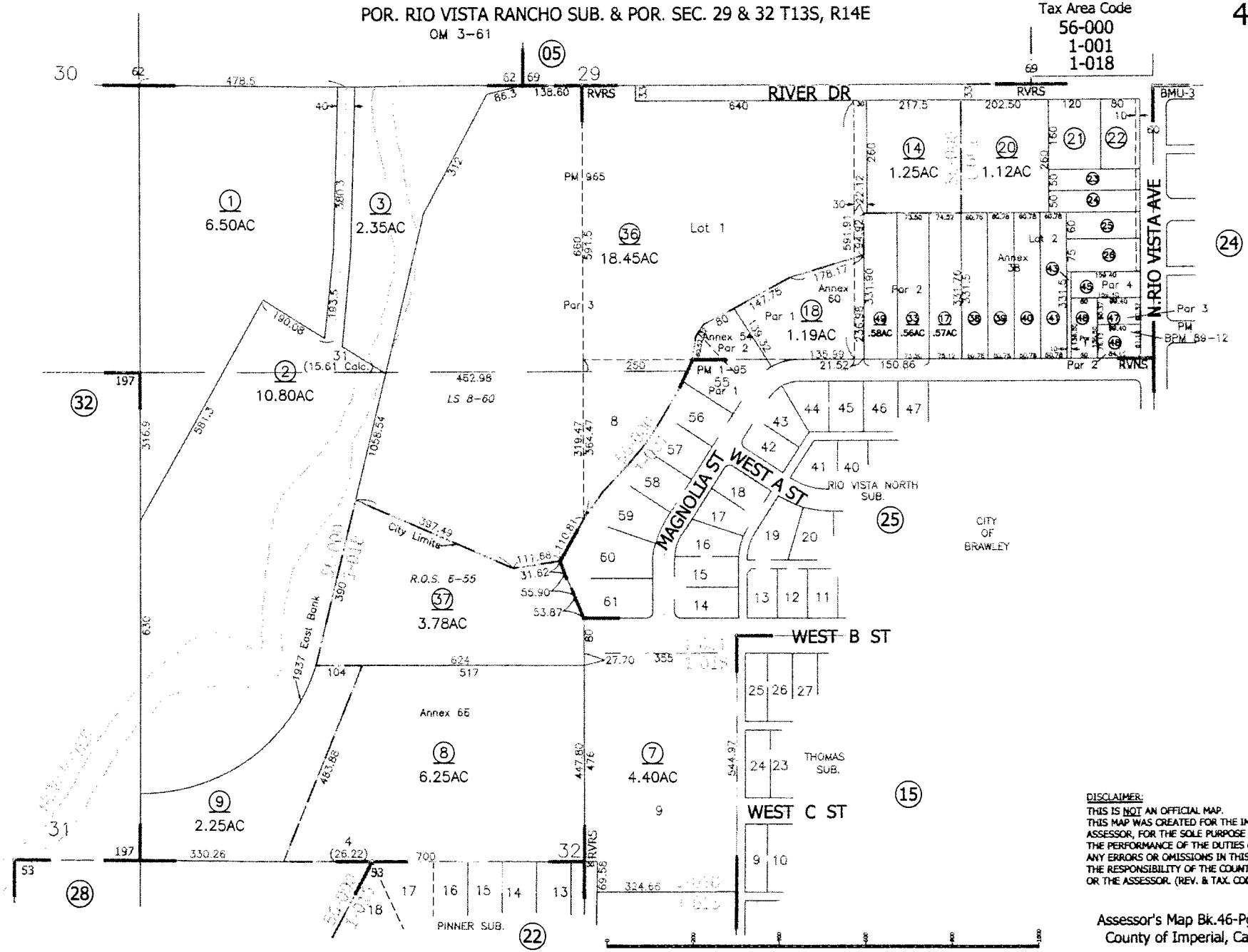

PARCEL 1
PARCEL 2
PAR 3 OF PM 3-79
PAR 1 OF PM 3-79
PAR 2 OF PM 3-79
OF PM 1-95
A 1-95
STREET
MAGNOLIA
RIVERSIDE

ALDER ST
MAGNOLIA DR
WEST A ST
WEST B ST
DREW DR
NORTH RIO VISTA AVE
RIVER DR
MAGNOLIA ST
WEST A ST
WEST B ST

POR. RIO VISTA RANCHO SUB. & POR. SEC. 29 & 32 T13S, R14E
OM 3-61

Tax Area Code
56-000
1-001
1-018

46-27



DISCLAIMER:
THIS IS NOT AN OFFICIAL MAP.
THIS MAP WAS CREATED FOR THE IMPERIAL COUNTY ASSESSOR, FOR THE SOLE PURPOSE OF AIDING IN THE PERFORMANCE OF THE DUTIES OF THE ASSESSOR ANY ERRORS OR OMISSIONS IN THIS MAP ARE NOT THE RESPONSIBILITY OF THE COUNTY OF IMPERIAL OR THE ASSESSOR. (REV. & TAX. CODE SEC.327)

1-27-95 RM
3-11-94 RM
6-6-88 RM
BLOW-UP
From 46-10
1-15-93 LS

Assessor's Map Bk.46-Pg.27
County of Imperial, Calif.

0028

RECORDING REQUESTED BY:

City of Brawley
Dept. of Public Works
180 S. Western Ave.
Brawley, CA 92227

WHEN RECORDED MAIL TO:

City of Brawley
Dept. of Public Works
180 S. Western Ave.
Brawley, CA 92227

SPACE ABOVE THIS LINE FOR RECORDER'S USE

OWNER'S CERTIFICATE

With the exception of those persons described in section 66436 of the Government Code, the Undersigned, name herein, Robert W. Laughrin and Sharon K. Seitz, each as to an undivided 50% interest

Hereby certify and acknowledge that they are all of the parties having any record title interest in the real property herein below described, which is the subject of Parcel Map Application Number(s) 09-01

The Undersigned further certify and acknowledge that each and all of them consent to the preparation and recordation of the Parcel Map for said subdivision of said herein below described property:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART THEREOF

Executed on March 2 2012 at Brawley Calif.
(City, County and State)

Signature: Robert W. Laughrin

Print Name: Robert W. Laughrin

Title: trustee

Signature: _____

Print Name: Sharon K. Seitz

Title: _____

ACKNOWLEDGMENT

STATE OF CALIFORNIA} COUNTY
OF Imperial } SS.

On March 2nd 2012, before me, Holly Saracusa personally appeared Robert W. Laughrin personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(Seal)

Signature: Holly Saracusa

NOTARY PUBLIC in and for said County and State.

My Commission Expiration Date: 6/18/2013

HOLLY H. SARACUSA
Commission # 1854588
Notary Public - California
Imperial County
My Comm. Expires Jun 18, 2013

EXHIBIT "A"

The land referred to herein is situated in the State of California, County of Imperial, City of Brawley, and described as follows:

Parcel 1 of Parcel Map No. 965, as per map recorded in Book 3, Page 79 of Parcel Maps on file in the office of the county recorder of Imperial County, together with a portion of Lot 55 of Rio Vista North Subdivision recorded in Book 9, Page 66 of Final Maps on file in the office of the county recorder of Imperial County, excepting therefrom any portion of said Lot 55 lying within that parcel map recorded in Book 1, Page 95 of Parcel Maps on file in the office of the county recorder of Imperial County.

RECORDING REQUESTED BY:

City of Brawley
Dept. of Public Works
180 S. Western Ave.
Brawley, CA 92227

WHEN RECORDED MAIL TO:

City of Brawley
Dept. of Public Works
180 S. Western Ave.
Brawley, CA 92227

SPACE ABOVE THIS LINE FOR RECORDER'S USE

OWNER'S CERTIFICATE

With the exception of those persons described in section 66436 of the Government Code, the Undersigned, name herein, Robert W. Laughrin and Sharon K. Seitz, each as to an undivided 50% interest

Hereby certify and acknowledge that they are all of the parties having any record title interest in the real property herein below described, which is the subject of Parcel Map Application Number(s) 09-01

The Undersigned further certify and acknowledge that each and all of them consent to the preparation and recordation of the Parcel Map for said subdivision of said herein below described property:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART THEREOF

Executed on March 2 2012 at San Luis Obispo, San Luis Obispo County, CA
(City, County and State)

Signature: _____ Signature: Sharon K. Seitz

Print Name: Robert W. Laughrin Print Name: Sharon K. Seitz

Title: _____ Title: owner

ACKNOWLEDGMENT

STATE OF CALIFORNIA} COUNTY
OF San Luis Obispo} SS.

On March 2, 2012, before me, Vicki Ledford, Notary personally appeared Sharon K. Seitz
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(Seal)

Signature: Vicki Ledford

NOTARY PUBLIC in and for said County and State.

My Commission Expiration Date: 6-29-13

VICKI LEDFORD
Commission # 1852136
Notary Public - California
San Luis Obispo County
My Comm. Expires Jun 29, 2013

EXHIBIT "A"

The land referred to herein is situated in the State of California, County of Imperial, City of Brawley, and described as follows:

Parcel 1 of Parcel Map No. 965, as per map recorded in Book 3, Page 79 of Parcel Maps on file in the office of the county recorder of Imperial County, together with a portion of Lot 55 of Rio Vista North Subdivision recorded in Book 9, Page 66 of Final Maps on file in the office of the county recorder of Imperial County, excepting therefrom any portion of said Lot 55 lying within that parcel map recorded in Book 1, Page 95 of Parcel Maps on file in the office of the county recorder of Imperial County.

CLTA Guarantee Form No. 23 (1/13/78)

Order Number: 161061

Fee: $400.00
Order No.: 161061
Parcel Map Reference: BPM 09-01
Policy Date: May 18, 2012

PARCEL MAP GUARANTEE

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE LIMITS OF LIABILITY, AND OTHER PROVISIONS OF THE CONDITIONS AND STIPULATIONS HERETO ANNEXED AND MADE A PART OF THIS GUARANTEE,

STEWART TITLE GUARANTY COMPANY

a Texas Corporation, herein called "the Company",

GUARANTEES

BJ Engineering and the City of Brawley

herein called the Assured, against loss not exceeding $1,000.00, which the Assured shall sustain by reason of any incorrectness in the assurance which the Company hereby gives that, according to the public records on the date stated below,

1. The title to the herein described estate or interest was vested in the vestee named, subject to the matters shown as Exceptions herein, which Exceptions are not necessarily shown in the order of their priority; and

2. Had said Parcel Map been recorded in the office of the County Recorder of said county, such map would be sufficient for use as a primary reference in legal descriptions of the parcels within its boundaries.

In witness whereof, Stewart Title Guaranty Company has caused this Guarantee to be signed and sealed by its duly authorized officers as of Date of Guarantee shown in Schedule A.

Countersigned by:

Authorized Countersignature
STEWART TITLE OF CALIFORNIA, INC.

stewart title guaranty company

Senior Chairman of the Board

Chairman of the Board

President

PART 1

The estate or interest in the land hereinafter described or referred to, covered by this Preliminary Guarantee is a fee.

Fee

Title to said estate or interest at the date hereof is vested in:

Robert W. Laughrin and Sharon K. Seitz, each as to an undivided 50% interest

The land included within the boundaries of the Parcel Map hereinbefore referred to in this Guarantee is described as follows:

Parcel 1 of Parcel Map No. M-965, on file in Book 3, Page 79 of Parcel Maps in the office of the county recorder of Imperial County, together with Lot 55 of Rio Vista North Subdivision on file in Book 9, Page 66 of Final Maps, in the office of the county recorder of Imperial County; *excepting therefrom*, any portion of said Lot 55 lying within that certain parcel map on file in Book 1, Page 95 of Parcel Maps, in the office of the county recorder of Imperial County.

EXCEPTIONS:

1. Water rights, claims or title to water in or under said land, whether or not shown by the public records.

2. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Chapter 3.5 (commencing with Section 75) of the revenue and taxation code of the State of California.

3. Assessments, if any, for community facility districts affecting said land which may exist by virtue of assessment maps or notices filed by said districts. Said assessments are collected with the County Taxes.

4. Said land is located within the boundary of the Imperial Irrigation District.

5. Rights or claims of easements for canals, drains, laterals, irrigation pipelines and gates not recorded in the public records.

6. Rights of tenants in possession as tenants only under unrecorded leases.

7. An easement in favor of the City of Brawley, for storm drains, and incidental purposes, as set forth in a document recorded September 23, 1964 in Book 1191, Page 1150, Official Records.

8. Covenants, Conditions, and Restrictions as set forth in an instrument, but omitting, except to the extent permitted by any applicable federal or state law, covenants or restrictions, if any based on race, color, religion, sex, familial status, national origin, handicap, sexual orientation, marital status,

ancestry, source of income, disability, medical condition, or other unlawful basis.
Recorded: November 19, 1964 in Book 1195, Page 971 of Official Records

9. An easement in favor of the City of Brawley, for public roads, and incidental purposes, as set forth in a document recorded September 2, 1977 in Book 1405, Page 1459 of Official Records.

10. Any right, title or interest of the spouse or domestic partner, if any, of Robert W. Laughrin and Sharon K. Seitz.

11. Rights or claims of parties in possession and easements or claims of easements not shown by the public records, boundary line disputes overlaps, encroachments, and any matters not of record, which would be disclosed by an accurate survey, and inspection of the land.

End of Exceptions.

PART 2

Attachment to Guarantee Form No. 23 1-13-78

GUARANTEE CONDITIONS AND STIPULATIONS

1. DEFINITION OF TERMS

The following terms when used in this Guarantee mean:

(a) "land": the land described, specifically or by reference, in this Guarantee and improvements affixed thereto which by law constitute real property;

(b) "public records": those records which impart constructive notice of matters relating to said land;

(c) "date": the effective date;

(d) "the Assured": the party or parties named as the Assured in this Guarantee, or in a supplemental writing executed by the Company;

(e) "mortgage": mortgage, deed of trust, trust deed, or other security instrument.

2. EXCLUSIONS FROM COVERAGE OF THIS GUARANTEE

The Company assumes no liability for loss or damage by reason of the following:

(a) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.

(b) Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

(c) Title to any property beyond the lines of the land expressly described in the description set forth in this Guarantee, or title to streets, roads, avenues, lanes, ways or waterways on which such land abuts, or the right to maintain therein vaults, tunnels, ramps or any other structure or improvement; or any rights or easements therein unless such property, rights or easements are expressly and specifically set forth in said description.

(d) Defects, liens, encumbrances, adverse claims against the title as guaranteed or other matters (1) created, suffered, assumed or agreed to by one or more of the Assured; or (2) resulting in no loss to the Assured.

3. PROSECUTION OF ACTIONS

(a) The Company shall have the right at its own cost to institute and prosecute any action or proceeding or do any other act which in its opinion may be necessary or desirable to establish or confirm the matters herein guaranteed; and the Company may take any appropriate action under the terms of this Guarantee whether or not it shall be liable thereunder and shall not thereby concede liability or waive any provision thereof.

(b) In all cases where the Company does so institute and prosecute any action or proceeding, the Assured shall permit the Company to use, at its option, the name of the Assured for such purpose. Whenever requested by the Company, the Assured shall give the Company all reasonable aid in prosecuting such action or proceeding, and the Company shall reimburse the Assured for any expense so incurred.

4. NOTICE OF LOSS – LIMITATION OF ACTION

A statement in writing of any loss or damage for which it is claimed the Company is liable under this Guarantee shall be furnished to the Company within sixty days after such loss or damage shall have been determined, and no right of action shall accrue to the Assured under this Guarantee until thirty days after such statement shall have been furnished, and no recovery shall be had by the Assured under this Guarantee unless action shall be commenced thereon within two years after expiration of said thirty day period. Failure to furnish such statement of loss or damage or to commence such action within the time hereinbefore specified, shall be a conclusive bar against maintenance by the Assured of any action under this Guarantee.

5. OPTION TO PAY, SETTLE OR COMPROMISE CLAIMS

The Company shall have the option to pay or settle or compromise for or in the name of the Assured any claim which could result in loss to the Assured within the coverage of this Guarantee, or to pay the full amount of this Guarantee or, if this Guarantee is issued for the benefit of a holder of a mortgage, the Company shall have the option to purchase the indebtedness secured by said mortgage. Such purchase, payment or tender of payment of the full

amount of the Guarantee shall terminate all liability of the Company hereunder. In the event after notice of claim has been given to the Company by the Assured the Company offers to purchase said indebtedness, the owner of such indebtedness shall transfer and assign said indebtedness and the mortgage securing the same to the Company upon payment of the purchase price.

6. LIMITATION OF LIABILITY -- PAYMENT OF LOSS

(a) The liability of the Company under this Guarantee shall be limited to the amount of actual loss sustained by the Assured because of reliance upon the assurances herein set forth, but in no event shall such liability exceed the amount of the liability stated on the face page hereof.

(b) The Company will pay all costs imposed upon the Assured in litigation carried on by the Company for the Assured, and all costs and attorneys' fees in litigation carried on by the Assured with the written authorization of the Company.

(c) No claim for damages shall arise or be maintainable under this Guarantee (1) if the Company after having received notice of an alleged defect, lien or encumbrance not shown as an Exception or excluded herein removes such defect, lien or encumbrance within a reasonable time after receipt of such notice, or (2) for liability voluntarily assumed by the Assured in settling any claim or suit without written consent of the Company.

(d) All payments under this Guarantee, except for Attorneys' fees as provided for in paragraph 6 (b) hereof, shall reduce the amount of the liability hereunder pro tanto, and no payment shall be made without producing this Guarantee for endorsement of such payment unless the Guarantee be lost or destroyed, in which case proof of such loss or destruction shall be furnished to the satisfaction of the Company.

(e) When liability has been definitely fixed in accordance with the conditions of this Guarantee, the loss or damage shall be payable within thirty days thereafter.

7. SUBROGATION UPON PAYMENT OR SETTLEMENT

Whenever the Company shall have settled a claim under this Guarantee, all right of subrogation shall vest in the Company unaffected by any act of the Assured, and it shall be subrogated to and be entitled to all rights and remedies which the Assured would have had against any person or property in respect to such claim had this Guarantee not been issued. If the payment does not cover the loss of the Assured, the Company shall be subrogated to such rights and remedies in the proportion which said payment bears to the amount of said loss. The Assured if requested by the Company, shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect such right of subrogation, and shall permit the Company to use the name of the Assured in any transaction or litigation involving such rights or remedies.

8. GUARANTEE ENTIRE CONTRACT

Any action or actions or rights of action that the Assured may have or may bring against the Company arising out of the subject matter hereof must be based on the provisions of this Guarantee.

No provision or condition of this Guarantee can be waived or changed except by a writing endorsed or attached hereto signed by the President, a Vice President, the Secretary, an Assistant Secretary or other validating officer of the Company.

9. NOTICES, WHERE SENT

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it, at P.O. Box 2029, Houston, Texas 77252, and identify this Guarantee by its printed GUARANTEE SERIAL NUMBER which appears on the bottom of the front of the first page of this Guarantee. The use of AIR MAIL for these notices an statements will expedite and aid proper handling of claims hereunder.

10. THE FEE SPECIFIED ON THE FACE OF THIS GUARANTEE IS THE TOTAL FEE FOR TITLE SEARCH AND EXAMINATION AND FOR THIS GUARANTEE.

SCHEDULE OF EXCLUSIONS FROM COVERAGE OF THIS GUARANTEE

1. Except to the extent that specific assurances are provided in Schedule A of this Guarantee, the Company assumes no liability for loss or damage by reason of the following:
(a) Defects, liens, encumbrances, adverse claims or other matters against the title, whether or not shown by the public records.
(b) (1) Taxes or assessments of any taxing authority that levies taxes or assessments on real property; or, (2) Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not the matters excluded under (1) or (2) are shown by the records of the taxing authority or by the public records.
(c) (1) Unpatented mining claims; (2) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (3) water rights, claims or title to water, whether or not the matters excluded under (1), (2) or (3) are shown by the public records.
2. Notwithstanding any specific assurances which are provided in Schedule A of this Guarantee, the Company assumes no liability for loss or damage by reason of the following:
(a) Defects, liens, encumbrances, adverse claims or other matters affecting the title to any property beyond the lines of the land expressly described in the description set forth in Schedule (A), (C) or in Part 2 of this Guarantee, or title to streets, roads, avenues, lanes, ways or waterways to which such land abuts, or the right to maintain therein vaults, tunnels, ramps or any structure or improvements; or any rights or easements therein, unless such property, rights or easements are expressly and specifically set forth in said description.
(b) Defects, liens, encumbrances, adverse claims or other matters, whether or not shown by the public records; (1) which are created, suffered, assumed or agreed to by one or more of the Assureds; (2) which result in no loss to the Assured; or (3) which do not result in the invalidity or potential invalidity of any judicial or non-judicial proceeding which is within the scope and purpose of the assurances provided.
(c) The identity of any party shown or referred to in Schedule A.
(d) The validity, legal effect or priority of any matter shown or referred to in this Guarantee.

GUARANTEE CONDITIONS AND STIPULATIONS

1. Definition of Terms. The following terms when used in the Guarantee mean:
(a) the "Assured": the party or parties named as the Assured in this Guarantee, or on a supplemental writing executed by the Company.
(b) "land": the land described or referred to in Schedule (A)(C) or in Part 2, and improvements affixed thereto which by law constitute real property. The term "land" does not include any property beyond the lines of the area described or referred to in Schedule (A)(C) or in Part 2, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
(c) "mortgage": mortgage, deed of trust, trust deed, or other security instrument.
(d) "public records": records established under state statutes at Date of Guarantee for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.
(e) "date": the effective date.
2. Notice of Claim to be Given by Assured Claimant. An Assured shall notify the Company promptly in writing in case knowledge shall come to an Assured hereunder of any claim of title or interest which is adverse to the title to the estate or interest, as stated herein, and which might cause loss or damage for which the Company may be liable by virtue of this Guarantee. If prompt notice shall not be given to the Company, then all liability of the Company shall terminate with regard to the matter or matters for which prompt notice is required; provided, however, that failure to notify the Company shall in no case prejudice the rights of any Assured under this Guarantee unless the Company shall be prejudiced by the failure and then only to the extent of the prejudice.
3. No Duty to Defend or Prosecute. The Company shall have no duty to defend or prosecute any action or proceeding to which the Assured is a party, notwithstanding the nature of any allegation in such action or proceeding.
4. Company's Option to Defend or Prosecute Actions; Duty of Assured Claimant to Cooperate. Even though the Company has no duty to defend or prosecute as set forth in Paragraph 3 above:
(a) The Company shall have the right, at its sole option and cost, to institute and prosecute any action or proceeding, interpose a defense, as limited in (b), or to do any other act which in its opinion may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured, or to prevent or reduce loss or damage to the Assured. The Company may take any appropriate action under the terms of this Guarantee, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provision of this Guarantee. If the Company shall exercise its rights under this paragraph, it shall do so diligently.
(b) If the Company elects to exercise its options as stated in Paragraph 4(a) the Company shall have the right to select counsel of its choice (subject to the right of such Assured to object for reasonable cause) to represent the Assured and shall not be liable for and will not pay the fees of any other counsel, nor will the Company pay any fees, costs or expenses incurred by an Assured in the defense of those causes of action which allege matters not covered by this Guarantee.

(c) Whenever the Company shall have brought an action or interposed a defense as permitted by the provisions of this Guarantee, the Company may pursue any litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from an adverse judgment or order.
(d) In all cases where this Guarantee permits the Company to prosecute or provide for the defense of any action or proceeding, an Assured shall secure to the Company the right to so prosecute or provide for the defense of any action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of such Assured for this purpose. Whenever requested by the Company, an Assured, at the Company's expense, shall give the Company all reasonable aid in any action or proceeding, securing evidence, obtaining witnesses, prosecuting or defending the action or lawful act which in the opinion of the Company may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured. If the Company is prejudiced by the failure of the Assured to furnish the required cooperation, the Company's obligations to the Assured under the Guarantee shall terminate.
5. Proof of Loss or Damage. In addition to and after the notices required under Section 2 of these Conditions and Stipulations have been provided to the Company, a proof of loss or damage signed and sworn to by the Assured shall be furnished to the Company within ninety (90) days after the Assured shall ascertain the facts giving rise to the loss or damage. The proof of loss or damage shall describe the matters covered by this Guarantee which constitute the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage. If the Company is prejudiced by the failure of the Assured to provide the required proof of loss or damage, the Company's obligation to such assured under the Guarantee shall terminate. In addition, the Assured may reasonably be required to submit to examination under oath by any authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Guarantee, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Assured shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the Assured provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Assured to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as required in the above paragraph, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this Guarantee to the Assured for that claim.
6. Options to Pay or Otherwise Settle Claims: Termination of Liability. In case of a claim under this Guarantee, the Company shall have the following additional options:
(a) To Pay or Tender Payment of the Amount of Liability or to Purchase the Indebtedness.
The Company shall have the option to pay or settle or compromise for or in the name of the Assured any claim which could result in loss to the Assured within the coverage of this Guarantee, or to pay the full amount of this Guarantee or, if this Guarantee is issued for the benefit of a holder of a mortgage or a lienholder, the Company shall have the option to purchase the indebtedness secured by said mortgage or said lien for the amount owing thereon, together with any costs, reasonable attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of purchase.
Such purchase, payment or tender of payment of the full amount of the Guarantee shall terminate all liability of the Company hereunder. In the event after notice of claim has been given to the Company by the Assured the Company offers to purchase said indebtedness, the owner of such indebtedness shall transfer and assign said indebtedness, together with any collateral security, to the Company upon payment of the purchase price.
Upon the exercise by the Company of the option provided for in Paragraph (a) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 4, and the Guarantee shall be surrendered to the Company for cancellation.
(b) To Pay or Otherwise Settle With Parties Other Than the Assured or With the Assured Claimant.
To pay or otherwise settle with other parties for or in the name of an Assured claimant any claim assured against under this Guarantee, together with any costs, attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay.
Upon the exercise by the Company of the option provided for in Paragraph (b) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 4.
7. Determination and Extent of Liability. This Guarantee is a contract of Indemnity against actual monetary loss or damage sustained or incurred by the Assured claimant who has suffered loss or damage by reason of reliance upon the assurances set forth in this Guarantee and only to the extent herein described, and subject to the Exclusions From Coverage of This Guarantee. The liability of the Company under this Guarantee to the Assured shall not exceed the least of:
the amount of liability stated in Schedule A or in Part 2;
(b) the amount of the unpaid principal indebtedness secured by the mortgage of an Assured mortgagee, as limited or provided under Section 6 of these Conditions and Stipulations or as reduced under Section 9 of these Conditions and Stipulations, at the time the loss or damage assured against by this Guarantee occurs, together with interest thereon; or

(c) the difference between the value of the estate or interest covered hereby as stated herein and the value of the estate or interest subject to any defect, lien or encumbrance assured against by this Guarantee.

8. Limitation of Liability.

(a) If the Company establishes the title, or removes the alleged defect, lien or encumbrance, or cures any other matter assured against by this Guarantee in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.

(b) In the event of any litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title, as stated herein.

(c) The Company shall not be liable for loss or damage to any Assured for liability voluntarily assumed by the Assured in settling any claim or suit without the prior written consent of the Company.

9. Reduction of Liability or Termination of Liability. All payments under this Guarantee, except payments made for costs, attorneys' fees and expenses pursuant to Paragraph 4 shall reduce the amount of liability pro tanto.

10. Payment of Loss.

(a) No payment shall be made without producing this Guarantee for endorsement of the payment unless the Guarantee has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.

(b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within thirty (30) days thereafter.

11. Subrogation Upon Payment or Settlement. Whenever the Company shall have settled and paid a claim under this Guarantee, all right of subrogation shall vest in the Company unaffected by any act of the Assured claimant.

The Company shall be subrogated to and be entitled to all rights and remedies which the Assured would have had against any person or property in respect to the claim had this Guarantee not been issued. If requested by the Company, the Assured shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The Assured shall permit the Company to sue, compromise or settle in the name of the Assured and to use the name of the Assured in any transaction or litigation involving these rights or remedies.

If a payment on account of a claim does not fully cover the loss of the Assured the Company shall be subrogated to all rights and remedies of the Assured after the Assured shall have recovered its principal, interest, and costs of collection.

12. Arbitration. Unless prohibited by applicable law, either the Company or the Assured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Assured arising out of or relating to this Guarantee, any service of the Company in connection with its issuance or the breach of a Guarantee provision or other obligation. All arbitrable matters when the Amount of Liability is $2,000,000 or less shall be arbitrated at the option of either the Company or the Assured. All arbitrable matters when the amount of liability is in excess of $2,000,000 shall be arbitrated only when agreed to by both the Company and the Assured. The Rules in effect at Date of Guarantee shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permits a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules.

A copy of the Rules may be obtained from the Company upon request.

13. Liability Limited to This Guarantee; Guarantee Entire Contract.

(a) This Guarantee together with all endorsements, if any, attached hereto by the Company is the entire Guarantee and contract between the Assured and the Company. In interpreting any provision of this Guarantee, this Guarantee shall be construed as a whole.

(b) Any claim of loss or damage, whether or not based on negligence, or any action asserting such claim, shall be restricted to this Guarantee.

(c) No amendment of or endorsement to this Guarantee can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

14. Notices, Where Sent. All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this Guarantee and shall be addressed to the Company at P.O. Box 2029, Houston Texas 77252-2029.

COUNCIL AGENDA REPORT
City of Brawley

Meeting Date:	June 19, 2012
City Manager:	

FROM: Prepared by: Ruby Walla, Finance Director & Gordon R. Gaste, Planning Director

Presented by: Ruby Walla, Finance Director & Gordon R. Gaste, Planning Director

SUBJECT: Resolutions Authorizing Levy of Special Taxes for the various Community Facilities Districts in the City of Brawley for Fiscal Year 2012-13.

CITY MANAGER RECOMMENDATION: Approve

DISCUSSION: Attached are the Administrative Reports and Annual Resolutions for the 2012-13 fiscal year authorizing the levy of the special tax for various Community Facilities Districts (CFD) within the City of Brawley's jurisdiction.

Please note that Tax A (improvement bonding) for applicable districts continues to not be levied since the 2009-10 fiscal year per direction of the City Council. Those communities with a Tax A consist of La Paloma, Luckey Ranch, and Springhouse.

Tax B (maintenance and services) continues to be levied and is provided to all districts as per Council direction.

FISCAL IMPACT: The City will receive the special tax for maintenance and services

ATTACHMENTS: Resolutions, Administration Reports.

RESOLUTION NO. 2012-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2005-1 OF THE CITY OF BRAWLEY (VICTORIA PARK) AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 2005-1 FOR FISCAL YEAR 2012-13.

WHEREAS, the City of Brawley (the "City") previously established Community Facilities District No. 2005-1 of the City of Brawley (Victoria Park) ("CFD No. 2005-1") all pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Government Code Section 53111 (the "Act"); and

WHEREAS, the City Council for the City acting as the legislative body of CFD No. 2005-1 is authorized pursuant to Resolution No. 2005-25 approved on June 7, 2005 (the "Resolution of Formation") and the Ordinance Authorizing the Levy of the Special Tax adopted in connection therewith (the "Ordinance") to levy a special tax on property in CFD No. 2005-1 to pay for the maintenance of certain real or other tangible property described in Resolution No. 2005-22 including all furnishings, equipment and supplies related thereto (collectively, the "District Facilities"), which District Facilities have a useful life of five years or longer and incidental expenses to be incurred in connection with and maintaining the District Facilities and forming and administering the District (the "District Incidental Expenses") by the levy of special taxes for CFD No. 2005-1 pursuant to the Resolution of Formation; and

WHEREAS, it is now necessary and appropriate that this City levy and collect the special taxes for Fiscal Year 2012-13 for the purpose specified in the Ordinance, by the adoption of a resolution as specified by the Act and the Ordinance; and

WHEREAS, the special taxes being levied hereunder are at the same rate or at a lower rate than provided by the Ordinance; and

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF BRAWLEY, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2005-1, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The special tax ("Special Tax") is imposed without regard to property valuation and is levied in compliance with the Act and the Ordinance.

Section 3. In accordance with the Act and the Ordinance, there is hereby levied upon the parcels within the City which are not otherwise exempt from taxation under the Act or the Ordinance the special taxes for Fiscal Year 2012-13 at the tax rates set forth in the report dated June 6, 2012 prepared by David Taussig and Associates for CFD No. 2005-1 entitled "City of Brawley Community Facilities District No. 2005-1 (Victoria Park)" (the "Report") submitted herewith, which rates do not exceed the maximum rates set forth in the Ordinance. After adoption of this Resolution, the City Manager, for the City, or his designee, may make any necessary modifications to these special taxes to correct any errors, omissions or inconsistencies in the listing or categorization of parcels to be taxed or in the amount to be charged to any category of parcels; provided, however, that any such modifications shall not result in an increase in the tax applicable to any category of parcels and can

only be made prior to the submission of the tax rolls to the Imperial County Auditor.

Section 4. All of the collections of the special tax shall be used only as provided for in the Act and Resolution of Formation. The special tax shall be levied only so long as needed to accomplish the purposes described in Resolution of Formation.

Section 5. The special tax shall be collected in the same manner as ordinary ad valorem taxes are collected and shall be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes as such procedure may be modified by law or this City Council from time to time.

Section 6. The actions of City staff heretofore taken in order to obtain consent from the Imperial County Auditor to a later filing date are hereby ratified and the City Clerk is hereby authorized and directed to transmit a certified copy of this Resolution and the Report to the Imperial County Auditor, together with other supporting documentation as may be required to place said special taxes on the secured property tax roll for Fiscal Year 2012-13 on or before August 10, 2012, and to perform all other acts which are required by the Act, the Ordinance, or by law in order to accomplish the purpose of this Resolution.

APPROVED, PASSED, AND ADOPTED at a regular meeting held on the 19th day of June, 2012.

CITY OF BRAWLEY, CALIFORNIA

_____

George A. Nava, Mayor

ATTEST:

_____

Alma Benavides, City Clerk

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL)
CITY OF BRAWLEY)

I, Alma Benavides, City Clerk of the City of Brawley, California, **DO HEREBY CERTIFY**, that the foregoing Resolution No. 2012- as passed and adopted by the City Council of the City of Brawley, California, at a regular meeting held on the 19th day of June, 2012 and that it was so adopted by the following roll call vote: m/s/c

AYES:
NAYES:
ABSTAIN:
ABSENT:

DATED: June 19, 2012

_____

Alma Benavides, City Clerk

DAVID
TAUSSIG
& Associates, Inc.

CITY OF BRAWLEY
COMMUNITY FACILITIES DISTRICT
NO. 2005-1
(VICTORIA PARK)

June 6, 2012

Public Finance
Facilities Planning
Urban Economics

Newport Beach
Fresno
Riverside
San Francisco
Chicago
Dallas

ADMINISTRATION REPORT
FISCAL YEAR 2012-2013

CITY OF BRAWLEY
COMMUNITY FACILITIES DISTRICT NO. 2005-1
(VICTORIA PARK)

Prepared for

CITY OF BRAWLEY
400 Main Street
Brawley, California 92227

Prepared by

DAVID TAUSSIG & ASSOCIATES, INC.
5000 Birch Street, Suite 6000
Newport Beach, California 92660
(949) 955-1500

Table of Contents

Section		*Page*
Introduction		*1*
I.	*Special Tax Classifications and Development Update*	*2*
	Special Tax Classifications	2
	Development Update	2
II.	*Fiscal Year 2011-2012 Special Tax Levy*	*3*
III.	*Fiscal Year 2012-2013 Special Tax Requirement*	*4*
IV.	*Method of Apportionment*	*5*
	Maximum Special Taxes	5
	Apportionment of Special Taxes	5

EXHIBITS

Exhibit A: Boundary Map
Exhibit B: Fiscal Year 2012-2013 Special Tax Levy

Introduction

This Mello-Roos Community Facilities District Administration Report presents the findings of the research and financial analysis performed by David Taussig & Associates, Inc. to determine the special tax requirement for Community Facilities District No. 2005-1 ("CFD No. 2005-1") of the City of Brawley ("the City") for fiscal year 2012-2013.

CFD No. 2005-1 is a legally constituted governmental entity established under the Mello-Roos Community Facilities Act of 1982, (the "Act") as amended. The Act provides an alternative method for the financing of certain public facilities and services. Pursuant to the Rate and Method of Apportionment for CFD No. 2005-1, the Special Tax is an annual Special Tax that shall be levied as long as necessary to (i) pay for maintenance of parks, parkways, and open space, and (ii) pay for police and fire protection. CFD No. 2005-1 is not authorized to sell bonds.

A map showing the property in CFD No. 2005-1 is included in Exhibit A.

The authorized services are funded through the annual levy and collection of special taxes from all property subject to the tax within the community facilities district. In calculating the special tax liability for fiscal year 2012-2013, this report examines the financial obligations of the current fiscal year and analyzes the level of development within CFD No. 2005-1.

This report is organized into the following sections:

Section I

Section I provides an update of the development status of property within CFD No. 2005-1.

Section II

Section II analyzes the previous year's special tax levy.

Section III

Section III determines the financial obligations of CFD No. 2005-1 for fiscal year 2012-2013.

Section IV

Section IV reviews the methodology used to apportion the special tax requirement between Developed Property and Undeveloped Property. A table of the 2012-2013 special taxes for each classification of property is included.

I. *Special Tax Classifications and Development Update*

Special Tax Classifications

The methodology employed to calculate and apportion the special tax is contained in a document entitled the Rate and Method of Apportionment. The Rate and Method of Apportionment defines two categories of property, namely "Developed Property," and "Undeveloped Property." The category of Developed Property is in turn divided into two separate special tax classifications based on the type of structure built. A table of the Developed Property special tax classifications is shown below.

Community Facilities District No. 2005-1
Developed Property Classifications

Land Use Class	Description
1	Single Family Property
2	Non-Residential Property

Developed Property is distinguished from Undeveloped Property by the issuance of a building permit. Specifically, property for which a building permit for new construction was issued as of January 1 of the previous Fiscal Year shall be considered Developed Property. For example, all property in CFD No. 2005-1 for which building permits were issued as of January 1, 2012, will be classified as Developed Property in fiscal year 2012-2013.

Development Update

As of January 1, 2012 building permits had been issued for 56 single family units within CFD No. 2005-1. The table below indicates the cumulative Developed Property within CFD No. 2005-1.

Community Facilities District No. 2005-1
Fiscal Year 2012-2013
Cumulative Developed Property

Class	Land Use	Number of Units / Acres
1	Single Family Property	56 units
2	Non-Residential Property	0 acres

II. Fiscal Year 2011-2012 Special Tax Levy

The aggregate special tax levy for fiscal year 2011-2012 equaled $24,059.84. As of May 30, 2012, $23,845.02 in special taxes had been collected by the County. The remaining $214.82 in special taxes is delinquent, resulting in a delinquency rate of 0.89 percent.

III. Fiscal Year 2012-2013 Special Tax Requirement

Pursuant to the Rate and Method of Apportionment, the special tax may be levied in CFD No. 2005-1 to: pay for (a) maintenance of parks, parkways, and open space, (b) police and fire protection services, and (c) administrative expenses; less (d) a credit for funds available to reduce the annual Special Tax levy, as determined by the CFD Administrator. For fiscal year 2012-2013, the funds required from CFD No. 2005-1 exceed the maximum special taxes that can be collected from Developed Property. Therefore, the special tax requirement is limited to $24,540.32, the amount that can be collected through the levy of the maximum special tax.

IV. Method of Apportionment

Maximum Annual Special Taxes

The amount of special taxes that CFD No. 2005-1 may levy is strictly limited by the maximum special taxes set forth in the Rate and Method of Apportionment. The Maximum Special Taxes for each classification of Developed Property are specified in Table 1 of Section C of the Rate and Method of Apportionment. On each July 1, commencing on July 1, 2006, the Maximum Special Tax shall be increased by an amount equal to two percent (2%) of the Maximum Special Tax in effect for the previous Fiscal Year.

Please note, pursuant to the Rate and Method of Apportionment, no special tax shall be levied on Undeveloped Property.

Apportionment of Annual Special Taxes

The annual special tax that is apportioned to each parcel is determined through the application of Section D of the Rate and Method of Apportionment.

Commencing with Fiscal Year 2005-2006 and for each following Fiscal Year, the Council shall levy the special tax so that the amount of the special tax equals the special tax requirement. The special tax shall be levied proportionally on each Assessor's Parcel of Developed Property at up to 100% of the applicable maximum special tax.

Using this methodology generates special tax revenues of $24,540.32 from Developed Property. The fiscal year 2012-2013 maximum and actual special taxes are shown for each classification of Developed Property in the following table.

Community Facilities District No. 2005-1
Fiscal Year 2012-2013 Annual Special Taxes
for Developed Property

Land Use Class	Description	FY 2012-2013 Maximum Special Tax	FY 2012-2013 Actual Special Tax
1	Single Family Property	$438.23 per unit	$438.22 per unit
2	Non-Residential Property	$2,666.11 per acre	NA

A list of the actual special tax levied against each parcel in CFD No. 2005-1 is included in Exhibit B.

taussig-client/Brawley/Admin/CFD 2005-1/FY 2012-13/2005_1ADM.doc

051

EXHIBIT A

CFD No. 2005-1 of
City of Brawley

Boundary Map

City of Brawley
Community Facilities District No. 2005-1
(Victoria Park)

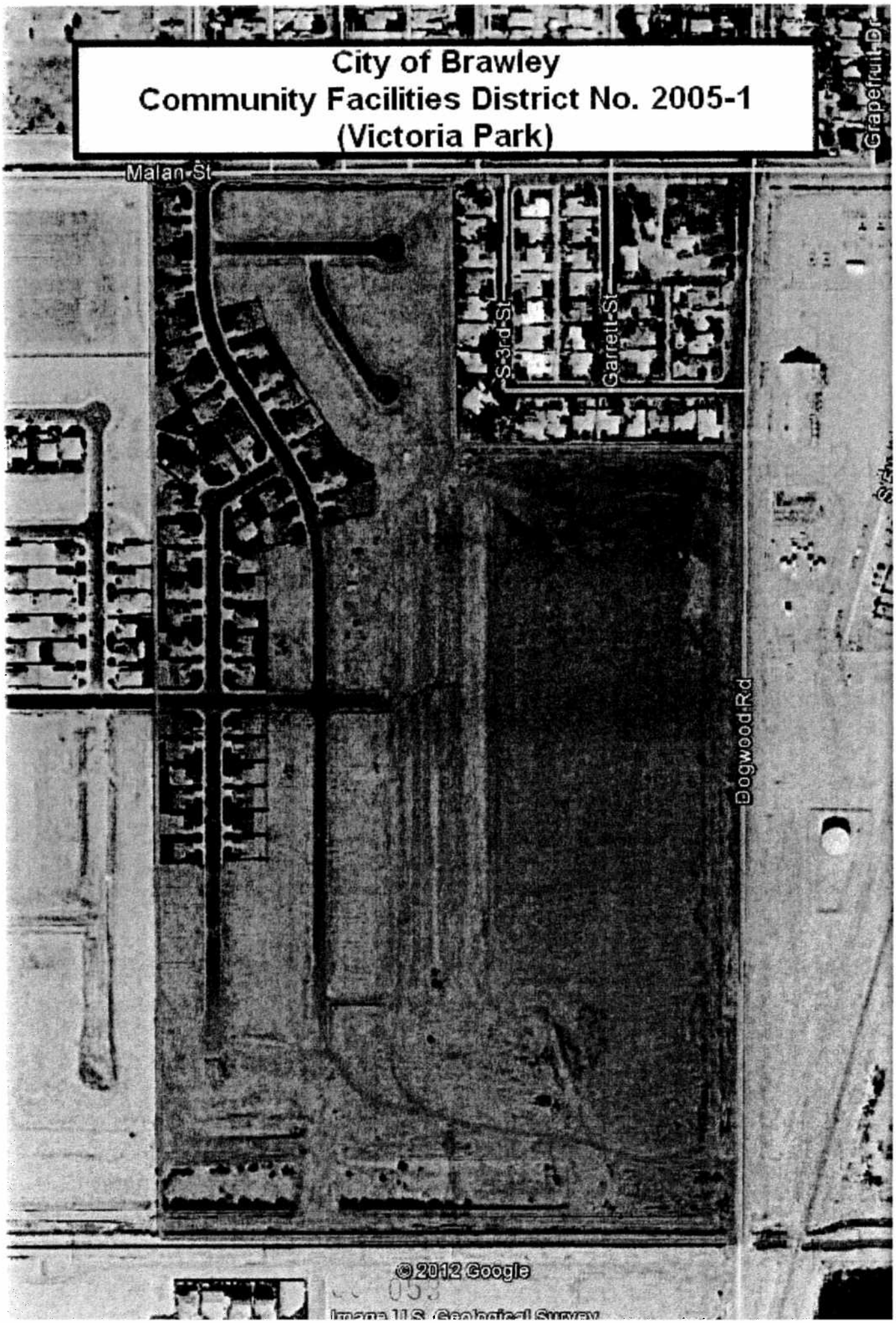


EXHIBIT B

CFD No. 2005-1 of
City of Brawley

Special Tax Levy
Fiscal Year 2012-2013

Exhibit B

City of Brawley CFD No. 2005-1
FY 2012-2013 Special Tax Levy

APN	TAX CLASS	FY 2012-2013 SPECIAL TAX
048-271-034-000	1	$438.22
048-271-035-000	1	$438.22
048-271-036-000	1	$438.22
048-271-037-000	1	$438.22
048-271-038-000	1	$438.22
048-271-039-000	1	$438.22
048-271-040-000	1	$438.22
048-271-047-000	1	$438.22
048-271-048-000	1	$438.22
048-271-049-000	1	$438.22
048-271-050-000	1	$438.22
048-271-051-000	1	$438.22
048-271-052-000	1	$438.22
048-271-053-000	1	$438.22
048-271-054-000	1	$438.22
048-274-001-000	1	$438.22
048-274-002-000	1	$438.22
048-274-003-000	1	$438.22
048-274-004-000	1	$438.22
048-274-005-000	1	$438.22
048-274-006-000	1	$438.22
048-274-012-000	1	$438.22
048-274-013-000	1	$438.22
048-275-001-000	1	$438.22
048-275-002-000	1	$438.22
048-275-003-000	1	$438.22
048-275-004-000	1	$438.22
048-275-005-000	1	$438.22
048-275-006-000	1	$438.22
048-275-007-000	1	$438.22
048-275-008-000	1	$438.22
048-275-009-000	1	$438.22
048-275-010-000	1	$438.22
048-275-011-000	1	$438.22
048-275-012-000	1	$438.22
048-275-013-000	1	$438.22
048-275-014-000	1	$438.22
048-275-015-000	1	$438.22
048-275-016-000	1	$438.22
048-275-017-000	1	$438.22
048-275-018-000	1	$438.22

RESOLUTION NO. 2012-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2005-3 OF THE CITY OF BRAWLEY (LA PALOMA) AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN IMPROVEMENT AREA NO. 1 OF COMMUNITY FACILITIES DISTRICT NO. 2005-3 FOR FISCAL YEAR 2012-13.

WHEREAS, the City of Brawley (the "City") previously established Community Facilities District No. 2005-3 of the City of Brawley (La Paloma) ("CFD No. 2005-3"), and Improvement Area No. 1 therein ("Improvement Area No. 1"), all pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Government Code Section 53111 (the "Act"); and

WHEREAS, the City Council for the City acting as the legislative body of CFD No. 2005-3 is authorized pursuant to Resolution Nos. 2006-20 and 2006-21 approved on June 6, 2006 (collectively, the "Resolutions of Formation") and the Ordinance Authorizing the Levy of the Special Tax adopted in connection therewith (the "Ordinance") to levy a special tax on property in CFD No. 2005-3 for the purpose of financing: (1) the maintenance of parks and open space as described in Resolution No. 2006-10, including all furnishings, equipment and supplies related thereto and (2) the provision of those police protection and fire protection and suppression services described in Resolution No. 2006-10 to the property in the CFD No. 2005-3 ((1) and (2) being referred to herein, collectively, as the "City Services"), (3) the purchase, construction, expansion, improvement or rehabilitation of certain real or other tangible property described in Resolution No. 2006-10 and incorporated herein by this reference, including storm drain, sewer, water, landscaping, curb and gutter, park, roadway, highway and bridge, traffic signals and safety lighting, flood control library, police, fire and recreation facilities (collectively, the "Facilities"), which Facilities have a useful life of five years or longer, and (4) the incidental expenses to be incurred in connection with financing the Facilities and forming and administering CFD No. 2005-3, all by the levy of special taxes for CFD No. 2005-3 pursuant to the Resolutions of Formation; and

WHEREAS, it is now necessary and appropriate that this City levy and collect the special taxes for Fiscal Year 2012-13 for the purposes specified in the Ordinance, by the adoption of a resolution as specified by the Act and the Ordinance; and

WHEREAS, the special taxes being levied hereunder are at the same rate or at a lower rate than provided by the Ordinance; and

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF BRAWLEY, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2005-3, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The special tax ("Special Tax") is imposed without regard to property valuation and is levied in compliance with the Act and the Ordinance.

Section 3. In accordance with the Act and the Ordinance, there is hereby levied upon the parcels within the City which are not otherwise exempt from taxation under the Act or the Ordinance the special taxes for Fiscal Year 2012-13 at the tax rates set forth in the report dated June 6, 2012 prepared by David Taussig and Associates for CFD No. 2005-3 entitled "City of Brawley Improvement Area No. 1 of Community Facilities District No. 2005-3 (La

Paloma)" (the "Report") submitted herewith, which rates do not exceed the maximum rates set forth in the Ordinance. After adoption of this Resolution, the City Manager, for the City, or his designee, may make any necessary modifications to these special taxes to correct any errors, omissions or inconsistencies in the listing or categorization of parcels to be taxed or in the amount to be charged to any category of parcels; provided, however, that any such modifications shall not result in an increase in the tax applicable to any category of parcels and can only be made prior to the submission of the tax rolls to the Imperial County Auditor.

Section 4. All of the collections of the special tax shall be used only as provided for in the Act and Resolutions of Formation. The special tax shall be levied only so long as needed to accomplish the purposes described in Resolutions of Formation.

Section 5. The special tax shall be collected in the same manner as ordinary ad valorem taxes are collected and shall be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes as such procedure may be modified by law or this City Council from time to time.

Section 6. The actions of City staff heretofore taken in order to obtain consent from the Imperial County Auditor to a later filing date are hereby ratified and the City Clerk is hereby authorized and directed to transmit a certified copy of this Resolution and the Report to the Imperial County Auditor, together with other supporting documentation as may be required to place said special taxes on the secured property tax roll for Fiscal Year 2012-13 on or before August 10, 2012, and to perform all other acts which are required by the Act, the Ordinance, or by law in order to accomplish the purpose of this Resolution.

APPROVED, PASSED, AND ADOPTED at a regular meeting held on the 19th day of June, 2012.

CITY OF BRAWLEY, CALIFORNIA

_____

George A. Nava, Mayor

ATTEST:

_____

Alma Benavides, City Clerk

057

DAVID
TAUSSIG
& Associates, Inc.

CITY OF BRAWLEY
IMPROVEMENT AREA NO. 1 OF COMMUNITY FACILITIES DISTRICT NO. 2005-3 (LA PALOMA)

June 6, 2012

Public Finance
Facilities Planning
Urban Economics

Newport Beach
Fresno
Riverside
San Francisco
Chicago
Dallas

ADMINISTRATION REPORT
FISCAL YEAR 2012-2013

CITY OF BRAWLEY
IMPROVEMENT AREA NO. 1 OF
COMMUNITY FACILITIES DISTRICT NO. 2005-3
(LA PALOMA)

Prepared for

CITY OF BRAWLEY
400 Main Street
Brawley, California 92227

Prepared by

DAVID TAUSSIG & ASSOCIATES, INC.
5000 Birch Street, Suite 6000
Newport Beach, California 92660
(949) 955-1500

Table of Contents

Section		*Page*
Introduction		*1*
I.	*Special Tax Classifications and Development Update*	*2*
	Special Tax A Classifications	2
	Special Tax B Classifications	3
	Development Update	3
II.	*Fiscal Year 2011-2012 Special Tax Levies*	*4*
	Fiscal Year 2011-2012 Special Tax A Levy	4
	Fiscal Year 2011-2012 Special Tax B Levy	4
III.	*Fiscal Year 2012-2013 Special Tax Requirement for Facilities*	*5*
IV.	*Fiscal Year 2012-2013 Special Tax Requirement for Services*	*6*
V.	*Method of Apportionment*	*7*
	Maximum Special Taxes	7
	Apportionment of Special Tax A	7
	Apportionment of Special Tax B	8

EXHIBITS

Exhibit A: Boundary Map
Exhibit B: Fiscal Year 2012-2013 Special Tax Levy

Introduction

This Mello-Roos Community Facilities District Administration Report presents the findings of the research and financial analysis performed by David Taussig & Associates, Inc. to determine the special tax requirement for Improvement Area No. 1 ("IA No. 1") of Community Facilities District No. 2005-3 ("CFD No. 2005-3") of the City of Brawley ("the City") for fiscal year 2012-2013.

CFD No. 2005-3 is a legally constituted governmental entity established under the Mello-Roos Community Facilities Act of 1982, (the "Act") as amended. The Act provides an alternative method for the financing of certain public facilities and services. Specifically, IA No. 1 is authorized to issue up to $7,000,000 in bonds. The proceeds of the bonds will be used to finance the construction, purchase, modification, expansion, improvement or rehabilitation of storm drain, sewer, landscaping, curb and gutter, park, water, roadway, highway and bridge, traffic signals and safety lighting, flood control, libraries, police, fire and recreation facilities. In addition, IA No. 1 is authorized to levy the Special Tax B to pay for (i) maintenance of parks, parkways, and open space, and (ii) police and fire protection services.

A map showing the property in IA No. 1 of CFD No. 2005-3 is included in Exhibit A.

The bonded indebtedness of IA No. 1 is both secured and repaid through the annual levy and collection of the Special Tax A from all property subject to the tax within the community facilities district. In calculating the special tax liability for fiscal year 2012-2013, this report examines the financial obligations of the current fiscal year and analyzes the level of development within IA No. 1.

This report is organized into the following sections:

Section I
Section I provides an update of the development status of property within IA No. 1.

Section II
Section II analyzes the previous year's Special Tax A and Special Tax B levies.

Section III
Section III determines the special tax requirement for facilities for IA No. 1 for fiscal year 2012-2013.

Section IV
Section IV determines the special tax requirement for services for IA No. 1 for fiscal year 2012-2013.

Section V
Section V reviews the methodology used to apportion the special tax requirement for facilities and the special tax requirement for services between Developed Property and Undeveloped Property. Tables of the 2012-2013 Special Tax A and Special Tax B for each classification of property are included.

061

I. *Special Tax Classifications and Development Update*

The methodology employed to calculate and apportion the special tax is contained in a document entitled the Rate and Method of Apportionment for Improvement Area No. 1 ("RMA"). The RMA establishes the Special Tax A which is used to pay debt service on bonds and pay directly for the constriction of facilities and the Special Tax B which is used to fund the cost of annual services. The RMA defines two categories of property, namely "Developed Property," and "Undeveloped Property."

Developed Property is distinguished from Undeveloped Property by the issuance of a building permit. Specifically, property for which a building permit for new construction was issued as of January 1 of the previous Fiscal Year shall be considered Developed Property. For example, all property in CFD No. 2005-3 for which building permits were issued as of January 1, 2012, will be classified as Developed Property in fiscal year 2012-2013.

Special Tax A Classifications

For purposes of calculating the Special Tax A, the category of Developed Property is divided into eight separate special tax classifications based on the type of structure built. A table of the Developed Property special tax classifications is shown below.

Community Facilities District No. 2005-3
Improvement Area No. 1
Special Tax A
Developed Property Classifications

Land Use Class	Description	Square Footage
1	Residential Property	≥ 2,850 s.f.
2	Residential Property	2,600 – 2,849 s.f.
3	Residential Property	2,350 – 2,599 s.f.
4	Residential Property	2,100 – 2,349 s.f.
5	Residential Property	1,850 – 2,099 s.f.
6	Residential Property	1,600 – 1,849 s.f.
7	Residential Property	< 1,600 s.f.
8	Non-Residential Property	Not Applicable

062

Special Tax B Classifications

For purposes of calculating the Special Tax B, the category of Developed Property is divided into two separate special tax classifications for Residential Property and Non-Residential Property.

No Special Tax B is levied on Non-Residential Property and Undeveloped Property.

Development Update

As of January 1, 2012 building permits had been issued for 25 single family detached units within CFD No. 2005-3. The table below indicates the cumulative Developed Property within IA No. 1 of CFD No. 2005-3.

The table below lists the aggregate amount of Developed Property by special tax classification.

Community Facilities District No. 2005-3
Improvement Area No. 1
Fiscal Year 2012-2013
Cumulative Developed Property

Land Use Class	Description	Square Footage	Number of Units/Acres
1	Residential Property	≥ 2,850 s.f.	4 units
2	Residential Property	2,600 – 2,849 s.f.	3 units
3	Residential Property	2,350 – 2,599 s.f.	2 units
4	Residential Property	2,100 – 2,349 s.f.	2 units
5	Residential Property	1,850 – 2,099 s.f.	4 units
6	Residential Property	1,600 – 1,849 s.f.	3 units
7	Residential Property	< 1,600 s.f.	7 units
8	Non-Residential Property	Not Applicable	0 acres

II. Fiscal Year 2011-2012 Special Tax Levies

Fiscal Year 2011-2012 Special Tax A Levy

The Special Tax A was not levied in fiscal year 2011-2012.

Fiscal Year 2011-2012 Special Tax B Levy

The aggregate special tax levy for fiscal year 2011-2012 equaled $14,676.50. As of May 30, 2012, all $14,676.50 in special taxes had been collected by the County.

III. Fiscal Year 2012-2013 Special Tax Requirement for Facilities

Since bonds have not yet been issued for IA No. 1, the City is authorized to levy Special Tax A on Developed Property to pay directly for the acquisition or construction of facilities eligible to be financed by IA No. 1 and annual administrative expenses as provided for by the RMA.

Notwithstanding the foregoing, the City has decided not to levy Special Tax A in fiscal year 2012-2013. However, the City reserves the right to levy the Special Tax A in all subsequent fiscal years as authorized under the RMA.

IV. Fiscal Year 2012-2013 Special Tax Requirement for Services

Pursuant to the RMA, the Special Tax B may be levied in IA No. 1 to pay for (a) maintenance of parks, parkways, and open space, (b) police and fire protection services, and (c) administrative expenses; less (d) a credit for funds available to reduce the annual Special Tax B levy, as determined by the CFD Administrator. For fiscal year 2012-2013 the funds required from IA No. 1 exceed the maximum Special Tax B that can be collected from Developed Property. Therefore, the special tax requirement for services is limited to $14,970.00, the amount that can be collected through the levy of the maximum Special Tax B.

V. *Method of Apportionment*

Maximum Annual Special Taxes

The amount of special taxes that CFD No. 2005-3 may levy is strictly limited by the maximum special taxes set forth in the Rate and Method of Apportionment. The Maximum Special Tax A is specified in Section C.1 of the RMA for IA No. 1[1]. The Maximum Special Tax B is specified in Section C.2. On each July 1, commencing on July 1, 2007, the Maximum Special Tax A and Maximum Special Tax B shall be increased by an amount equal to two percent (2%) of the maximum Special Tax in effect for the previous Fiscal Year.

Apportionment of Special Tax A

The annual Special Tax A that is apportioned to each parcel is determined through the application of Section D.1 of the RMA for IA No. 1.

The first step states that the Council shall levy the Special Tax A Proportionately on each Assessor's Parcel of Developed Property at up to 100% of the Assigned Special Tax A. If the sum of the amount collected in step one is insufficient to satisfy the Special Tax Requirement for Facilities, then the second step is applied. The second step states that the Council shall Proportionately levy the Special Tax A on each Assessor's Parcel of Undeveloped Property up to the Maximum Special Tax A applicable to each Assessor's Parcel of Undeveloped Property to satisfy the Special Tax Requirement for Facilities. The third and fourth steps are designed to accommodate changes in land use and are intended to be used only as a last resort. Since actual land uses have not substantially deviated from the original projections, these steps are not necessary.

As discussed in Section III, the Special Tax A will not be levied in fiscal year 2012-2013. However, the City reserves the right to levy the Special Tax A in all subsequent fiscal years as authorized under the RMA. The fiscal year 2012-2013 Assigned Special Tax A and actual Special Tax A are shown in the following table.

[1] Technically, Section C states that the Maximum Special Tax A for a parcel of Developed Property is equal to the greater of (i) the "Backup Special Tax A" or (ii) the Assigned Special Tax A. The Backup Special Tax A was established for the contingency of a shortfall in revenues resulting from significant changes in development densities. The contingency for which the Backup Special Tax A was established does not exist and hence, all discussion of Maximum Special Tax A for Developed Property focuses on the Assigned Special Tax A.

Community Facilities District No. 2005-3
Improvement Area No. 1
Fiscal Year 2012-2013 Special Tax A

Land Use Class	Description	Residential Floor Area	FY 2012-2013 Assigned/Maximum Special Tax A	FY 2012-2013 Actual Special Tax A
1	Residential Property	≥ 2,850 s.f.	$1,894.20 per unit	$0.00 per unit
2	Residential Property	2,600 – 2,849 s.f.	$1,823.26 per unit	$0.00 per unit
3	Residential Property	2,350 – 2,599 s.f.	$1,682.49 per unit	$0.00 per unit
4	Residential Property	2,100 – 2,349 s.f.	$1,541.73 per unit	$0.00 per unit
5	Residential Property	1,850 – 2,099 s.f.	$1,400.95 per unit	$0.00 per unit
6	Residential Property	1,600 – 1,849 s.f.	$1,259.05 per unit	$0.00 per unit
7	Residential Property	< 1,600 s.f.	$1,118.29 per unit	$0.00 per unit
8	Non-Residential Property	NA	$13,452.00 per Acre	$0.00 per Acre
NA	Undeveloped Property	NA	$17,746.06 per Acre	$0.00 per Acre

Apportionment of Special Tax B

The annual Special Tax B that is apportioned to each parcel is determined through the application of Section D.2 of the RMA for IA No. 1.

Commencing with Fiscal Year 2006-2007 and for each following Fiscal Year, the Council shall levy Special Tax B so that the amount of Special Tax B equals the special tax requirement for services. The special tax shall be levied proportionally on each Assessor's Parcel of Residential Property at up to 100% of the maximum Special Tax B.

Using this methodology generates Special Tax B revenues of $14,970.00 from Residential Property. The fiscal year 2012-2013 assigned special taxes are shown for each classification of Developed Property in the following table.

Community Facilities District No. 2005-3
Improvement Area No. 1
Fiscal Year 2012-2013 Special Tax B

Description	FY 2012-2013 Maximum Special Tax	FY 2012-2013 Actual Special Tax B
Residential Property	$598.81 per unit	$598.80 per unit

Please note, pursuant to the RMA for IA No. 1, no Special Tax B shall be levied on Non-Residential Property and Undeveloped Property.

A list of the actual Special Tax B levied against each parcel in CFD No. 2005-3 is included in Exhibit B.

taussig-client/Brawley/Admin/CFD 2005-3/FY 2012-13/2005_3ADM.doc

069

EXHIBIT A

IA No. 1 of
CFD No. 2005-3 of
City of Brawley

Boundary Map

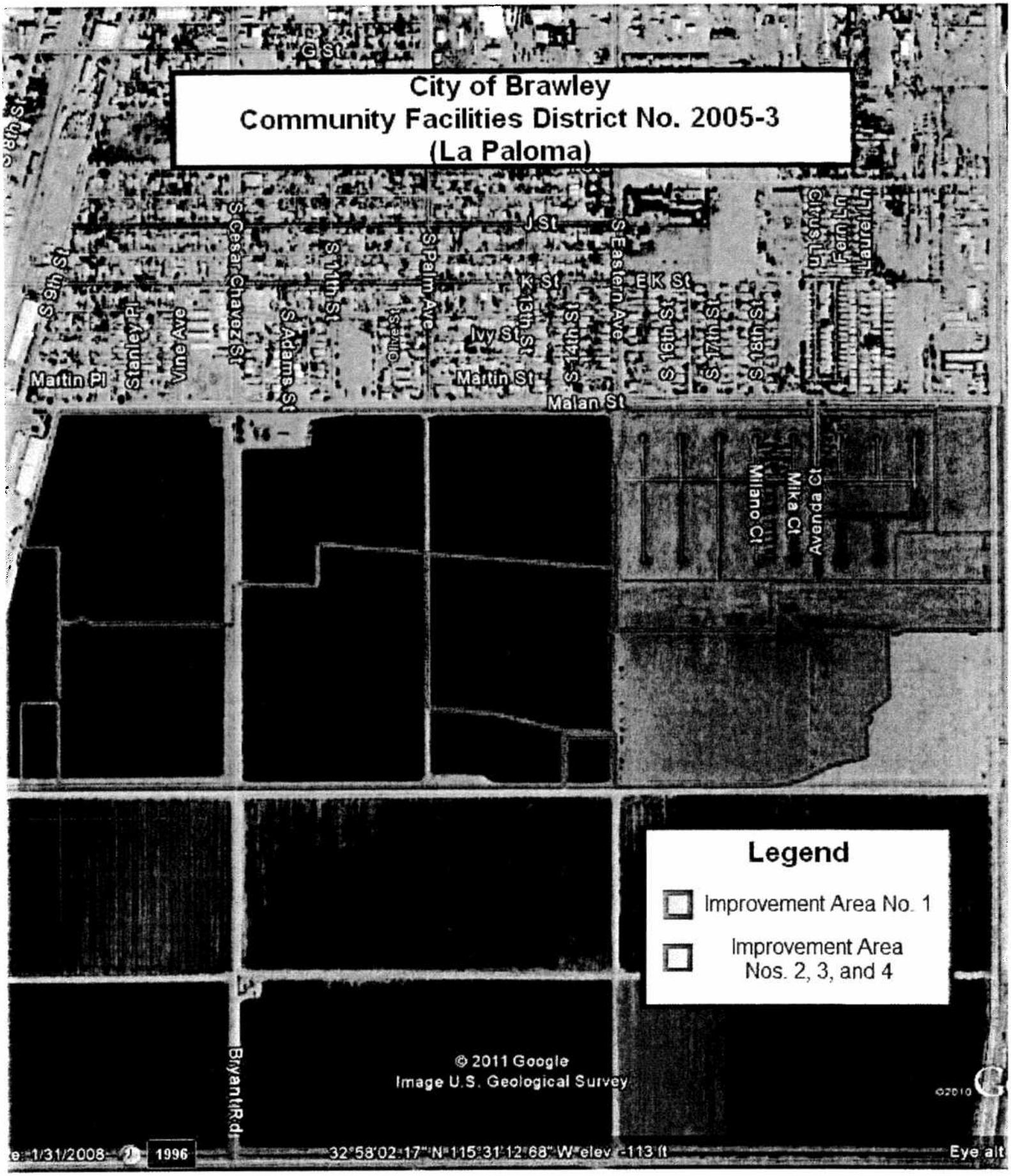

City of Brawley
Community Facilities District No. 2005-3
(La Paloma)
G St
J St
K St
EK St
S Cesar Chavez St
S 11th St
S Palm Ave
S Eastern Ave
S 13th St
S 14th St
S 16th St
S 17th St
S 18th St
S 19th St
Ivy St
Martin St
Martin Pl
Stanley Pl
Vine Ave
S Adams St
Malan St
Milano Ct
Mika Ct
Avenda Ct
Bryant Rd
Legend
Improvement Area No. 1
Improvement Area Nos. 2, 3, and 4
© 2011 Google
Image U.S. Geological Survey
1996
32°58'02.17" N 115°31'12.68" W elev -113 ft
Eye alt

EXHIBIT B

IA No. 1 of
CFD No. 2005-3 of
City of Brawley

Special Tax Levy
Fiscal Year 2012-2013

Exhibit B

City of Brawley
CFD No. 2005-3, IA No. 1
FY 2012-2013 Special Tax Levy

APN	TAX CLASS	FY 2012-2013 SPECIAL TAX A	FY 2012-2013 SPECIAL TAX B	FY 2012-2013 TOTAL
049-321-001-000	7	$0	$598.80	$598.80
049-321-002-000	7	$0	$598.80	$598.80
049-321-003-000	6	$0	$598.80	$598.80
049-321-004-000	5	$0	$598.80	$598.80
049-321-017-000	3	$0	$598.80	$598.80
049-321-018-000	2	$0	$598.80	$598.80
049-321-019-000	1	$0	$598.80	$598.80
049-321-020-000	4	$0	$598.80	$598.80
049-322-001-000	7	$0	$598.80	$598.80
049-322-002-000	7	$0	$598.80	$598.80
049-322-003-000	5	$0	$598.80	$598.80
049-322-004-000	7	$0	$598.80	$598.80
049-322-005-000	6	$0	$598.80	$598.80
049-322-006-000	1	$0	$598.80	$598.80
049-322-007-000	6	$0	$598.80	$598.80
049-324-026-000	5	$0	$598.80	$598.80
049-324-027-000	7	$0	$598.80	$598.80
049-324-028-000	1	$0	$598.80	$598.80
049-324-029-000	4	$0	$598.80	$598.80
049-324-030-000	2	$0	$598.80	$598.80
049-324-031-000	1	$0	$598.80	$598.80
049-324-032-000	3	$0	$598.80	$598.80
049-324-033-000	2	$0	$598.80	$598.80
049-324-034-000	5	$0	$598.80	$598.80
049-324-035-000	7	$0	$598.80	$598.80
Total Number of Parcels Taxed		**0**	**25**	**25**
Total FY 2012-2013 Special Tax		**$0**	**$14,970.00**	**$14,970.00**

Exhibit B

City of Brawley CFD No. 2005-1
FY 2012-2013 Special Tax Levy

APN	TAX CLASS	FY 2012-2013 SPECIAL TAX
048-401-001-000	1	$438.22
048-401-002-000	1	$438.22
048-401-003-000	1	$438.22
048-401-004-000	1	$438.22
048-401-005-000	1	$438.22
048-401-006-000	1	$438.22
048-401-007-000	1	$438.22
048-401-008-000	1	$438.22
048-401-009-000	1	$438.22
048-402-001-000	1	$438.22
048-402-002-000	1	$438.22
048-402-003-000	1	$438.22
048-402-004-000	1	$438.22
048-402-005-000	1	$438.22
048-402-006-000	1	$438.22
Total Number of Parcels Taxed		**56**
Total FY 2012-2013 Special Tax		**$24,540.32**

RESOLUTION NO. 2012-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2005-4 OF THE CITY OF BRAWLEY (LATIGO RANCH) AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 2005-4 FOR FISCAL YEAR 2011-12.

WHEREAS, the City of Brawley (the "City") previously established Community Facilities District No. 2005-4 of the City of Brawley (Latigo Ranch) ("CFD No. 2005-4") all pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Government Code Section 53111 (the "Act"); and

WHEREAS, the City Council for the City acting as the legislative body of CFD No. 2005-4 is authorized pursuant to Resolution No. 2005-57 approved on November 1, 2005 (the "Resolution of Formation") and Ordinance No. 2005-13, approved on November 15, 2005 (the "Ordinance") to levy a special tax on property in CFD No. 2005-4 to pay for (i) the maintenance of parks and open space as described in Resolution No. 2005-48, including all furnishings, equipment and supplies related thereto, and (2) the provision of those police protection and fire protection and suppression services described in Resolution No. 2005-48 to the property in CFD No. 2005-4 ((1) and (2) being referred to herein, collectively, as the "District Services") and (3) the incidental expenses to be incurred in connection with providing the District Services and forming and administering the District (the "District Incidental Expenses") by the levy of special taxes for CFD No. 2005-4 pursuant to the Resolution of Formation; and

WHEREAS, it is now necessary and appropriate that this City levy and collect the special taxes for Fiscal Year 2011-12 for the purpose specified in the Ordinance, by the adoption of a resolution as specified by the Act and the Ordinance; and

WHEREAS, the special taxes being levied hereunder are at the same rate or at a lower rate than provided by the Ordinance; and

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF BRAWLEY, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2005-4, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The special tax ("Special Tax") is imposed without regard to property valuation and is levied in compliance with the Act and the Ordinance.

Section 3. In accordance with the Act and the Ordinance, there is hereby levied upon the parcels within the City which are not otherwise exempt from taxation under the Act or the Ordinance the special taxes for Fiscal Year 2011-12 at the tax rates set forth in the report dated June 6, 2012 prepared by David Taussig and Associates for CFD No. 2005-4 entitled "City of Brawley Community Facilities District No. 2005-4 (Latigo Ranch)" (the "Report") submitted herewith, which rates do not exceed the maximum rates set forth in the Ordinance. After adoption of this Resolution, the City Manager, for the City, or his designee, may make any necessary modifications to these special taxes to correct any errors, omissions or inconsistencies in the listing or categorization of parcels to be taxed or in the amount to be charged to any category of parcels; provided, however, that any such modifications shall not result in an increase in the tax applicable to any category of parcels and can

only be made prior to the submission of the tax rolls to the Imperial County Auditor.

Section 4. All of the collections of the special tax shall be used only as provided for in the Act and Resolution of Formation. The special tax shall be levied only so long as needed to accomplish the purposes described in Resolution of Formation.

Section 5. The special tax shall be collected in the same manner as ordinary ad valorem taxes are collected and shall be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes as such procedure may be modified by law or this City Council from time to time.

Section 6. The actions of City staff heretofore taken in order to obtain consent from the Imperial County Auditor to a later filing date are hereby ratified and the City Clerk is hereby authorized and directed to transmit a certified copy of this Resolution and the Report to the Imperial County Auditor, together with other supporting documentation as may be required to place said special taxes on the secured property tax roll for Fiscal Year 2011-12 on or before August 10, 2011, and to perform all other acts which are required by the Act, the Ordinance, or by law in order to accomplish the purpose of this Resolution.

APPROVED, PASSED, AND ADOPTED at a regular meeting held on the 19th day of June, 2012.

CITY OF BRAWLEY, CALIFORNIA

_____

George A. Nava, Mayor

ATTEST:

_____

Alma Benavides, City Clerk

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL)
CITY OF BRAWLEY)

I, Alma Benavides, City Clerk of the City of Brawley, California, **DO HEREBY CERTIFY**, that the foregoing Resolution No. 2012- as passed and adopted by the City Council of the City of Brawley, California, at a regular meeting held on the 19th day of June, 2012 and that it was so adopted by the following roll call vote: m/s/c

AYES:
NAYES:
ABSTAIN:
ABSENT:

DATED: June 19, 2012

_____

Alma Benavides, City Clerk

DAVID
TAUSSIG
& Associates, Inc.

CITY OF BRAWLEY
COMMUNITY FACILITIES DISTRICT
NO. 2005-4
(LATIGO RANCH)

June 6, 2012

Public Finance
Facilities Planning
Urban Economics

Newport Beach
Fresno
Riverside
San Francisco
Chicago
Dallas

077

ADMINISTRATION REPORT
FISCAL YEAR 2012-2013

CITY OF BRAWLEY
COMMUNITY FACILITIES DISTRICT NO. 2005-4
(LATIGO RANCH)

Prepared for

CITY OF BRAWLEY
400 Main Street
Brawley, California 92227

Prepared by

DAVID TAUSSIG & ASSOCIATES, INC.
5000 Birch Street, Suite 6000
Newport Beach, California 92660
(949) 955-1500

Table of Contents

Section		*Page*
Introduction		*1*
I.	*Special Tax Classifications and Development Update*	*2*
	Special Tax Classifications	2
	Development Update	2
II.	*Fiscal Year 2011-2012 Special Tax Levy*	*3*
III.	*Fiscal Year 2012-2013 Special Tax Requirement*	*4*
IV.	*Method of Apportionment*	*5*
	Maximum Special Taxes	5
	Apportionment of Special Taxes	5

EXHIBITS

Exhibit A: Boundary Map
Exhibit B: Fiscal Year 2012-2013 Special Tax Levy

Introduction

This Mello-Roos Community Facilities District Administration Report presents the findings of the research and financial analysis performed by David Taussig & Associates, Inc. to determine the special tax requirement for Community Facilities District No. 2005-4 ("CFD No. 2005-4") of the City of Brawley ("the City") for fiscal year 2012-2013.

CFD No. 2005-4 is a legally constituted governmental entity established under the Mello-Roos Community Facilities Act of 1982, (the "Act") as amended. The Act provides an alternative method for the financing of certain public facilities and services. Pursuant to the Rate and Method of Apportionment for CFD No. 2005-4, the Special Tax is an annual Special Tax that shall be levied as long as necessary to (i) pay for maintenance of parks, parkways, and open space, and (ii) pay for police and fire protection. CFD No. 2005-4 is not authorized to sell bonds.

A map showing the property in CFD No. 2005-4 is included in Exhibit A.

The authorized services are funded through the annual levy and collection of special taxes from all property subject to the tax within the community facilities district. In calculating the special tax liability for fiscal year 2012-2013, this report examines the financial obligations of the current fiscal year and analyzes the level of development within CFD No. 2005-4.

This report is organized into the following sections:

Section I

Section I provides an update of the development status of property within CFD No. 2005-4.

Section II

Section II analyzes the previous year's special tax levy.

Section III

Section III determines the financial obligations of CFD No. 2005-4 for fiscal year 2012-2013.

Section IV

Section IV reviews the methodology used to apportion the special tax requirement between Developed Property and Undeveloped Property. A table of the 2012-2013 special taxes for each classification of property is included.

I. *Special Tax Classifications and Development Update*

Special Tax Classifications

The methodology employed to calculate and apportion the special tax is contained in a document entitled the Rate and Method of Apportionment. The Rate and Method of Apportionment defines two categories of property, namely "Developed Property," and "Undeveloped Property." The category of Developed Property is in turn divided into two separate special tax classifications based on the type of structure built. A table of the Developed Property special tax classifications is shown below.

Community Facilities District No. 2005-4
Developed Property Classifications

Land Use Class	Description
1	Single Family Property
2	Non-Residential Property

Developed Property is distinguished from Undeveloped Property by the issuance of a building permit. Specifically, property for which a building permit for new construction was issued as of January 1 of the previous Fiscal Year shall be considered Developed Property. For example, all property in CFD No. 2005-4 for which building permits were issued as of January 1, 2012, will be classified as Developed Property in fiscal year 2012-2013.

Development Update

As of January 1, 2012 building permits had been issued for 18 single family units within CFD No. 2005-4. The table below indicates the cumulative Developed Property within CFD No. 2005-4.

Community Facilities District No. 2005-4
Fiscal Year 2012-2013
Cumulative Developed Property

Class	Land Use	Number of Units / Acres
1	Single Family Property	18 units
2	Non-Residential Property	0 acres

II. Fiscal Year 2011-2012 Levy

The aggregate special tax levy for fiscal year 2011-2012 equaled $16,088.76. As of May 31, 2012, $15,194.94 in special taxes had been collected by the County. The remaining $893.82 in special taxes is delinquent, resulting in a delinquency rate of 5.56 percent.

III. Fiscal Year 2012-2013 Special Tax Requirement

Pursuant to the Rate and Method of Apportionment, the special tax may be levied in CFD No. 2005-4 to: pay for (a) maintenance of parks, parkways, and open space, (b) police and fire protection services, and (c) administrative expenses; less (d) a credit for funds available to reduce the annual Special Tax levy, as determined by the CFD Administrator. For fiscal year 2012-2013, the funds required from CFD No. 2005-4 exceed the maximum special taxes that can be collected from Developed Property. Therefore, the special tax requirement is limited to $16,410.60, the amount that can be collected through the levy of the maximum special tax.

IV. Method of Apportionment

Maximum Annual Special Taxes

The amount of special taxes that CFD No. 2005-4 may levy is strictly limited by the maximum special taxes set forth in the Rate and Method of Apportionment. The Maximum Special Taxes for each classification of Developed Property are specified in Table 1 of Section C of the Rate and Method of Apportionment. On each July 1, commencing on July 1, 2006, the Maximum Special Tax shall be increased by an amount equal to two percent (2%) of the Maximum Special Tax in effect for the previous Fiscal Year.

Please note, pursuant to the Rate and Method of Apportionment, no special tax shall be levied on Undeveloped Property.

Apportionment of Annual Special Taxes

The annual special tax that is apportioned to each parcel is determined through the application of Section D of the Rate and Method of Apportionment.

Commencing with Fiscal Year 2005-2006 and for each following Fiscal Year, the Council shall levy the special tax so that the amount of the special tax equals the special tax requirement. The special tax shall be levied proportionally on each Assessor's Parcel of Developed Property at up to 100% of the applicable maximum special tax.

Using this methodology generates special tax revenues of $16,410.60 from Developed Property. The fiscal year 2012-2013 maximum and actual special taxes are shown for each classification of Developed Property in the following table.

Community Facilities District No. 2005-4
Fiscal Year 2012-2013 Annual Special Taxes
for Developed Property

Land Use Class	Description	FY 2012-2013 Maximum Special Tax	FY 2012-2013 Actual Special Tax
1	Single Family Property	$911.71 per unit	$911.70 per unit
2	Non-Residential Property	$6,691.10 per acre	NA

A list of the actual special tax levied against each parcel in CFD No. 2005-4 is included in Exhibit B.

taussig-client/Brawley/Admin/CFD 2005-4/FY 2012-13/2005_4ADM.doc

084

EXHIBIT A

CFD No. 2005-4 of
City of Brawley

Boundary Map

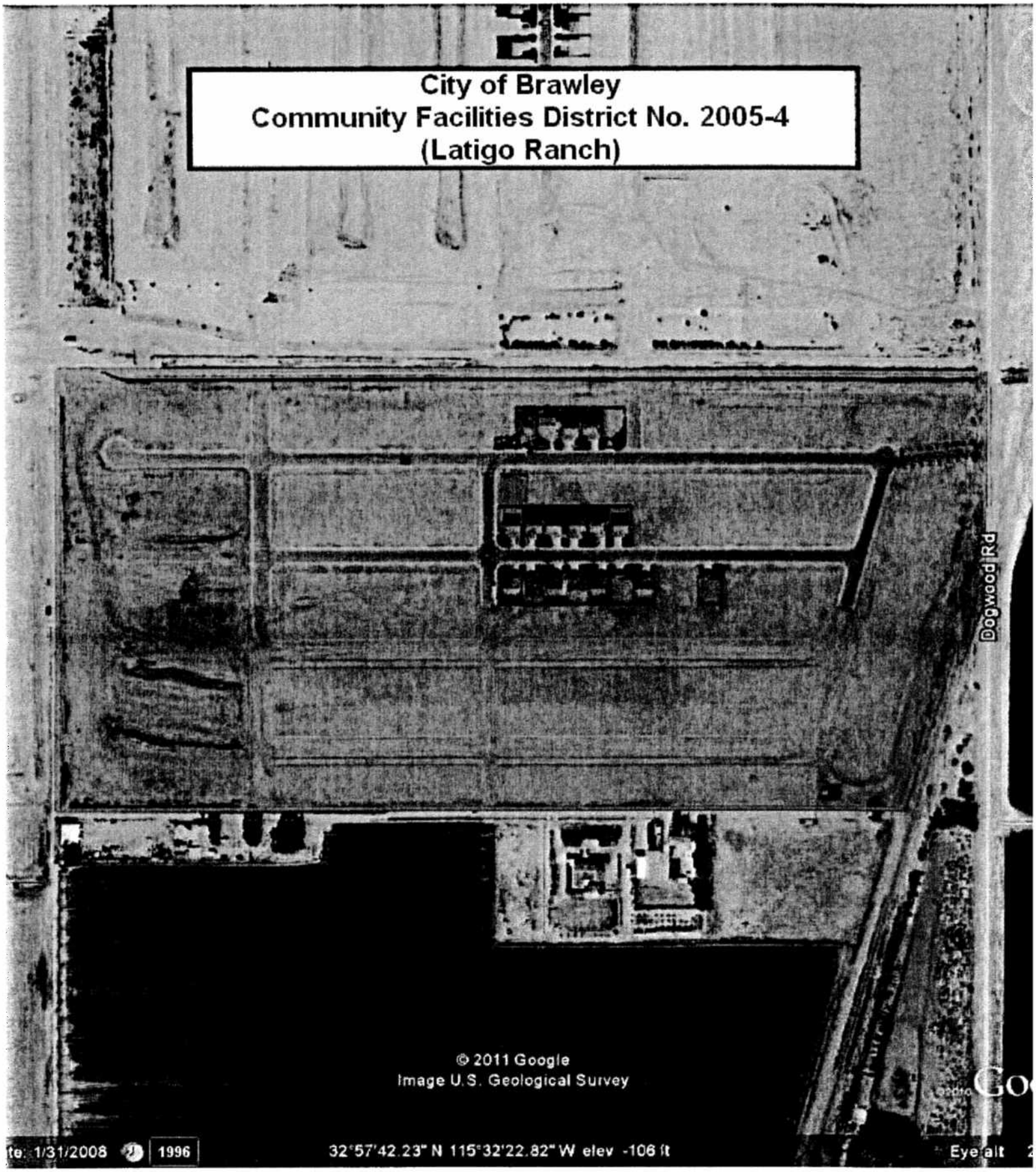

City of Brawley
Community Facilities District No. 2005-4
(Latigo Ranch)
Dogwood Rd
© 2011 Google
Image U.S. Geological Survey
te: 1/31/2008
1996
32°57'42.23" N 115°32'22.82" W elev -106 ft
Eye alt

EXHIBIT B

CFD No. 2005-4 of
City of Brawley

Special Tax Levy
Fiscal Year 2012-2013

Exhibit B

City of Brawley CFD No. 2005-4
FY 2012-2013 Special Tax Levy

APN	TAX CLASS	FY 2012-2013 SPECIAL TAX
048-412-012-000	1	$911.70
048-412-013-000	1	$911.70
048-412-014-000	1	$911.70
048-412-015-000	1	$911.70
048-415-027-000	1	$911.70
048-415-028-000	1	$911.70
048-415-029-000	1	$911.70
048-415-030-000	1	$911.70
048-415-031-000	1	$911.70
048-415-032-000	1	$911.70
048-416-001-000	1	$911.70
048-416-002-000	1	$911.70
048-416-003-000	1	$911.70
048-416-004-000	1	$911.70
048-416-005-000	1	$911.70
048-416-006-000	1	$911.70
048-416-007-000	1	$911.70
048-416-010-000	1	$911.70
Total Number of Parcels Taxed		**18**
Total FY 2012-2013 Special Tax		**$16,410.60**

RESOLUTION NO. 2012-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF BRAWLEY (MALAN PARK) AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 2006-1 FOR FISCAL YEAR 2012-13.

WHEREAS, the City of Brawley (the "City") previously established Community Facilities District No. 2006-1 of the City of Brawley (Malan Park) ("CFD No. 2006-1") all pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Government Code Section 53111 (the "Act"); and

WHEREAS, the City Council for the City acting as the legislative body of CFD No. 2006-1 is authorized pursuant to its Resolution Establishing Community Facilities District No. 2006-1 of the City of Brawley (Malan Park), Authorizing the Levy of Special Taxes and Calling an Election therein approved on October 17, 2006 (the "Resolution of Formation") and the Ordinance Authorizing the Levy of the Special Tax adopted in connection therewith (the "Ordinance") to levy a special tax on property in CFD No. 2006-1 for the purpose of financing (1) the maintenance of certain real or other tangible property within the City of Brawley, California, including all furnishings, equipment and supplies related thereto (collectively, the "District Facilities"), which District Facilities have a useful life of five years or longer; (2) the provision of those police protection services and fire protection and suppression services to the property in the District (collectively, the "District Services") and (3) the incidental expenses to be incurred in connection with and maintaining the District Facilities, providing the District Services and forming and administering the District (the "District Incidental Expenses"); and

WHEREAS, it is now necessary and appropriate that this City levy and collect the special taxes for Fiscal Year 2012-13 for the purposes specified in the Ordinance, by the adoption of a resolution as specified by the Act and the Ordinance; and

WHEREAS, the special taxes being levied hereunder are at the same rate or at a lower rate than provided by the Ordinance; and

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF BRAWLEY, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2006-1, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The special tax ("Special Tax") is imposed without regard to property valuation and is levied in compliance with the Act and the Ordinance.

Section 3. In accordance with the Act and the Ordinance, there is hereby levied upon the parcels within the City which are not otherwise exempt from taxation under the Act or the Ordinance the special taxes for Fiscal Year 2012-13 at the tax rates set forth in the report dated June 6, 2012 prepared by David Taussig and Associates for CFD No. 2006-1 entitled "City of Brawley Community Facilities District No. 2006-1 (Malan Park)" (the "Report") (the "Report") submitted herewith, which rates do not exceed the maximum rates set forth in the Ordinance. After adoption of this Resolution, the City Manager, for the City, or his designee, may make any necessary modifications to these special taxes to correct any errors, omissions or inconsistencies in the

listing or categorization of parcels to be taxed or in the amount to be charged to any category of parcels; provided, however, that any such modifications shall not result in an increase in the tax applicable to any category of parcels and can only be made prior to the submission of the tax rolls to the Imperial County Auditor.

Section 4. All of the collections of the special tax shall be used only as provided for in the Act and the Resolution of Formation. The special tax shall be levied only so long as needed to accomplish the purposes described in the Resolution of Formation.

Section 5. The special tax shall be collected in the same manner as ordinary ad valorem taxes are collected and shall be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes as such procedure may be modified by law or this City Council from time to time.

Section 6. The actions of City staff heretofore taken in order to obtain consent from the Imperial County Auditor to a later filing date are hereby ratified and the City Clerk is hereby authorized and directed to transmit a certified copy of this Resolution and the Report to the Imperial County Auditor, together with other supporting documentation as may be required to place said special taxes on the secured property tax roll for Fiscal Year 2012-13 on or before August 10, 2012, and to perform all other acts which are required by the Act, the Ordinance, or by law in order to accomplish the purpose of this Resolution.

APPROVED, PASSED, AND ADOPTED at a regular meeting held on the 19th day of June, 2012.

CITY OF BRAWLEY, CALIFORNIA

_____

George A. Nava, Mayor

ATTEST:

_____

Alma Benavides, City Clerk

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL)
CITY OF BRAWLEY)

I, Alma Benavides, City Clerk of the City of Brawley, California, **DO HEREBY CERTIFY**, that the foregoing Resolution No. 2012- as passed and adopted by the City Council of the City of Brawley, California, at a regular meeting held on the 19th day of June, 2012 and that it was so adopted by the following roll call vote: m/s/c

AYES:
NAYES:
ABSTAIN:
ABSENT:

DATED: June 19, 2012

_____

Alma Benavides, City Clerk

DAVID TAUSSIG & Associates, Inc.

CITY OF BRAWLEY COMMUNITY FACILITIES DISTRICT NO. 2006-1 (MALAN PARK)

June 6, 2012

Public Finance
Facilities Planning
Urban Economics

Newport Beach
Fresno
Riverside
San Francisco
Chicago
Dallas

ADMINISTRATION REPORT
FISCAL YEAR 2012-2013

CITY OF BRAWLEY
COMMUNITY FACILITIES DISTRICT NO. 2006-1
(MALAN PARK)

Prepared for

CITY OF BRAWLEY
400 Main Street
Brawley, California 92227

Prepared by

DAVID TAUSSIG & ASSOCIATES, INC.
5000 Birch Street, Suite 6000
Newport Beach, California 92660
(949) 955-1500

Table of Contents

Section		*Page*
Introduction		*1*
I.	*Special Tax Classifications and Development Update*	*2*
	Special Tax Classifications	2
	Development Update	2
II.	*Fiscal Year 2011-2012 Special Tax Levy*	*3*
III.	*Fiscal Year 2012-2013 Special Tax Requirement*	*4*
IV.	*Method of Apportionment*	*5*
	Maximum Special Taxes	5
	Apportionment of Special Taxes	5

EXHIBITS

Exhibit A: Boundary Map
Exhibit B: Fiscal Year 2012-2013 Special Tax Levy

Introduction

This Mello-Roos Community Facilities District Administration Report presents the findings of the research and financial analysis performed by David Taussig & Associates, Inc. to determine the special tax requirement for Community Facilities District No. 2006-1 ("CFD No. 2006-1") of the City of Brawley ("the City") for fiscal year 2012-2013.

CFD No. 2006-1 is a legally constituted governmental entity established under the Mello-Roos Community Facilities Act of 1982, (the "Act") as amended. The Act provides an alternative method for the financing of certain public facilities and services. Pursuant to the Rate and Method of Apportionment for CFD No. 2006-1, the Special Tax is an annual Special Tax that shall be levied as long as necessary to (i) pay for maintenance of parks, parkways, and open space, and (ii) pay for police and fire protection. CFD No. 2006-1 is not authorized to sell bonds.

A map showing the property in CFD No. 2006-1 is included in Exhibit A.

The authorized services are funded through the annual levy and collection of special taxes from all property subject to the tax within the community facilities district. In calculating the special tax liability for fiscal year 2012-2013, this report examines the financial obligations of the current fiscal year and analyzes the level of development within CFD No. 2006-1.

This report is organized into the following sections:

Section I

Section I provides an update of the development status of property within CFD No. 2006-1.

Section II

Section II analyzes the previous year's special tax levy.

Section III

Section III determines the financial obligations of CFD No. 2006-1 for fiscal year 2012-2013.

Section IV

Section IV reviews the methodology used to apportion the special tax requirement between Developed Property and Undeveloped Property. A table of the 2012-2013 special taxes for each classification of property is included.

I. *Special Tax Classifications and Development Update*

Special Tax Classifications

The methodology employed to calculate and apportion the special tax is contained in a document entitled the Rate and Method of Apportionment. The Rate and Method of Apportionment defines two categories of property, namely "Developed Property," and "Undeveloped Property." The category of Developed Property is in turn divided into three separate special tax classifications based on the type of structure built. A table of the Developed Property special tax classifications is shown below.

Community Facilities District No. 2006-1
Developed Property Classifications

Land Use Class	Description
1	Single Family Detached Property
2	Single Family Attached Property
3	Non-Residential Property

Developed Property is distinguished from Undeveloped Property by the issuance of a building permit. Specifically, property for which a building permit for new construction was issued as of January 1 of the previous Fiscal Year shall be considered Developed Property. For example, all property in CFD No. 2006-1 for which building permits were issued as of January 1, 2012, will be classified as Developed Property in fiscal year 2012-2013.

Development Update

As of January 1, 2012 building permits had been issued for 96 single family detached units within CFD No. 2006-1. The table below indicates the cumulative Developed Property within CFD No. 2006-1.

Community Facilities District No. 2006-1
Fiscal Year 2012-2013
Cumulative Developed Property

Class	Land Use	Number of Units / Acres
1	Single Family Detached Property	96 units
2	Single Family Attached Property	0 units
3	Non-Residential Property	0 acres

II. Fiscal Year 2011-2012 Levy

The aggregate special tax levy for fiscal year 2011-2012 equaled $52,611.84. As of June 1, 2012, $52,337.82 in special taxes had been collected by the County. The remaining $274.02 in special taxes is delinquent, resulting in a delinquency rate of 0.52 percent.

III. Fiscal Year 2012-2013 Special Tax Requirement

Pursuant to the Rate and Method of Apportionment, the special tax may be levied in CFD No. 2006-1 to: pay for (a) maintenance of parks, parkways, and open space, (b) police and fire protection services, and (c) administrative expenses; less (d) a credit for funds available to reduce the annual Special Tax levy, as determined by the CFD Administrator. For fiscal year 2012-2013 the funds required from CFD No. 2006-1 exceed the maximum special taxes that can be collected from Developed Property. Therefore, the special tax requirement is limited to $53,664.00, the amount that can be collected through the levy of the maximum special tax.

IV. Method of Apportionment

Maximum Annual Special Taxes

The amount of special taxes that CFD No. 2006-1 may levy is strictly limited by the maximum special taxes set forth in the Rate and Method of Apportionment. The Maximum Special Taxes for each classification of Developed Property are specified in Table 1 of Section C of the Rate and Method of Apportionment. On each July 1, commencing on July 1, 2008, the Maximum Special Tax shall be increased by an amount equal to two percent (2%) of the Maximum Special Tax in effect for the previous Fiscal Year.

Please note, pursuant to the Rate and Method of Apportionment, no special tax shall be levied on Undeveloped Property.

Apportionment of Annual Special Taxes

The annual special tax that is apportioned to each parcel is determined through the application of Section D of the Rate and Method of Apportionment.

Commencing with Fiscal Year 2008-2009 and for each following Fiscal Year, the Council shall levy the special tax so that the amount of the special tax equals the special tax requirement. The special tax shall be levied proportionally on each Assessor's Parcel of Developed Property at up to 100% of the applicable maximum special tax.

Using this methodology generates special tax revenues of $53,664.00 from Developed Property. The fiscal year 2012-2013 maximum and actual special taxes are shown for each classification of Developed Property in the following table.

Community Facilities District No. 2006-1
Fiscal Year 2012-2013 Annual Special Taxes
for Developed Property

Land Use Class	Description	FY 2012-2013 Maximum Special Tax	FY 2012-2013 Actual Special Tax
1	Single Family Detached Property	$559.01 per unit	$559.00 per unit
2	Single Family Attached Property	$486.36 per unit	NA
3	Non-Residential Property	$3,198.61 per acre	NA

A list of the actual special tax levied against each parcel in CFD No. 2006-1 is included in Exhibit B.

taussig-client/Brawley/Admin/CFD 2006-1/FY 2012-13/2006_1ADM.doc

EXHIBIT A

CFD No. 2006-1 of
City of Brawley

Boundary Map

City of Brawley
Community Facilities District No. 2006-1
(Malan Park)

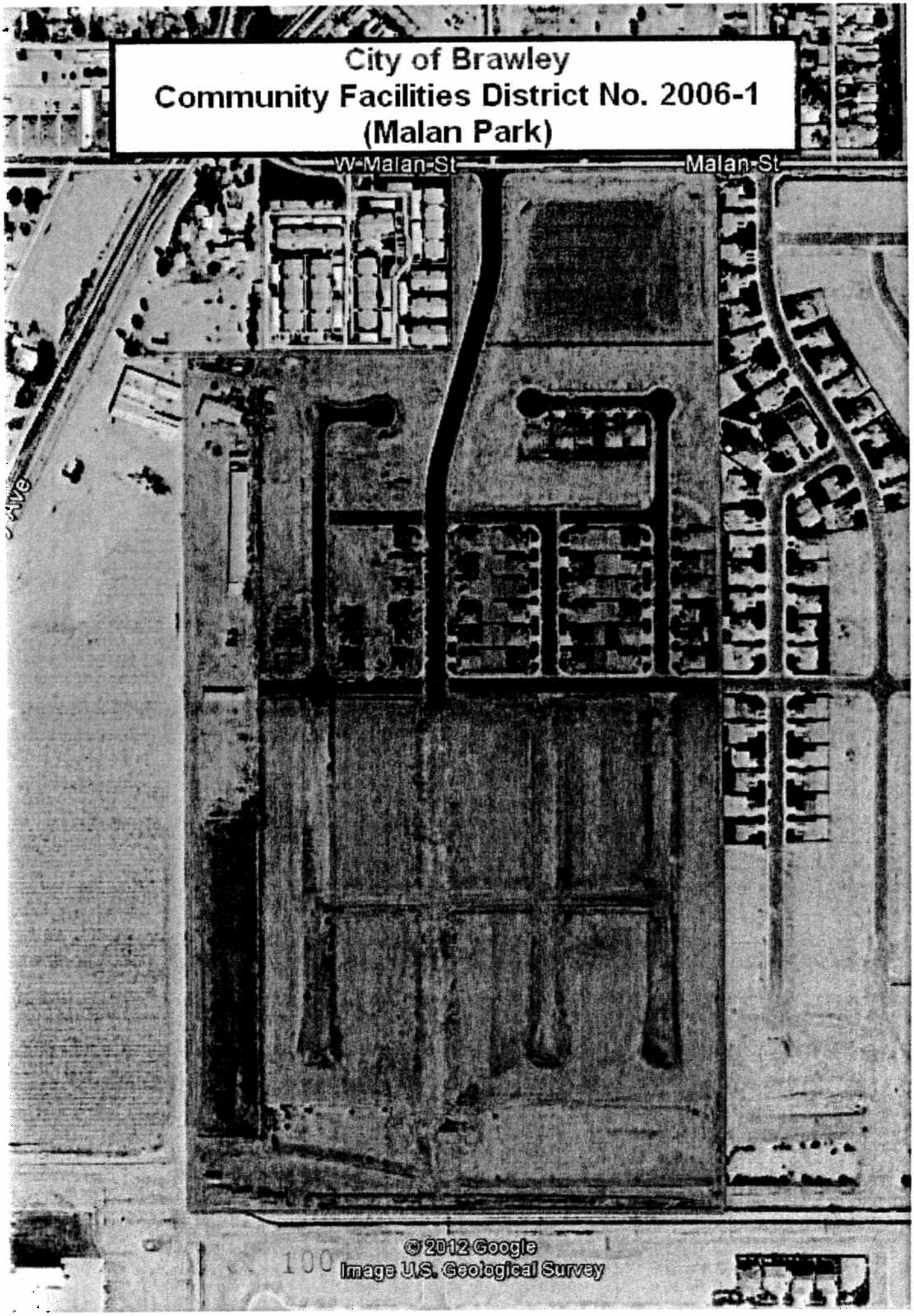


EXHIBIT B

CFD No. 2006-1 of
City of Brawley

Special Tax Levy
Fiscal Year 2012-2013

Exhibit B

City of Brawley CFD No. 2006-1
FY 2012-2013 Special Tax Levy

APN	TAX CLASS	FY 2012-2013 SPECIAL TAX
048-275-019-000	1	$559.00
048-275-020-000	1	$559.00
048-275-021-000	1	$559.00
048-275-022-000	1	$559.00
048-275-023-000	1	$559.00
048-275-024-000	1	$559.00
048-275-025-000	1	$559.00
048-275-026-000	1	$559.00
048-275-027-000	1	$559.00
048-275-028-000	1	$559.00
048-275-029-000	1	$559.00
048-275-030-000	1	$559.00
048-275-031-000	1	$559.00
048-275-032-000	1	$559.00
048-275-033-000	1	$559.00
048-275-034-000	1	$559.00
048-275-035-000	1	$559.00
048-275-036-000	1	$559.00
048-275-037-000	1	$559.00
048-275-038-000	1	$559.00
048-275-039-000	1	$559.00
048-275-040-000	1	$559.00
048-275-041-000	1	$559.00
048-275-042-000	1	$559.00
048-275-043-000	1	$559.00
048-275-044-000	1	$559.00
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048-275-046-000	1	$559.00
048-275-047-000	1	$559.00
048-275-048-000	1	$559.00
048-275-049-000	1	$559.00
048-275-050-000	1	$559.00
048-275-051-000	1	$559.00
048-275-052-000	1	$559.00
048-275-053-000	1	$559.00
048-275-054-000	1	$559.00
048-276-001-000	1	$559.00
048-276-002-000	1	$559.00
048-276-003-000	1	$559.00
048-276-004-000	1	$559.00

Exhibit B

City of Brawley CFD No. 2006-1
FY 2012-2013 Special Tax Levy

APN	TAX CLASS	FY 2012-2013 SPECIAL TAX
048-276-005-000	1	$559.00
048-276-006-000	1	$559.00
048-276-007-000	1	$559.00
048-276-008-000	1	$559.00
048-276-009-000	1	$559.00
048-276-010-000	1	$559.00
048-276-011-000	1	$559.00
048-276-012-000	1	$559.00
048-277-001-000	1	$559.00
048-277-002-000	1	$559.00
048-277-003-000	1	$559.00
048-277-004-000	1	$559.00
048-277-005-000	1	$559.00
048-277-006-000	1	$559.00
048-277-007-000	1	$559.00
048-277-008-000	1	$559.00
048-277-009-000	1	$559.00
048-277-010-000	1	$559.00
048-277-011-000	1	$559.00
048-277-012-000	1	$559.00
048-278-001-000	1	$559.00
048-278-002-000	1	$559.00
048-278-003-000	1	$559.00
048-278-004-000	1	$559.00
048-278-005-000	1	$559.00
048-278-006-000	1	$559.00
048-278-007-000	1	$559.00
048-278-008-000	1	$559.00
048-278-009-000	1	$559.00
048-278-010-000	1	$559.00
048-278-011-000	1	$559.00
048-278-012-000	1	$559.00
048-279-001-000	1	$559.00
048-279-002-000	1	$559.00
048-279-003-000	1	$559.00
048-279-004-000	1	$559.00
048-279-005-000	1	$559.00
048-279-006-000	1	$559.00
048-279-007-000	1	$559.00
048-279-008-000	1	$559.00

Exhibit B

City of Brawley CFD No. 2006-1
FY 2012-2013 Special Tax Levy

APN	TAX CLASS	FY 2012-2013 SPECIAL TAX
048-279-009-000	1	$559.00
048-279-010-000	1	$559.00
048-279-011-000	1	$559.00
048-279-012-000	1	$559.00
048-279-013-000	1	$559.00
048-279-014-000	1	$559.00
048-279-015-000	1	$559.00
048-279-016-000	1	$559.00
048-279-017-000	1	$559.00
048-279-018-000	1	$559.00
048-279-019-000	1	$559.00
048-279-020-000	1	$559.00
048-279-021-000	1	$559.00
048-279-022-000	1	$559.00
048-279-023-000	1	$559.00
048-279-024-000	1	$559.00
Total Number of Parcels Taxed		**96**
Total FY 2012-2013 Special Tax		**$53,664.00**

RESOLUTION NO. 2012-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2007-1 OF THE CITY OF BRAWLEY (LUCKEY RANCH) AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 2007-1 FOR FISCAL YEAR 2012-13.

WHEREAS, the City of Brawley (the "City") previously established Community Facilities District No. 2007-1 of the City of Brawley (Luckey Ranch) ("CFD No. 2007-1") all pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Government Code Section 53111 (the "Act"); and

WHEREAS, the City Council for the City acting as the legislative body of CFD No. 2007-1 is authorized pursuant to Resolution Nos. 2007-39 and 2007-40 approved on September 18, 2007 (collectively, the "Resolutions of Formation") and the Ordinance Authorizing the Levy of the Special Tax adopted in connection therewith (the "Ordinance") to levy a special tax on property in CFD No. 2007-1 for the purpose of financing: (1) the maintenance of parks and open space as described in Resolution No. 2007-40, including all furnishings, equipment and supplies related thereto and (2) the provision of those police protection and fire protection and suppression services described in Resolution No. 2007-40 within the boundaries of the City ((1) and (2) being referred to herein, collectively, as the "City Services"), (3) the purchase, construction, expansion, improvement or rehabilitation of the facilities identified in Attachment B to Resolution No. 2007-33 and incorporated herein by this reference, including storm drain, sewer, water, landscaping, curb and gutter, park, roadway, highway and bridge, traffic signals and safety lighting, flood control library, police, fire and recreation facilities (collectively, the "Facilities"), which Facilities have a useful life of five years or longer, and (4) the incidental expenses to be incurred in connection with financing the Facilities and forming and administering the District, all by the levy of special taxes for CFD No. 2007-1 pursuant to the Resolutions of Formation; and

WHEREAS, it is now necessary and appropriate that this City levy and collect the special taxes for Fiscal Year 2012-13 for the purposes specified in the Ordinance, by the adoption of a resolution as specified by the Act and the Ordinance; and

WHEREAS, the special taxes being levied hereunder are at the same rate or at a lower rate than provided by the Ordinance; and

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF BRAWLEY, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2007-1, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The special tax ("Special Tax") is imposed without regard to property valuation and is levied in compliance with the Act and the Ordinance.

Section 3. In accordance with the Act and the Ordinance, there is hereby levied upon the parcels within the City which are not otherwise exempt from taxation under the Act or the Ordinance the special taxes for Fiscal Year 2012-13 at the tax rates set forth in the report dated June 6, 2012 prepared by David Taussig and Associates for CFD No. 2007-1 entitled "City of Brawley Community Facilities District No. 2007-1 (Luckey Ranch)" (the "Report")

submitted herewith, which rates do not exceed the maximum rates set forth in the Ordinance. After adoption of this Resolution, the City Manager, for the City, or his designee, may make any necessary modifications to these special taxes to correct any errors, omissions or inconsistencies in the listing or categorization of parcels to be taxed or in the amount to be charged to any category of parcels; provided, however, that any such modifications shall not result in an increase in the tax applicable to any category of parcels and can only be made prior to the submission of the tax rolls to the Imperial County Auditor.

Section 4. All of the collections of the special tax shall be used only as provided for in the Act and Resolutions of Formation. The special tax shall be levied only so long as needed to accomplish the purposes described in Resolutions of Formation.

Section 5. The special tax shall be collected in the same manner as ordinary ad valorem taxes are collected and shall be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes as such procedure may be modified by law or this City Council from time to time.

Section 6. The actions of City staff heretofore taken in order to obtain consent from the Imperial County Auditor to a later filing date are hereby ratified and the City Clerk is hereby authorized and directed to transmit a certified copy of this Resolution and the Report to the Imperial County Auditor, together with other supporting documentation as may be required to place said special taxes on the secured property tax roll for Fiscal Year 2012-13 on or before August 10, 2012, and to perform all other acts which are required by the Act, the Ordinance, or by law in order to accomplish the purpose of this Resolution.

APPROVED, PASSED, AND ADOPTED at a regular meeting held on the 19th day of June, 2012.

CITY OF BRAWLEY, CALIFORNIA

_____

George A. Nava, Mayor

ATTEST:

_____

Alma Benavides, City Clerk

DAVID
TAUSSIG
& Associates, Inc.

CITY OF BRAWLEY
COMMUNITY FACILITIES DISTRICT
NO. 2007-1
(LUCKEY RANCH)

June 6, 2012

Public Finance
Facilities Planning
Urban Economics

Newport Beach
Fresno
Riverside
San Francisco
Chicago
Dallas

107

ADMINISTRATION REPORT
FISCAL YEAR 2012-2013

CITY OF BRAWLEY
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(LUCKEY RANCH)

Prepared for

CITY OF BRAWLEY
400 Main Street
Brawley, California 92227

Prepared by

DAVID TAUSSIG & ASSOCIATES, INC.
5000 Birch Street, Suite 6000
Newport Beach, California 92660
(949) 955-1500

Table of Contents

Section		*Page*
Introduction		***1***
I.	***Special Tax Classifications and Development Update***	***3***
	Special Tax A Classifications	3
	Special Tax B Classifications	4
	Development Update	4
II.	***Fiscal Year 2011-2012 Special Tax Levies***	***6***
	Fiscal Year 2011-2012 Special Tax A Levy	6
	Fiscal Year 2011-2012 Special Tax B Levy	6
III.	***Fiscal Year 2012-2013 Special Tax Requirement for Facilities***	***7***
IV.	***Fiscal Year 2012-2013 Special Tax Requirement for Services***	***8***
V.	***Method of Apportionment***	***9***
	Maximum Special Taxes	9
	Apportionment of Special Tax A	9
	Apportionment of Special Tax B	10

EXHIBITS

Exhibit A: Boundary Map
Exhibit B: Fiscal Year 2012-2013 Special Tax Levy

Introduction

This Mello-Roos Community Facilities District Administration Report presents the findings of the research and financial analysis performed by David Taussig & Associates, Inc. to determine the special tax requirement for Community Facilities District No. 2007-1 ("CFD No. 2007-1") of the City of Brawley ("the City") for fiscal year 2012-2013.

CFD No. 2007-1 is a legally constituted governmental entity established under the Mello-Roos Community Facilities Act of 1982, (the "Act") as amended. The Act provides an alternative method for the financing of certain public facilities and services. Specifically, CFD No. 2007-1 is authorized to issue up to $20,000,000 in bonds. The proceeds of the bonds will be used to finance the construction, purchase, modification, expansion, improvement or rehabilitation of storm drain, sewer, landscaping, curb and gutter, park, water, roadway, highway and bridge, traffic signals and safety lighting, flood control, libraries, police, fire and recreation facilities. In addition, CFD No. 2007-1 is authorized to levy the Special Tax B to pay for (i) maintenance of parks, parkways, and open space, and (ii) police and fire protection services.

A map showing the property in CFD No. 2007-1 is included in Exhibit A.

The bonded indebtedness of CFD No. 2007-1 is both secured and repaid through the annual levy and collection of the Special Tax A from all property subject to the tax within the community facilities district. In calculating the special tax liability for fiscal year 2012-2013, this report examines the financial obligations of the current fiscal year and analyzes the level of development within CFD No. 2007-1.

This report is organized into the following sections:

Section I

Section I provides an update of the development status of property within CFD No. 2007-1.

Section II

Section II analyzes the previous year's Special Tax A and Special Tax B levies.

Section III

Section III determines the special tax requirement for facilities for CFD No. 2007-1 for fiscal year 2012-2013.

Section IV

Section IV determines the special tax requirement for services for CFD No. 2007-1 for fiscal year 2012-2013.

Section V

Section V reviews the methodology used to apportion the special tax requirement for facilities and the special tax requirement for services between Developed Property and Undeveloped Property. Tables of the 2012-2013 Special Tax A and Special Tax B for each classification of property are included.

I. *Special Tax Classifications and Development Update*

The methodology employed to calculate and apportion the special tax is contained in a document entitled the Rate and Method of Apportionment ("RMA"). The RMA establishes the Special Tax A which is used to pay debt service on bonds and pay directly for the constriction of facilities and the Special Tax B which is used to fund the cost of annual services. The RMA defines two categories of property, namely "Developed Property," and "Undeveloped Property."

Developed Property is distinguished from Undeveloped Property by the issuance of a building permit. Specifically, property for which a building permit for new construction was issued as of January 1 of the previous Fiscal Year shall be considered Developed Property. For example, all property in CFD No. 2007-1 for which building permits were issued as of January 1, 2012, will be classified as Developed Property in fiscal year 2012-2013.

Special Tax A Classifications

For purposes of calculating the Special Tax A, the category of Developed Property is divided into twelve separate special tax classifications based on the type of structure built. A table of the Developed Property special tax classifications is shown below.

Community Facilities District No. 2007-1
Special Tax A
Developed Property Classifications

Land Use Class	Description	Square Footage
1	Single Family Detached Property	≥ 2,400 s.f.
2	Single Family Detached Property	2,100 – 2,399 s.f.
3	Single Family Detached Property	1,800 – 2,099 s.f.
4	Single Family Detached Property	< 1,800 s.f.
5	Duplex Property	≥ 1,800 s.f.
6	Duplex Property	1,500 – 1,799 s.f.
7	Duplex Property	< 1,500 s.f.
8	Condominium Property	≥ 1,550 s.f.
9	Condominium Property	1,350 – 1,549 s.f.
10	Condominium Property	1,150 – 1,349 s.f.
11	Condominium Property	< 1,150 s.f.
12	Non-Residential Property	Not Applicable

Special Tax B Classifications

For purposes of calculating the Special Tax B, the category of Developed Property is divided into four separate special tax classifications based on the type of structure built. A table of the Developed Property special tax classifications is shown below.

Community Facilities District No. 2007-1
Special Tax B
Developed Property Classifications

Description
Single Family Detached Property
Duplex Property
Condominium Property
Non-Residential Property

No Special Tax B is levied on Undeveloped Property.

Development Update

As of January 1, 2012 building permits had been issued for 10 single family detached units and 8 duplex units within CFD No. 2007-1. The table below indicates the cumulative Developed Property within CFD No. 2007-1.

The table below lists the aggregate amount of Developed Property by special tax classification.

Community Facilities District No. 2007-1
Fiscal Year 2012-2013
Cumulative Developed Property

Land Use Class	Description	Square Footage	Number of Units/Acres
1	Single Family Detached Property	≥ 2,400 s.f.	3 units
2	Single Family Detached Property	2,100 – 2,399 s.f.	4 units
3	Single Family Detached Property	1,800 – 2,099 s.f.	1 unit
4	Single Family Detached Property	< 1,800 s.f.	2 units
5	Duplex Property	≥ 1,800 s.f.	3 units
6	Duplex Property	1,500 – 1,799 s.f.	4 units
7	Duplex Property	< 1,500 s.f.	1 unit
8	Condominium Property	≥ 1,550 s.f.	0 units
9	Condominium Property	1,350 – 1,549 s.f.	0 units
10	Condominium Property	1,150 – 1,349 s.f.	0 units
11	Condominium Property	< 1,150 s.f.	0 units
12	Non-Residential Property	Not Applicable	0 acres

II. Fiscal Year 2011-2012 Special Tax Levies

Fiscal Year 2011-2012 Special Tax A Levy

The Special Tax A was not levied in fiscal year 2011-2012.

Fiscal Year 2011-2012 Special Tax B Levy

The aggregate special tax levy for fiscal year 2011-2012 equaled $9,437.52. As of June 1, 2012, $1,039.86 in special taxes had been collected by the County. The remaining $8,397.66 in special taxes is delinquent, resulting in a delinquency rate of 88.98 percent.

III. Fiscal Year 2012-2013 Special Tax Requirement for Facilities

Since bonds have not yet been issued for CFD No. 2007-1, the City is authorized to levy Special Tax A on Developed Property to pay directly for the acquisition or construction of facilities eligible to be financed by CFD No. 2007-1 and annual administrative expenses as provided for by the RMA.

Notwithstanding the foregoing, the City has decided not to levy Special Tax A in fiscal year 2012-2013. However, the City reserves the right to levy the Special Tax A in all subsequent fiscal years as authorized under the RMA.

IV. Fiscal Year 2012-2013 Special Tax Requirement for Services

Pursuant to the RMA, the Special Tax B may be levied in CFD No. 2007-1 to pay for (a) maintenance of parks, parkways, and open space, (b) police and fire protection services, and (c) administrative expenses; less (d) a credit for funds available to reduce the annual Special Tax B levy, as determined by the CFD Administrator. For fiscal year 2012-2013 the funds required from CFD No. 2007-1 exceed the maximum Special Tax B that can be collected from Developed Property. Therefore, the special tax requirement for services is limited to $9,626.32, the amount that can be collected through the levy of the maximum Special Tax B.

V. *Method of Apportionment*

Maximum Annual Special Taxes

The amount of special taxes that CFD No. 2007-1 may levy is strictly limited by the maximum special taxes set forth in the Rate and Method of Apportionment. The Maximum Special Tax A is specified in Section C.1 of the RMA[1]. The Maximum Special Tax B is specified in Section C.2. On each July 1, commencing on July 1, 2008, the Maximum Special Tax B shall be increased by an amount equal to two percent (2%) of the maximum Special Tax B in effect for the previous Fiscal Year.

Apportionment of Special Tax A

The annual Special Tax A that is apportioned to each parcel is determined through the application of Section D.1 of the RMA.

The first step states that the Council shall levy the Special Tax A Proportionately on each Assessor's Parcel of Developed Property at up to 100% of the Assigned Special Tax A. If the sum of the amount collected in step one is insufficient to satisfy the Special Tax Requirement for Facilities, then the second step is applied. The second step states that the Council shall Proportionately levy the Special Tax A on each Assessor's Parcel of Undeveloped Property up to the Maximum Special Tax A applicable to each Assessor's Parcel of Undeveloped Property to satisfy the Special Tax Requirement for Facilities. The third and fourth steps are designed to accommodate changes in land use and are intended to be used only as a last resort. Since actual land uses have not substantially deviated from the original projections, these steps are not necessary.

As discussed in Section III, the Special Tax A will not be levied in fiscal year 2012-2013. However, the City reserves the right to levy the Special Tax A in all subsequent fiscal years as authorized under the RMA. The fiscal year 2012-2013 Assigned Special Tax A and actual Special Tax A are shown in the following table.

[1] Technically, Section C states that the Maximum Special Tax A for a parcel of Developed Property is equal to the greater of (i) the "Backup Special Tax A" or (ii) the Assigned Special Tax A. The Backup Special Tax A was established for the contingency of a shortfall in revenues resulting from significant changes in development densities. The contingency for which the Backup Special Tax A was established does not exist and hence, all discussion of Maximum Special Tax A for Developed Property focuses on the Assigned Special Tax A.

Community Facilities District No. 2007-1
Fiscal Year 2012-2013 Special Tax A

Land Use Class	Description	Residential Floor Area	FY 2012-2013 Assigned/Maximum Special Tax A	FY 2012-2013 Actual Special Tax A
1	Single Family Detached Property	≥ 2,400 s.f.	$805.00 per unit	$0.00 per unit
2	Single Family Detached Property	2,100 – 2,399 s.f.	$717.00 per unit	$0.00 per unit
3	Single Family Detached Property	1,800 – 2,099 s.f.	$648.00 per unit	$0.00 per unit
4	Single Family Detached Property	< 1,800 s.f.	$561.00 per unit	$0.00 per unit
5	Duplex Property	≥ 1,800 s.f.	$601.00 per unit	$0.00 per unit
6	Duplex Property	1,500 – 1,799 s.f.	$539.00 per unit	$0.00 per unit
7	Duplex Property	< 1,500 s.f.	$460.00 per unit	$0.00 per unit
8	Condominium Property	≥ 1,550 s.f.	$571.00 per unit	$0.00 per unit
9	Condominium Property	1,350 – 1,549 s.f.	$497.00 per unit	$0.00 per unit
10	Condominium Property	1,150 – 1,349 s.f.	$455.00 per unit	$0.00 per unit
11	Condominium Property	< 1,150 s.f.	$414.00 per unit	$0.00 per unit
12	Non-Residential Property	NA	$7,095.00 per Acre	$0.00 per unit
NA	Undeveloped Property	NA	$7,095.00 per Acre	$0 per Acre

Apportionment of Special Tax B

The annual Special Tax B that is apportioned to each parcel is determined through the application of Section D.2 of the RMA.

Commencing with Fiscal Year 2012-2013 and for each following Fiscal Year, the Council shall levy Special Tax B so that the amount of Special Tax B equals the special tax requirement for services. The special tax shall be levied proportionally on each Assessor's Parcel of Residential Property at up to 100% of the maximum Special Tax B.

Using this methodology generates Special Tax B revenues of $9,626.32 from Residential Property. The fiscal year 2012-2013 assigned special taxes are shown for each classification of Developed Property in the following table.

Community Facilities District No. 2007-1
Fiscal Year 2012-2013 Special Tax B

Description	FY 2012-2013 Maximum Special Tax	FY 2012-2013 Actual Special Tax B
Single Family Detached Property	$570.52 per unit	$570.52 per unit
Duplex Property	$490.15 per unit	$490.14 per unit
Condominium Property	$369.63 per unit	$0.00 per unit
Non-Residential Property	$3,764.51 per Acre	$0.00 per Acre

Please note, pursuant to the RMA, no Special Tax B shall be levied on Undeveloped Property.

A list of the actual Special Tax B levied against each parcel in CFD No. 2007-1 is included in Exhibit B.

taussig-client/Brawley/Admin/CFD 2007-1/FY 2012-13/2007_1ADM 01.doc

EXHIBIT A

CFD No. 2007-1 of
City of Brawley

Boundary Map

City of Brawley
Community Facilities District No. 2007-1
(Luckey Ranch)

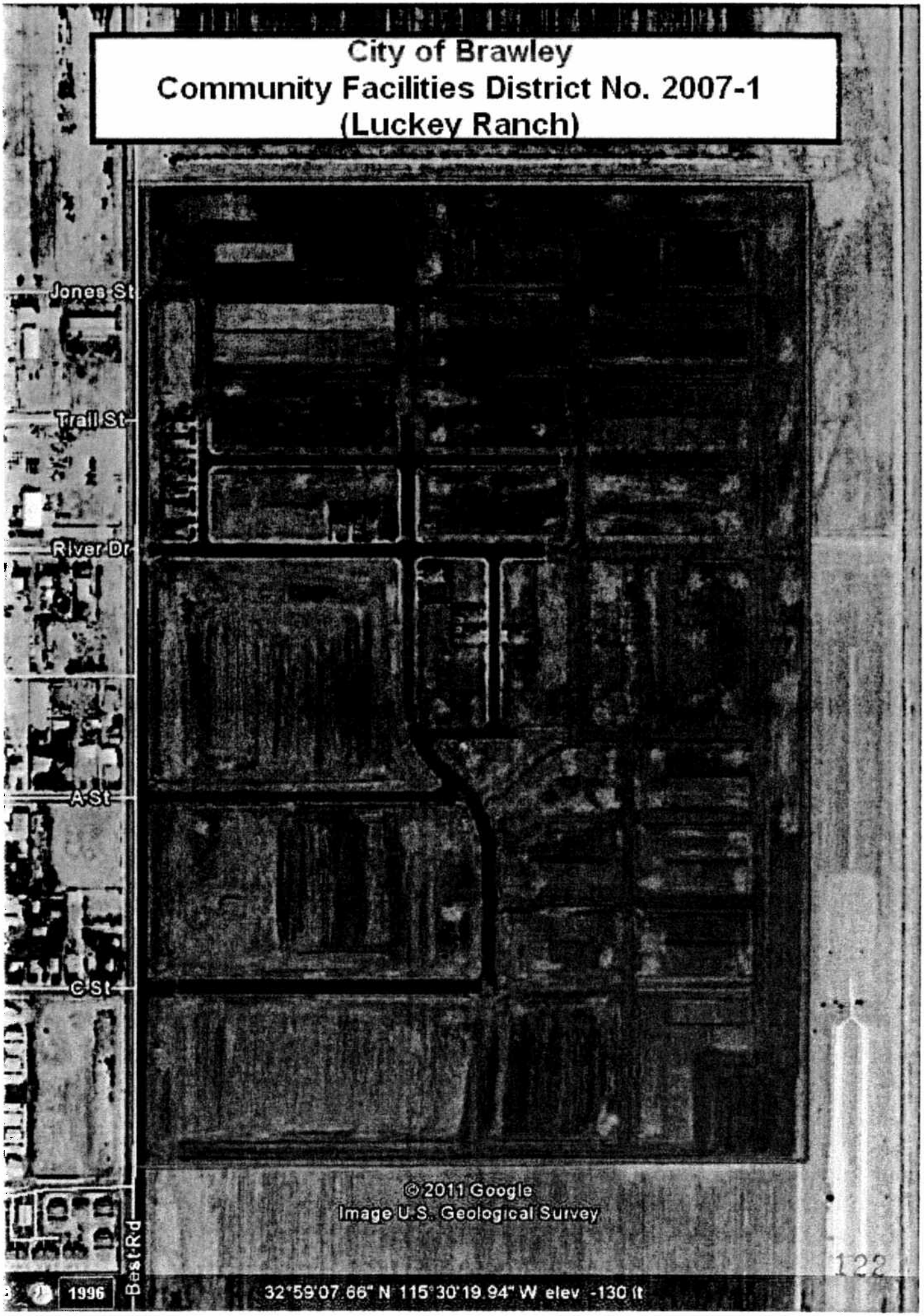


EXHIBIT B

CFD No. 2007-1 of
City of Brawley

Special Tax Levy
Fiscal Year 2012-2013

Exhibit B

City of Brawley
CFD No. 2007-1
FY 2012-2013 Special Tax Levy

APN	TAX CLASS	FY 2012-2013 SPECIAL TAX A	FY 2012-2013 SPECIAL TAX B	FY 2012-2013 TOTAL
047-492-001-000	4	$0	$570.52	$570.52
047-492-002-000	2	$0	$570.52	$570.52
047-492-003-000	2	$0	$570.52	$570.52
047-492-004-000	4	$0	$570.52	$570.52
047-492-005-000	1	$0	$570.52	$570.52
047-492-006-000	2	$0	$570.52	$570.52
047-492-007-000	1	$0	$570.52	$570.52
047-496-019-000	1	$0	$570.52	$570.52
047-496-020-000	2	$0	$570.52	$570.52
047-496-021-000	3	$0	$570.52	$570.52
047-502-001-000	6	$0	$490.14	$490.14
047-502-002-000	5	$0	$490.14	$490.14
047-502-022-000	6	$0	$490.14	$490.14
047-502-023-000	5	$0	$490.14	$490.14
047-502-024-000	7	$0	$490.14	$490.14
047-502-025-000	6	$0	$490.14	$490.14
047-503-007-000	6	$0	$490.14	$490.14
047-503-008-000	5	$0	$490.14	$490.14
Total Number of Parcels Taxed		**18**	**18**	**18**
Total FY 2012-2013 Special Tax		**$0**	**$9,626.32**	**$9,626.32**

RESOLUTION NO. 2012-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2007-2 OF THE CITY OF BRAWLEY (SPRINGHOUSE) AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 2007-2 FOR FISCAL YEAR 2012-13.

WHEREAS, the City of Brawley (the "City") previously established Community Facilities District No. 2007-2 of the City of Brawley (Springhouse) ("CFD No. 2007-2") all pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Government Code Section 53111 (the "Act"); and

WHEREAS, the City Council for the City acting as the legislative body of CFD No. 2007-2 is authorized pursuant to Resolution Nos. 2007-44 and 2007-45 approved on November 20, 2007 (collectively, the "Resolutions of Formation") and the Ordinance Authorizing the Levy of the Special Tax adopted in connection therewith (the "Ordinance") to levy a special tax on property in CFD No. 2007-2 for the purpose of financing: (1) the provision of those police protection and fire protection and suppression services described in Resolution No. 2007-38, (2) the payment of certain impact fees related to the Springhouse Development Project to be applied by the City to the purchase, construction, expansion, improvement or rehabilitation of certain real or other tangible property described in Resolution No. 2007-38, (3) payment of acquisition costs of certain real or other tangible property described in Resolution No. 2007-38 ((2) and (3) collectively, the "Facilities"), which Facilities have a useful life of five years or longer and (4) the incidental expenses to be incurred in connection with financing the Facilities and forming and administering the District (the "Incidental Expenses"), all by the levy of special taxes for CFD No. 2007-2 pursuant to the Resolutions of Formation; and

WHEREAS, it is now necessary and appropriate that this City levy and collect the special taxes for Fiscal Year 2012-13 for the purposes specified in the Ordinance, by the adoption of a resolution as specified by the Act and the Ordinance; and

WHEREAS, the special taxes being levied hereunder are at the same rate or at a lower rate than provided by the Ordinance; and

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF BRAWLEY, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2007-2, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The special tax ("Special Tax") is imposed without regard to property valuation and is levied in compliance with the Act and the Ordinance.

Section 3. In accordance with the Act and the Ordinance, there is hereby levied upon the parcels within the City which are not otherwise exempt from taxation under the Act or the Ordinance the special taxes for Fiscal Year 2012-13 at the tax rates set forth in the report dated June 6, 2012 prepared by David Taussig and Associates for CFD No. 2007-2 entitled "City of Brawley Community Facilities District No. 2007-2 (Springhouse)" (the "Report") submitted herewith, which rates do not exceed the maximum rates set forth in the Ordinance. After adoption of this Resolution, the City Manager, for the City, or his designee, may make any necessary modifications to these special

taxes to correct any errors, omissions or inconsistencies in the listing or categorization of parcels to be taxed or in the amount to be charged to any category of parcels; provided, however, that any such modifications shall not result in an increase in the tax applicable to any category of parcels and can only be made prior to the submission of the tax rolls to the Imperial County Auditor.

Section 4. All of the collections of the special tax shall be used only as provided for in the Act and Resolutions of Formation. The special tax shall be levied only so long as needed to accomplish the purposes described in Resolutions of Formation.

Section 5. The special tax shall be collected in the same manner as ordinary ad valorem taxes are collected and shall be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes as such procedure may be modified by law or this City Council from time to time.

Section 6. The actions of City staff heretofore taken in order to obtain consent from the Imperial County Auditor to a later filing date are hereby ratified and the City Clerk is hereby authorized and directed to transmit a certified copy of this Resolution and the Report to the Imperial County Auditor, together with other supporting documentation as may be required to place said special taxes on the secured property tax roll for Fiscal Year 2012-13 on or before August 10, 2012, and to perform all other acts which are required by the Act, the Ordinance, or by law in order to accomplish the purpose of this Resolution.

APPROVED, PASSED, AND ADOPTED at a regular meeting held on the 19th day of June, 2012.

CITY OF BRAWLEY, CALIFORNIA

_____

George A. Nava, Mayor

ATTEST:

_____

Alma Benavides, City Clerk

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL)
CITY OF BRAWLEY)

I, Alma Benavides, City Clerk of the City of Brawley, California, **DO HEREBY CERTIFY**, that the foregoing Resolution No. 2012- as passed and adopted by the City Council of the City of Brawley, California, at a regular meeting held on the 19th day of June, 2012 and that it was so adopted by the following roll call vote: m/s/c

AYES:
NAYES:
ABSTAIN:
ABSENT:

DATED: June 19, 2012

_____

Alma Benavides, City Clerk

DAVID
TAUSSIG
& Associates, Inc.

CITY OF BRAWLEY
COMMUNITY FACILITIES DISTRICT
NO. 2007-2
(SPRINGHOUSE)

June 6, 2012

Public Finance
Facilities Planning
Urban Economics

Newport Beach
Fresno
Riverside
San Francisco
Chicago
Dallas

ADMINISTRATION REPORT
FISCAL YEAR 2012-2013

CITY OF BRAWLEY
COMMUNITY FACILITIES DISTRICT NO. 2007-2
(SPRINGHOUSE)

Prepared for

CITY OF BRAWLEY
400 Main Street
Brawley, California 92227

Prepared by

DAVID TAUSSIG & ASSOCIATES, INC.
5000 Birch Street, Suite 6000
Newport Beach, California 92660
(949) 955-1500

Table of Contents

Section		*Page*
Introduction		*1*
I.	*Special Tax Classifications and Development Update*	*2*
	Special Tax A Classifications	2
	Special Tax B Classifications	3
	Development Update	3
II.	*Fiscal Year 2011-2012 Special Tax Levies*	*4*
	Fiscal Year 2011-2012 Special Tax A Levy	4
	Fiscal Year 2011-2012 Special Tax B Levy	4
III.	*Fiscal Year 2012-2013 Special Tax Requirement for Facilities*	*5*
IV.	*Fiscal Year 2012-2013 Special Tax Requirement for Services*	*6*
V.	*Method of Apportionment*	*7*
	Maximum Special Taxes	7
	Apportionment of Special Tax A	7
	Apportionment of Special Tax B	8

EXHIBITS

Exhibit A: Boundary Map
Exhibit B: Fiscal Year 2012-2013 Special Tax Levy

Introduction

This Mello-Roos Community Facilities District Administration Report presents the findings of the research and financial analysis performed by David Taussig & Associates, Inc. to determine the special tax requirement for Community Facilities District No. 2007-2 ("CFD No. 2007-2") of the City of Brawley ("the City") for fiscal year 2012-2013.

CFD No. 2007-2 is a legally constituted governmental entity established under the Mello-Roos Community Facilities Act of 1982, (the "Act") as amended. The Act provides an alternative method for the financing of certain public facilities and services. Specifically, CFD No. 2007-2 is authorized to issue up to $4,500,000 in bonds. The proceeds of the bonds will be used to finance the construction, purchase, modification, expansion, improvement or rehabilitation of storm drain, sewer, landscaping, curb and gutter, park, water, roadway, highway and bridge, traffic signals and safety lighting, flood control, libraries, police, fire and recreation facilities. In addition, CFD No. 2007-2 is authorized to levy the Special Tax B to pay for police and fire protection services.

A map showing the property in CFD No. 2007-2 is included in Exhibit A.

The authorized services are funded through the annual levy and collection of special taxes from all property subject to the tax within the community facilities district. In calculating the special tax liability for fiscal year 2012-2013, this report examines the financial obligations of the current fiscal year and analyzes the level of development within CFD No. 2007-2.

This report is organized into the following sections:

Section I
Section I provides an update of the development status of property within CFD No. 2007-2.

Section II
Section II analyzes the previous year's Special Tax A and Special Tax B levies.

Section III
Section III determines the special tax requirement for facilities for CFD No. 2007-2 for fiscal year 2012-2013.

Section IV
Section IV determines the special tax requirement for services for CFD No. 2007-2 for fiscal year 2012-2013.

Section V
Section V reviews the methodology used to apportion the special tax requirement for facilities and the special tax requirement for services between Developed Property and Undeveloped Property. Tables of the 2012-2013 Special Tax A and Special Tax B for each classification of property are included.

I. *Special Tax Classifications and Development Update*

The methodology employed to calculate and apportion the special tax is contained in a document entitled the Rate and Method of Apportionment ("RMA"). The RMA establishes the Special Tax A which is used to pay debt service on bonds and pay directly for the constriction of facilities and the Special Tax B which is used to fund the cost of annual services. The RMA defines two categories of property, namely "Developed Property," and "Undeveloped Property."

Developed Property is distinguished from Undeveloped Property by the issuance of a building permit. Specifically, property for which a building permit for new construction was issued as of January 1 of the previous Fiscal Year shall be considered Developed Property. For example, all property in CFD No. 2007-2 for which building permits were issued as of January 1, 2012, will be classified as Developed Property in fiscal year 2012-2013.

Special Tax A Classifications

For purposes of calculating the Special Tax A, the category of Developed Property is divided into five separate special tax classifications based on the type of structure built. A table of the Developed Property special tax classifications is shown below.

Community Facilities District No. 2007-2
Special Tax A
Developed Property Classifications

Land Use Class	Description	Square Footage
1	Residential Property	≥ 1,700 s.f.
2	Residential Property	1,400 – 1,699 s.f.
3	Residential Property	1,200 – 1,399 s.f.
4	Residential Property	< 1,200 s.f.
5	Non-Residential Property	Not Applicable

Special Tax B Classifications

For purposes of calculating the Special Tax B, the category of Developed Property is divided into two separate special tax classifications for Residential Property and Non-Residential Property.

No Special Tax B is levied on Undeveloped Property.

Development Update

As of January 1, 2012 building permits had been issued for 21 single family attached units within CFD No. 2007-2. The table below indicates the cumulative Developed Property within CFD No. 2007-2.

The table below lists the aggregate amount of Developed Property by special tax classification.

Community Facilities District No. 2007-2
Fiscal Year 2012-2013
Cumulative Developed Property

Land Use Class	Description	Square Footage	Number of Units/Acres
1	Residential Property	≥ 1,700 s.f.	7 units
2	Residential Property	1,400 – 1,699 s.f.	7 units
3	Residential Property	1,200 – 1,399 s.f.	0 units
4	Residential Property	< 1,200 s.f.	7 units
5	Non-Residential Property	Not Applicable	0 units

II. Fiscal Year 2011-2012 Special Tax Levies

Fiscal Year 2011-2012 Special Tax A Levy

The Special Tax A was not levied in fiscal year 2011-2012.

Fiscal Year 2011-2012 Special Tax B Levy

The aggregate special tax levy for fiscal year 2011-2012 equaled $9,840.80. As of June 1, 2012, all of the special taxes had been collected by the County.

II. Fiscal Year 2012-2013 Special Tax Requirement for Facilities

Since bonds have not yet been issued for CFD No. 2007-2, the City is authorized to levy Special Tax A on Developed Property to pay directly for the acquisition or construction of facilities eligible to be financed by CFD No. 2007-2 and annual administrative expenses as provided for by the RMA.

Notwithstanding the foregoing, the City has decided not to levy Special Tax A in fiscal year 2012-2013. However, the City reserves the right to levy the Special Tax A in all subsequent fiscal years as authorized under the RMA.

III. Fiscal Year 2012-2013 Special Tax Requirement for Services

Pursuant to the RMA, the Special Tax B may be levied in CFD No. 2007-2 to pay for (a) police and fire protection services, and (b) administrative expenses; less (c) a credit for funds available to reduce the annual Special Tax B levy, as determined by the CFD Administrator. For fiscal year 2012-2013 the funds required from CFD No. 2007-2 exceed the maximum Special Tax B that can be collected from Developed Property. Therefore, the special tax requirement for services is limited to $10,037.58, the amount that can be collected through the levy of the maximum Special Tax B.

IV. Method of Apportionment

Maximum Annual Special Taxes

The amount of special taxes that CFD No. 2007-2 may levy is strictly limited by the maximum special taxes set forth in the Rate and Method of Apportionment. The Maximum Special Tax A is specified in Section C.1 of the RMA[1]. The Maximum Special Tax B is specified in Section C.2. On each July 1, commencing on July 1, 2008, the Maximum Special Tax A and Maximum Special Tax B shall be increased by an amount equal to two percent (2%) of the maximum Special Tax in effect for the previous Fiscal Year.

Apportionment of Special Tax A

The annual Special Tax A that is apportioned to each parcel is determined through the application of Section D.1 of the RMA.

The first step states that the Council shall levy the Special Tax A Proportionately on each Assessor's Parcel of Developed Property at up to 100% of the Assigned Special Tax A. If the sum of the amount collected in step one is insufficient to satisfy the Special Tax Requirement for Facilities, then the second step is applied. The second step states that the Council shall Proportionately levy the Special Tax A on each Assessor's Parcel of Undeveloped Property up to the Maximum Special Tax A applicable to each Assessor's Parcel of Undeveloped Property to satisfy the Special Tax Requirement for Facilities. The third and fourth steps are designed to accommodate changes in land use and are intended to be used only as a last resort. Since actual land uses have not substantially deviated from the original projections, these steps are not necessary.

As discussed in Section III, the Special Tax A will not be levied in fiscal year 2012-2013. However, the City reserves the right to levy the Special Tax A in all subsequent fiscal years as authorized under the RMA. The fiscal year 2012-2013 Assigned Special Tax A and actual Special Tax A are shown in the following table.

[1] Technically, Section C states that the Maximum Special Tax A for a parcel of Developed Property is equal to the greater of (i) the "Backup Special Tax A" or (ii) the Assigned Special Tax A. The Backup Special Tax A was established for the contingency of a shortfall in revenues resulting from significant changes in development densities. The contingency for which the Backup Special Tax A was established does not exist and hence, all discussion of Maximum Special Tax A for Developed Property focuses on the Assigned Special Tax A.

Community Facilities District No. 2007-2
Fiscal Year 2012-2013 Special Tax A

Land Use Class	Description	Residential Floor Area	FY 2012-2013 Assigned/Maximum Special Tax A	FY 2012-2013 Actual Special Tax A
1	Residential Property	≥ 1,700 s.f.	$1,399.97 per unit	$0.00 per unit
2	Residential Property	1,400 – 1,699 s.f.	$1,337.04 per unit	$0.00 per unit
3	Residential Property	1,200 – 1,399 s.f.	$1,217.80 per unit	$0.00 per unit
4	Residential Property	< 1,200 s.f.	$1,098.56 per unit	$0.00 per unit
5	Non-Residential Property	Not Applicable	$20,754.51 per Acre	$0.00 per unit
NA	Undeveloped Property	NA	$21,049.30 per Acre	$0.00 per Acre

Apportionment of Special Tax B

The annual Special Tax B that is apportioned to each parcel is determined through the application of Section D.2 of the RMA.

Commencing with Fiscal Year 2012-2013 and for each following Fiscal Year, the Council shall levy Special Tax B so that the amount of Special Tax B equals the special tax requirement for services. The special tax shall be levied proportionally on each Assessor's Parcel of Residential Property at up to 100% of the maximum Special Tax B.

Using this methodology generates Special Tax B revenues of $10,037.58 from Residential Property. The fiscal year 2012-2013 assigned special taxes are shown for each classification of Developed Property in the following table.

Community Facilities District No. 2007-2
Fiscal Year 2012-2013 Special Tax B

Description	FY 2012-2013 Maximum Special Tax	FY 2012-2013 Actual Special Tax B
Residential Property	$477.98 per unit	$477.98 per unit
Non-Residential Property	$7,393.66 per Acre	$0 per Acre

Please note, pursuant to the RMA, no Special Tax B shall be levied on Undeveloped Property.

A list of the actual Special Tax B levied against each parcel in CFD No. 2007-2 is included in Exhibit B.

taussig-client/Brawley/Admin/CFD 2007-2/FY 2012-13/2007_2ADM 01.doc

EXHIBIT A

CFD No. 2007-2 of
City of Brawley

Boundary Map

City of Brawley
Community Facilities District No. 2007-2
(Springhouse)

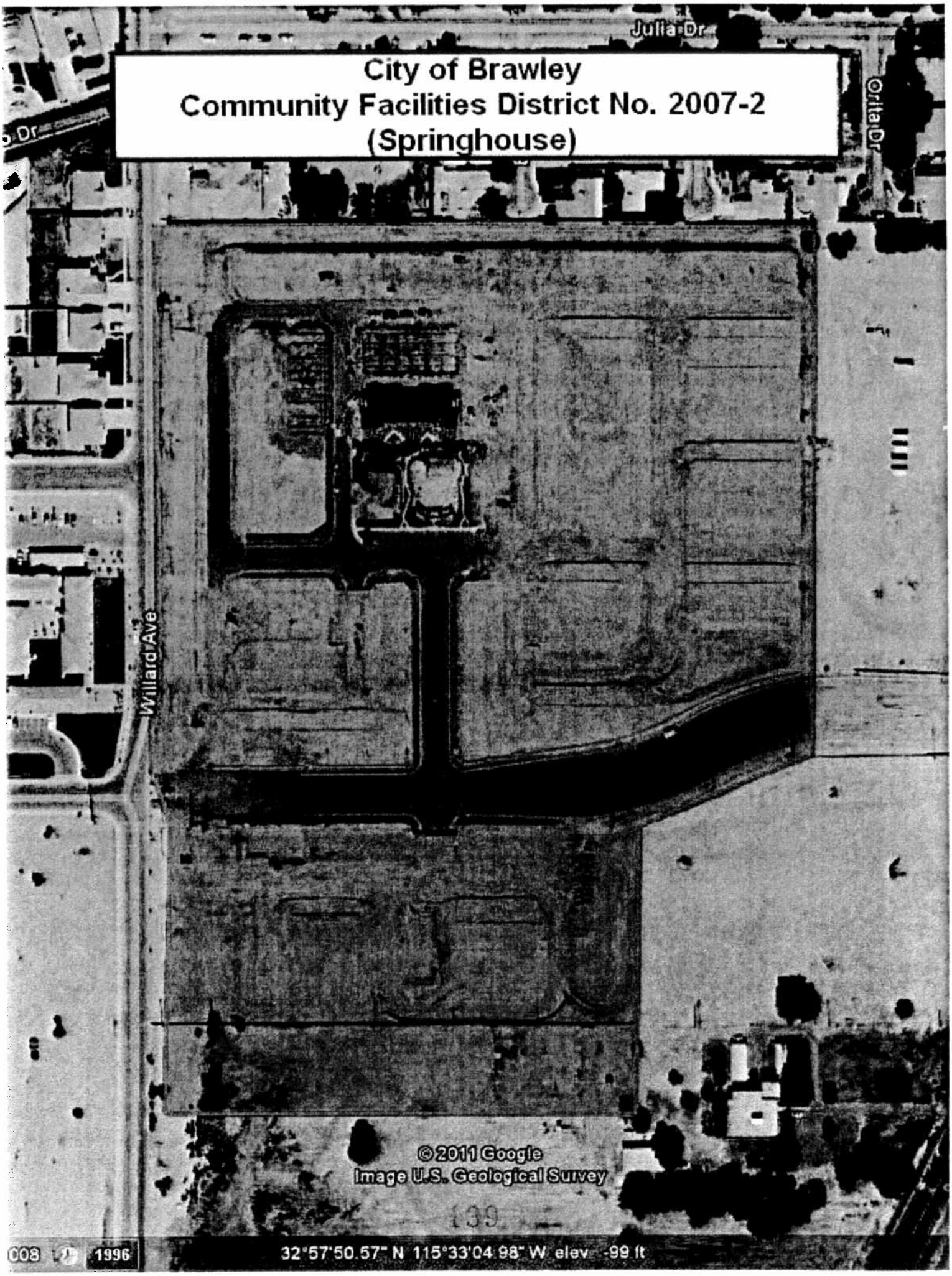


EXHIBIT B

CFD No. 2007-2 of
City of Brawley

Special Tax Levy
Fiscal Year 2012-2013

Exhibit B

City of Brawley
CFD No. 2007-2
FY 2012-2013 Special Tax Levy

APN	TAX CLASS	FY 2012-2013 SPECIAL TAX A	FY 2012-2013 SPECIAL TAX B	FY 2012-2013 TOTAL
048-250-096-000	4	$0	$477.98	$477.98
048-250-096-000	2	$0	$477.98	$477.98
048-250-096-000	1	$0	$477.98	$477.98
048-250-096-000	1	$0	$477.98	$477.98
048-250-096-000	2	$0	$477.98	$477.98
048-250-096-000	4	$0	$477.98	$477.98
048-250-096-000	4	$0	$477.98	$477.98
048-250-096-000	2	$0	$477.98	$477.98
048-250-096-000	1	$0	$477.98	$477.98
048-250-096-000	1	$0	$477.98	$477.98
048-250-096-000	2	$0	$477.98	$477.98
048-250-096-000	4	$0	$477.98	$477.98
048-250-096-000	4	$0	$477.98	$477.98
048-250-096-000	2	$0	$477.98	$477.98
048-250-096-000	1	$0	$477.98	$477.98
048-250-096-000	4	$0	$477.98	$477.98
048-250-096-000	2	$0	$477.98	$477.98
048-250-096-000	1	$0	$477.98	$477.98
048-250-096-000	1	$0	$477.98	$477.98
048-250-096-000	2	$0	$477.98	$477.98
048-250-096-000	4	$0	$477.98	$477.98
Total Number of Parcels Taxed		**0**	**1**	**1**
Total FY 2012-2013 Special Tax		**$0**	**$10,037.58**	**$10,037.58**

COUNCIL AGENDA REPORT
City of Brawley

Meeting Date	06/19/2012
City Manager	RBM

PREPARED BY: Rosanna Bayon Moore, City Manager

PRESENTED BY: Rosanna Bayon Moore, City Manager

SUBJECT: Legal Services Agreement between Brawley Successor Agency and Attorney

CITY MANAGER RECOMMENDATION: Approve and authorize execution of agreement between Brawley Successor Agency and Attorney, Monica Lepe-Negrete for Oversight Board legal services.

DISUCUSSION: Urban Futures as consultant to the Successor Agency recommends that separate legal counsel be retained to serve the Oversight Board to the Brawley Community Redevelopment Successor Agency. The Oversight Board has directed the Successor Agency to retain the services of Monica Lepe-Negrete. The Oversight Board will direct Ms. Lepe-Negrete's work and the Successor Agency shall be responsible for processing payments for the professional services rendered.

The attached Agreement for Payment of Legal Services was drafted by the Brawley City Attorney. The insurance requirement is stated as one million dollars and is modeled after the agreement utilized by the City of El Centro. Although the California Joint Powers Insurance Authority recommends this amount of coverage, the Brawley City Attorney has provided a legal opinion that states allowing limits of $100,000 per event and a maximum of $300,000 will suffice. The Oversight Board has indicated that with documentation of the City Attorney's position, they authorize engagement of Ms. Lepe-Negrete for legal services.

FISCAL IMPACT: Not to Exceed $15,000, RPTIF

ATTACHMENTS: Legal Services Agreement, Correspondence dated 11 June 2012 from City Attorney Dennis Morita to City Manager Rosanna Bayon Moore

AGREEMENT FOR PAYMENT OF LEGAL SERVICES

THIS AGREEMENT ("Agreement") is entered into this ____ day of _____, 2012, by and between the Successor Agency to the City of Brawley Redevelopment Agency ("Successor Agency") and _____ ("ATTORNEY") (individually, "Party;" collectively, "Parties").

RECITALS

The following recitals are a substantive part of this Agreement:

Among other things, Assembly Bill X1 26 created Oversight Boards. Oversight Boards have authority over the former Redevelopment Agency financial affairs, including, for example, approving the Successor Agency's administrative budget and adoption of a Recognized Obligation Payment Schedule.

It is anticipated that the Oversight Board may have a need for legal services in carrying out its statutory mandates.

The ATTORNEY represents he is qualified by virtue of experience, training, education and expertise to accomplish the services necessary under this Agreement; and

The purpose of this Agreement is to set forth the terms upon which ATTORNEY will provide legal services to the Oversight Board and the Successor Agency will pay for same.

AGREEMENT

THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. Term of Agreement

This Agreement shall cover services rendered from the above-referenced effective date of this Agreement until terminated as provided in paragraph 11.

2. Services to be Provided

The services to be performed by the ATTORNEY shall consist of legal services reasonably necessary and requested by the Oversight Board to carry out its statutorily mandated functions.

3. Compensation. The hourly rate to be charged by the ATTORNEY is one hundred fifty dollars ($150.00) per hour. The combined not-to-exceed amount for FY 2011-2012 and FY 2012-2013 is fifteen thousand dollars ($15,000).

3.1 Payment of Attorneys' Fees by Third Party

The Successor Agency is responsible for payment of all of the Oversight Board's attorneys' fees and costs. The fact that the Successor Agency will pay all of the Oversight Board's attorneys' fees will not make the Successor Agency a client of the ATTORNEY and the Successor Agency will have no right to instruct the ATTORNEY in matters pertaining to the services the ATTORNEY renders to the Oversight

Board. The Parties hereto agree that payment for services will terminate upon the giving of notice set forth in Paragraph 11.

3.2 Billing

The ATTORNEY agrees to provide detailed invoicing of all billing for services on a monthly basis. All charges must be itemized by the ATTORNEY showing in detail the work task performed during the billing entry. All charges must be presented in a line item format and in a manner such that each task is separately explained in reasonable detail, and with a specific time allocation recorded, for each task. The invoice shall include the amount, billing rate and basis for calculation of all fees and costs and shall also include a cover page on the ATTORNEY's letterhead reflecting the balance due without detail.

The ATTORNEY shall not charge the Oversight Board for more than one (1) attorney's time when appearing at a meeting, or for performing any task unless the Oversight Board has expressly authorized the use of two (2) or more attorneys for the appearance or task.

All billing for work performed under this Agreement shall be sent to the following:

Successor Agency to the City of Brawley Redevelopment Agency
383 Main Street
Brawley, CA 92243

3.3 Reimbursement for Expenses

The ATTORNEY shall keep accurate records of all costs, travel and expenses. These records shall be made available to the Oversight Board upon reasonable request.

The Successor Agency will reimburse actual, reasonable and necessary out of pocket expenses incurred by the ATTORNEY in performing any services under this Agreement as follows:

a. Costs will be billed at the ATTORNEY's actual costs including, but not limited to, online legal research services expenses, filing fees, copies, faxes and other expenses.

b. Photocopying charges will be billed at no more than twenty-five cents ($0.25) per page.

c. Parking fees will be billed at the actual amount charged to the ATTORNEY.

d. Travel related charges will be billed only with prior authorization and approval by the Oversight Board.

e. Statutory fees, witness fees, reporters fees, stenographic transcription, jury fees and the cost of serving process actually incurred by the ATTORNEY.

f. The ATTORNEY may seek reimbursement for any actual, reasonable and necessary expenses incurred on items not identified above with the prior authorization and approval by the Oversight Board.

g. The ATTORNEY will not bill the Oversight Board for any additional charges incurred due to "rush" deliveries or "late" charges, unless such expenses are approved in advance by the Oversight Board.

To obtain reimbursement, the ATTORNEY shall submit itemized expenses together with the monthly bill for services.

3.4 Expert Consultations and Witnesses

Expert consultants and investigators, if appropriate, shall be retained directly by the ATTORNEY on terms acceptable to the Oversight Board, when authorized and approved by the Oversight Board in advance. Expenses incurred by the ATTORNEY will be billed to the Oversight Board in addition to the amount billed for the ATTORNEY's fees on a monthly basis.

4. Insurance

The ATTORNEY shall maintain the following insurance coverage during the duration of this Agreement in the minimum amount of one million dollars ($1,000,000) per coverage area, and shall provide certificates of insurance for these categories of coverage upon request: commercial general liability, auto liability, professional liability, employer's liability and Workers' Compensation.

5. Independent Contractor

The ATTORNEY, and anyone employed by the ATTORNEY, is/are independent contractors, and not employees of the Oversight Board or Successor Agency, and as an independent contractor, shall obtain no right to retirement benefits or other benefits which might accrue to employees of such entities and the ATTORNEY hereby expressly waives any claim he may have to any such rights. The ATTORNEY is solely responsible for the payment of employment taxes, Workers' Compensation taxes and all other Federal, State and local taxes associated with the compensation received pursuant to this Agreement. The Oversight Board has the right to control or direct only the work that ATTORNEY will perform and not how such work will be accomplished.

6. Conflict of Interest

The ATTORNEY represents that he presently has no material financial interest other than that which may be held by the general public and shall not acquire any interest, direct or indirect, in any contract or decision made on behalf of the Oversight Board which may be affected by the services to be performed by the ATTORNEY under this Agreement. The ATTORNEY further agrees that no person having any such interest shall be employed by him. If the ATTORNEY, or his employees, acquires a direct or indirect personal interest, such interest shall be immediately disclosed to the Oversight Board and the interested individual shall abstain from any contracts or decisions under this Agreement.

7. Compliance with Law

The ATTORNEY shall comply with all applicable laws, ordinances, codes and regulations of the Federal, State and local governments. In addition, the ATTORNEY agrees to abide by all ethical and

moral standards as represented by the Rules of Professional Conduct as applied to the California State Bar.

8. Work Product

All documents or other information developed or received by the ATTORNEY pursuant to this Agreement shall be the property of the Oversight Board. The ATTORNEY shall provide the Oversight Board with copies of items upon reasonable demand or upon termination of this Agreement.

9. Notices

All notices shall be personally delivered or mailed via U.S. Mail to the below listed address. In addition, such addresses shall be used for delivery for service of process. The ATTORNEY agrees to notify the Oversight Board and Successor Agency within ten (10) days of the date of any change of address and agrees to keep an updated address with the applicable courts on any matters that the ATTORNEY is representing the Oversight Board.

a. Address of the ATTORNEY is as follows:

b. Address of the Oversight Board and Successor Agency is as follows:

Successor Agency to the Redevelopment Agency of the City of Brawley
383 Main Street
Brawley, CA 92227

Oversight Board
383 Main Street
Brawley, California 92227

10. Default/Termination of Agreement

Either Party shall have the right to terminate this Agreement without cause by giving thirty (30) days' written notice. Upon the giving or receipt of such notice, ATTORNEY shall immediately cease providing service or incurring costs except as to those matters which require action so as to not legally prejudice the Oversight Board; in which event ATTORNEY shall obtain authority for such work as soon as reasonably practicable. Further, ATTORNEY shall not substitute out as attorney of record on any matters it may be representing the Oversight Board without first obtaining written consent from the Oversight Board, or first obtaining an appropriate court order, allowing the ATTORNEY to withdraw as counsel of record.

11. Limitations Upon Assignment/Subcontracting

The ATTORNEY agrees that no portion of his performance or services rendered under this Agreement shall be assigned by the ATTORNEY or subcontracted to any other without prior written authorization and approval of the Oversight Board.

12. Time of Essence

Time is of the essence in the performance of this Agreement.

13. Entire Agreement

This Agreement represents the Parties' final and mutual understanding. This Agreement supersedes any previous agreements.

14. Modification

This Agreement shall not be modified or replaced except by another signed, written agreement, properly executed by the Parties.

15. Waiver

The waiver of any breach or any provision of this Agreement does not waive any other breach of that term, or any other term, in this Agreement.

16. Partial Invalidity

If any part of this Agreement is found for any reason to be unenforceable, all other parts nonetheless shall remain in force.

17. Governing Law, Jurisdiction & Venue

This Agreement shall be interpreted and construed in accordance with the laws of the State of California. Any suit or proceeding concerning this Agreement, the interpretation or application of any of its terms or any related disputes shall be filed in the County of Imperial, State of California.

18. Interpretation

This Agreement shall be interpreted as though prepared by both Parties.

19. Survival

All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating responsibility or liability between the Parties survive the termination of this Agreement.

IN WITNESS WHEREOF, these parties have executed this Agreement on the day and year shown hereinabove.

Successor Agency to the Redevelopment Agency of the City of Brawley

Date _____ By _____

ATTORNEY

Date _____ By _____

DENNIS H. MORITA
A Professional Corporation
Attorney At Law

3205 South Dogwood Road, Suite B
El Centro, California 92243
Telephone (760) 353-3232
Facsimile (760) 353-3535

E-mail: dmorita@morita-law.com

June 11, 2012

Via Facsimile

City of Brawley
383 Main Street
Brawley, California
Attn: Rosanna Bayon Moore, City Manager

RE: 1). Errors and Omissions Coverage for Counsel to Oversight Board
2). Oversight Board and Form 700

Dear Ms. Moore:

You have requested my opinion on the above referenced issues. With respect to the first, it is my opinion that allowing limits of $100k/$300k for counsel to the oversight board is appropriate under the circumstances as I understand them. This opinion is based on various factors, including the following: The oversight board is an entity separate and distinct form the city and the acts of its counsel do not expose the city to liability. Furthermore, I understand that counsel to the oversight board will be advising it on matters such as the public records act, the Brown act and similar laws relating to public agencies. Work in those areas typically does not involve substantial exposure for the entity. The agreement provides for termination on 30 days' notice. Should facts or circumstances arise which call for additional insurance, the oversight board is well positioned to change the current requirement. Finally, I understand that as of July 1, 2016, there will be a consolidated oversight board and review of this issue would bear review at that time.

With respect to Form 700, the short answer is that it is required of all oversight board appointees. I have carefully reviewed an opinion of the Fair Political Practices Commission dated April 25, 2012. It concludes that the oversight board is a separate entity under the Political Reform Act. The city, as the code reviewing body, could require the oversight board to adopt its own code or could amend its own code to cover

designated employees. In either case, an assuming office statement as well as Form 700 would be required. Since the oversight board and city comprise the same jurisdiction, those officials who have filed statements (city manager, city council) would not have to file statements in connection with service on the oversight board.

Very truly yours,

DENNIS H. MORITA, APC

Dennis H. Morita

By: Dennis H. Morita

COUNCIL AGENDA REPORT
City of Brawley

Meeting Date:	6/19/12
City Manager:	RBM

PREPARED BY: Diane Cason, Manager, Imperial Valley Enterprise Zone (IVEZ)

PRESENTED BY: Rosanna Bayon Moore, City Manager

SUBJECT: Resolution Approving Expansion of the IVEZ Boundary for Synthetic Genomics, Inc.

CITY MANAGER RECOMMENDATION: Approve proposed change in IVEZ boundary to include 43.14 acres Synthetic Genomics, Inc.

DISCUSSION: Synthetic Genomics, Inc. (SGI) is a La Jolla based company that aims to develop and commercialize genomic-driven solutions to address global energy and environmental challenges. SGI purchased approximately 80 acres, described as the Calipatria Campus, to be utilized as a research center that includes algae ponds. SGI has requested a change to the IVEZ boundary to include the property acquired within northern Imperial County. The IVEZ Joint Powers Authority Board of Directors approved a boundary expansion to accommodate SGI at its meeting in May 2012.

The company will hire approximately 10 new employees in the third quarter of this year to support their initial activities. As activities expand, they expect new hires to grow to approximately 52 over the course of several years. The hiring tax credits available through the enterprise zone are a substantial savings for SGI. It is also estimated that SGI qualifies for the enterprise zone sales or use tax credit on equipment purchased for its operation in the amount of $570,000.

The SGI expansion is non-contiguous to existing IVEZ boundaries. Currently, there are 1,094.88 acres available for expansion into the IVEZ. The IVEZ Board requested that the zone include only the improved portion of the property to reserve remaining acreage for future eligible businesses.

As part of the application process, the State of California requires the zone's governing bodies to approve the expansion by resolution. The governing bodies of the IVEZ are the City of Brawley and the County of Imperial.

FISCAL IMPACT: None.

ATTACHMENTS: Letter, maps to the Brawley City Council

imperial valley ENTERPRISE ZONE

Brawley City Council
383 Main Street
Brawley, Ca 92227

June 19, 2012

RE: Imperial Valley Enterprise Zone (IVEZ) Expansion/Synthetic Genomics, Inc.

Dear Council Members,

Synthetic Genomics, Inc. (SGI) requested expansion into the IVEZ on May 24, 2012 and was approved by the IVEZ's Joint Powers Authority Board of Directors on the same date. SGI is a company dedicated to developing and commercializing genomic-driven solutions to address global energy and environmental challenges. SGI has purchased approximately 80 acres known as the Calipatria Campus. The Calipatria Campus is designed as a fully operational research center with laboratory, office and warehouse space, complete with a diverse assortment of open algae ponds that range in size from 25 feet to those greater than one acre. SGI's business model includes capitalizing on the natural resource advantages of Imperial Valley by pursuing partnerships with local industry including water, energy, solar and geothermal companies to improve the economic efficiency of producing renewable energy.

The company will hire approximately 10 new employees in the third quarter of this year to support their initial activities. If financial plans permit, the company could hire another 10 employees in the fourth quarter of this year. Another 10 hires are expected in 2014. As activities expand, they would expect the number of new hires to grow to approximately 52 over the course of several years. The hiring tax credits available through the enterprise zone program (approximately $37,000 per employee over a 5 year period) would be a substantial savings for the company, especially as it grows and expands.

SGI estimates that it could qualify for the enterprise zone sales or use tax credit on equipment purchased for its operation in the amount of $570,000. As SGI's tax responsibilities increase, the sales or use tax credits offered through the enterprise zone will provide a competitive financial advantage and allow the company to accelerate growth.

SGI also anticipates using the zone's net operating loss carryover, the business expense deduction and the lenders' credit as needed.

SGI is the kind of industry that the State of California and its citizens meant to incentivize through the Enterprise Zone Program. The company is innovative and brings

high end jobs to Imperial County. SGI is committed to hiring and training local job seekers. In addition SGI will develop preferred relationships with local universities, colleges, vendors and service providers.

The SGI expansion is non-contiguous to the current IVEZ boundaries. There are however no businesses between the current IVEZ boundary and the proposed expansion that would benefit from being included in the zone. Currently there are 1,094.88 acres available for expansion into the IVEZ. This expansion application is for 43.14 acres which represents the improved portion of the SGI site (maps are attached for your review).

As part of the application process, the State of California requires the zone's governing bodies to approve the expansion by resolution. The governing bodies of the IVEZ are the City of Brawley and the County of Imperial.

The attached resolution was prepared by the IVEZ in compliance with the State of California guidelines and is submitted for approval to the Brawley City Council.

Sincerely,

Diane Cason

Diane Cason
Manager
Imperial Valley Enterprise Zone

RESOLUTION NO. 2012-

RESOLUTION OF THE CITY COUNCIL OF CITY OF BRAWLEY, CALIFORNIA APPROVING THE EXPANSION OF THE IMPERIAL VALLEY ENTERPRISE ZONE BOUNDARIES.

WHEREAS, the City of Brawley of Imperial County currently has an enterprise zone that was established on March 1, 2006 and has jurisdiction over the existing zone; and

WHEREAS, the City of Brawley wishes to expand the boundaries of its enterprise zone to include the geographic area set forth in the attached boundary map; and

WHEREAS, land included with the proposed expansion area is zoned for industrial or commercial use; and

WHEREAS, basic infrastructure is available to the area that would be included in the proposed expansion area; and

WHEREAS, the City of Brawley of Imperial County will submit a written request as required to the California Department of Housing and Community Development to have its enterprise zone boundaries expanded.

Acres	Name of Site	Address	Parcel No.	Legal Boundary Description
43.14	Synthetic Genomics, Inc.	250 W. Schrimpf Road Calipatria, CA 92233	022-010-001	Government Lot 4, Section 19, Township 11 South, Range 14 East, S.B.M., according to official plat thereof

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Brawley, California does hereby support and approve the Imperial Valley Enterprise Zone expansion into the areas of the County of Imperial as shown on the attached map.

APPROVED, PASSED, AND ADOPTED at a regular meeting held on the 19th day of June, 2012.

CITY OF BRAWLEY, CALIFORNIA

_____

George A. Nava, Mayor

ATTEST:

_____

Alma Benavides, City Clerk

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL)
CITY OF BRAWLEY)

I, Alma Benavides, City Clerk of the City of Brawley, California, **DO HEREBY CERTIFY**, that the foregoing Resolution No. 2012- as passed and adopted by the City Council of the City of Brawley, California, at a regular meeting held on the 19th day of June, 2012 and that it was so adopted by the following roll call vote: m/s/c

AYES:
NAYS:
ABSTAIN:
ABSENT:

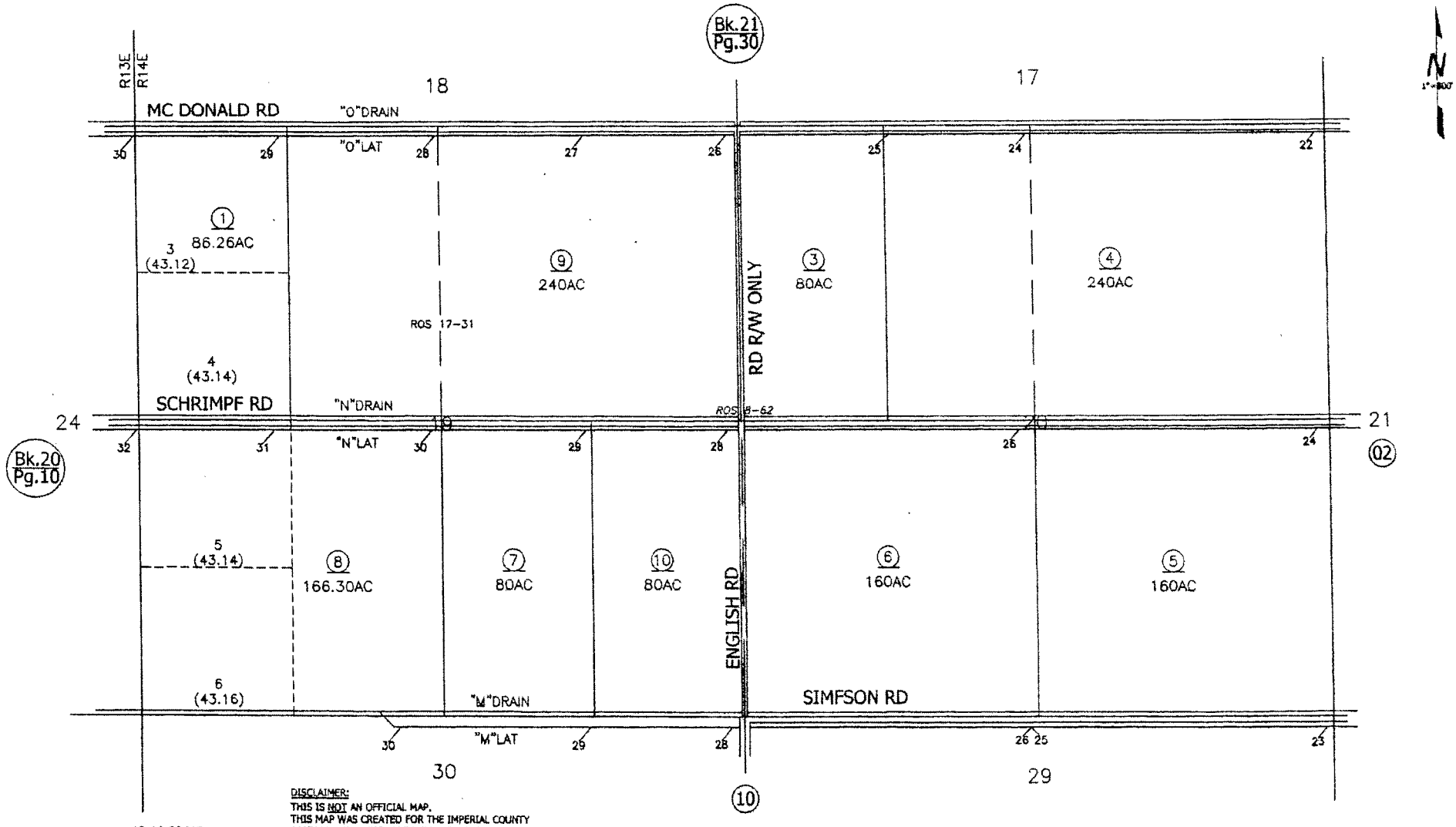
DATED: June 19, 2012

_____
Alma Benavides, City Clerk

SEC. 19 & 20, T.11S.,R.14E.

Tax Area Code
58-003

22-01



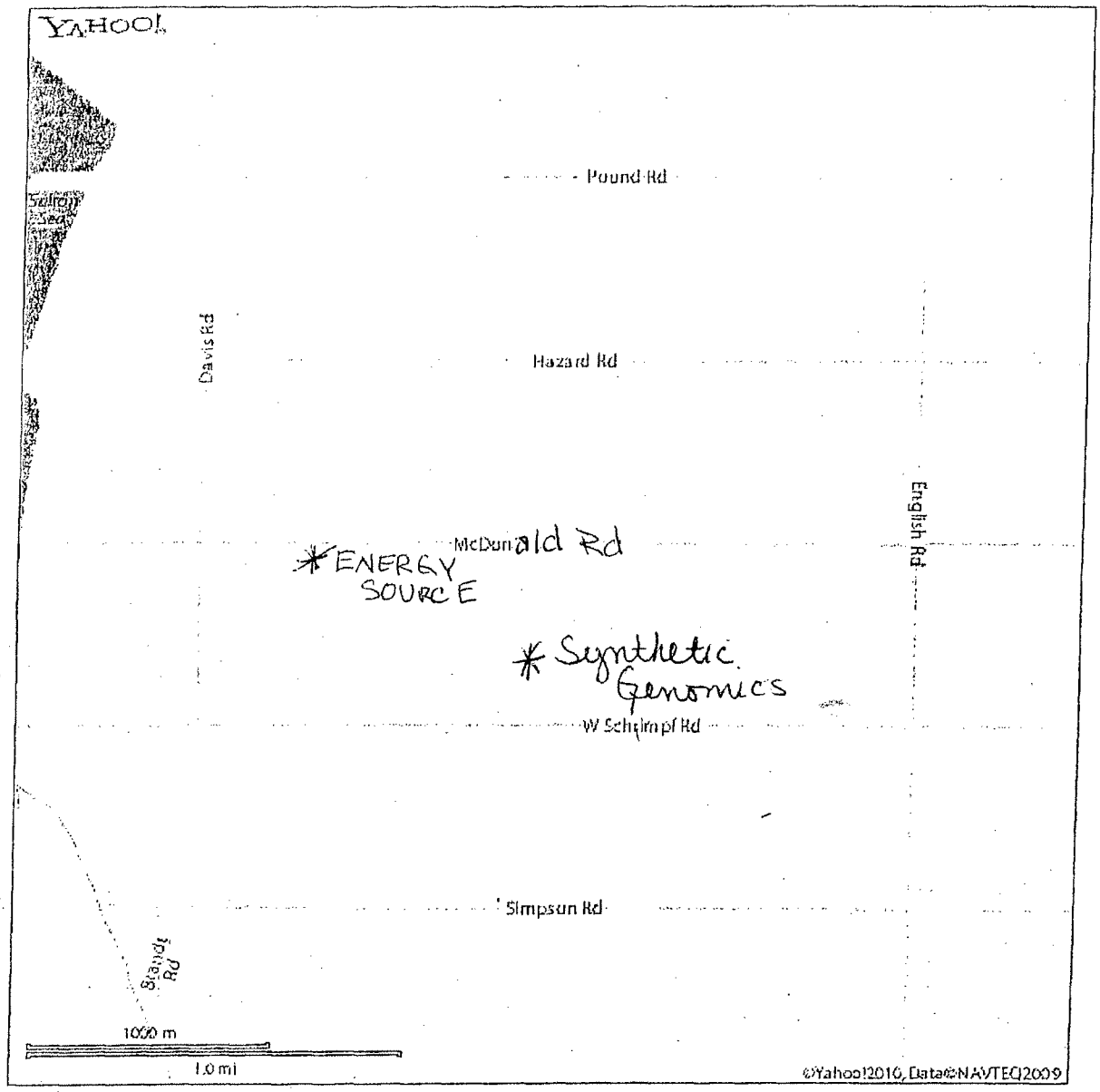
DISCLAIMER:
THIS IS NOT AN OFFICIAL MAP.
THIS MAP WAS CREATED FOR THE IMPERIAL COUNTY ASSESSOR, FOR THE SOLE PURPOSE OF AIDING IN THE PERFORMANCE OF THE DUTIES OF THE ASSESSOR. ANY ERRORS OR OMISSIONS IN THIS MAP ARE NOT THE RESPONSIBILITY OF THE COUNTY OF IMPERIAL OR THE ASSESSOR. (REV. & TAX. CODE SEC.327)

12-10-09 MF
5-19-94 LS
11-28-88 LS
6-20-74 TK

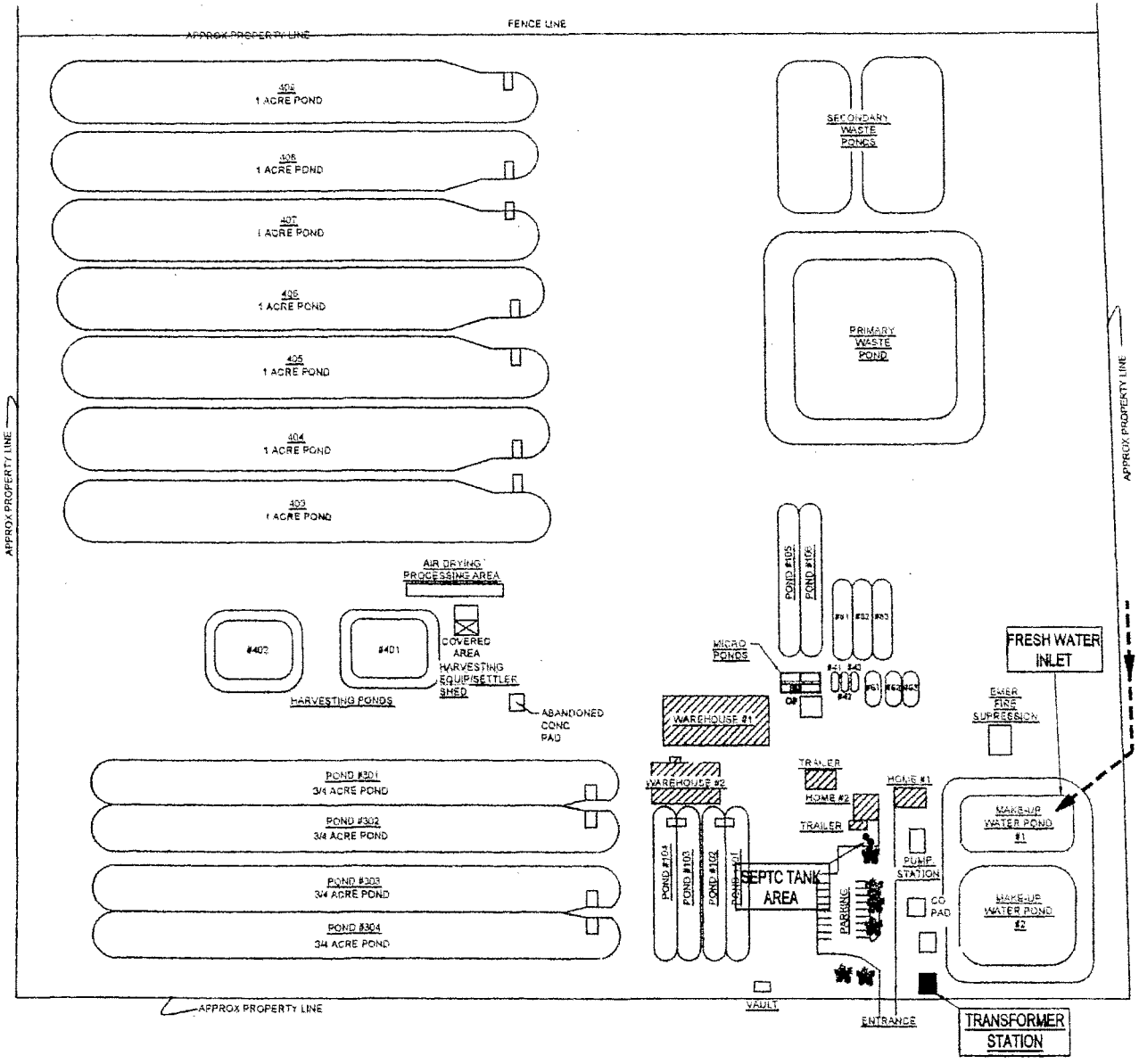
Assessor's Map Bk.22-Pg.01
County of Imperial, Calif.

159

YAHOO!



When using any driving directions or map, it's a good idea to do a reality check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning.



NOTES:

1. NATURAL GAS IS CURRENTLY NOT UTILIZED AT THE FACILITY.
2. POTABLE WATER IS PROVIDED BY TRUCK.

No.	Revision/Issue	Date

SYNTHETIC ENERGIES

11148 North Torrey Pines Rd.
La Jolla, California 92037

SGI - CALIPATRIA

PLOT PLAN

Drawn By: FAB
Date: 4/12
Scale: NONE
Sheet: A1
Rev: A

COUNCIL AGENDA REPORT
City of Brawley

Meeting Date:	6/19/12
City Manager:	RBM

PREPARED BY: Rosanna Bayon Moore, City Manager & Dennis Morita, City Attorney

PRESENTED BY: Rosanna Bayon Moore, City Manager

SUBJECT: Process for Anticipated City Council Vacancy

DISCUSSION: At Mayor George A. Nava's request, information has been provided to assist the City Council with discussing a process to fill the vacancy resulting from the election of a City Council Member to the Imperial County Board of Supervisors. A number of alternatives are available. These include, but are not limited to, the following:

1. Special election
2. Mayor's appointment subject to vote of the City Council
3. Subcommittee recommendation to the City Council for consideration

Government Code Section 36512(b) states:

> *If a vacancy occurs in an elective office provided for in this chapter, the council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. The special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent.*

Under the current circumstances, the vacancy would arise in one of two ways: a) resignation or b) taking the oath of office for County Supervisor. Once the vacancy occurs, the City Council has 60 days to appoint a replacement or call a special election.

Regularly established election dates are set forth in Elections Code Section 1000 as follows: The second Tuesday of April in each even-numbered year; the first Tuesday after the first Monday in March of each odd-numbered year; the first Tuesday after the first Monday in June in each year; the first Tuesday after the first Monday in November of each year.

The City Council vacancy AND call for special election would have to occur prior to the dates set forth below for the ensuing regularly established election dates. If the last date to act fell on a weekend, the date indicated is the prior business day:

Election date: November 6, 2012	Vacancy and Call for Election: July 13, 2012
Election date: March 5, 2013	Vacancy and Call for Election: November 9, 2012

Election date: June 4, 2013	Vacancy and Call for Election: February 8, 2013
Election date: November 5, 2013	Vacancy and Call for Election: July 12, 2013

In the absence of a resignation by the incumbent supervisor, appointment to the Board of Supervisors seat or resignation by the City Council Member and a City Council call for election, a November 2012 special election is not feasible from a timing point of view.

FISCAL IMPACT: Estimated cost of $10,000 for a Special Election to be paid for by the General Fund Reserve

ATTACHMENTS: 6 November 2012 County of Imperial General Election Calendar

NOVEMBER 6, 2012
GENERAL ELECTION CALENDAR

All code sections are the Elections Code, unless otherwise noted.

Following the filing period dates, the number of days prior to or after the election is provided (E = Election Day, followed by the number of days prior to (-) or after (+) election day.)

If there is an asterisk by the date, the deadline falls on a weekend or holiday and, in most cases, has been moved to the next business day.

July 2 to Jul16 **(E-127 to E-133)**	**Cities Publish Election Notice** Between these dates, any city that is consolidating an election With the November General will publish a Notice of Election one Time in a newspaper of general circulation stating: • The date and polling hours of the election • Any offices to be filled and any measure to be voted on, Including a synopsis of each measure. §12101, 12111
July 4 **(E-125)**	**County Holiday – Office Closed**
July 5* **(E-125)**	**Special Districts & Cities Deliver Notice of Election to County Clerk** Last day for district secretaries and City clerks to deliver Notice of Election listing the elective offices to be filled and any measure (if known at the time) to be voted on and to deliver a map of the District or City to the Elections Department. Cities and special districts should include the notice how a tie vote will be resolved. §10509, 10522, 10524, 15651
July 6 **(E-123)**	**Schools to Deliver Specifications of the Election Order** Last day for a school board to deliver a resolution known as the "Specification of the Election Order" and file it with the county Superintendent of Schools and county elections official, stating the date and purpose of the election. Ed Code §5322 A clause to determine a tie vote is included in the "Specifications of the Elections Order". Ed Code §5016
July 16 to Aug 10 **(E-113 to E-88)**	**Candidate Nomination Period – School / Special Districts** Candidate filing period for candidates running for special and School district offices. Forms are obtained from and filed with the County Elections Department. §10510
Jul 16 to Aug 10 **(E-113 to E-88)**	**Candidate's Statement of Qualifications – School / Special Districts** Between these dates, candidates may prepare a statement of qualifications, not to exceed 200 words, to be included in the Voter's Information Pamphlet. The statement shall be filed and

	paid for at the time the Declaration of Candidacy is filed. The statement may not be changed, but may be withdrawn up until 5 pm on August 13th if the contest closes on the 10th or August 16th if the contest closes on the 15th after the extension period. §13307, 13311
Jul 16 to Aug 10 (E-113 to E-88	**Candidate's Statement – Judicial & County Nominees** Between these dates, nominees may prepare a statement of qualifications, not to exceed 200 words, to be included in the Voters Information Pamphlet. The statement shall be filed and paid for at the time it is filed. §13307
Deadline date Aug 10th (Previous 12 months toE-88)	**Statement of Economic Interests** Between these dates, specified non incumbent candidates in an election shall file Statements of Economic Interests (Form 700) disclosing their investments, interests in real property and any income received during the preceding 12 months. Such statement shall not be required if the candidate has filed such a statement within the past 60 days for the same jurisdiction. Gov Code §87200, 87201, 87500
July 31 (E-98)	**Change of Candidate's Ballot Designation** Last day for candidates to request in writing to both the Secretary of State and Elections Department that a different ballot designation be used for the November election than the designation used at the June primary election. §13107(e)
July 31 (E-98)	**Semiannual Campaign Statement** Last day to file semiannual campaign statements, if required, by All candidates and committees. Gov Code §84200, 84218
July 31 (E-98)	**Supplemental Independent Expenditure Reports** Candidates or committees making independent expenditures of $500 or more in a calendar year to support or oppose a candidate or measure shall file independent expenditure reports as if it were formed or existing primarily to support or oppose the candidate or measure. Gov Code §84203.5
Aug 10 (E-88)	**Declaration of Candidacy and Nomination Papers – Independent Candidates** The last day for independent candidates for an office for which there is no filing fee (presidential elector) to leave his or her declaration of candidacy and to circulate and leave the nomination papers with the county elections official. §8403, 8550
Aug 10 (E-88)	**Notification of Mail Ballot Precinct** Last day for the county elections official to determine that there are 250 or fewer persons registered to vote in any precinct. The county elections official may then mail to each voter a vote-by-mail ballot along with a statement that there will be no polling place for the general election. §3005

Aug. 10 **(E-88)**	**Deadline for Filing Tax Rate Statement for Bond Measures** Last day to file Tax Rate Statement for any bond measure appearing on the November ballot. §9401
Aug. 14 **(E-84)**	**Deadline to File Arguments for Measures** Arguments for or against any measure called for the November 2012 election are due by 5 p.m. Arguments are public after the 5 p.m. deadline. (Department Policy) §9163, 9316
Aug 16, 11 am **(E-82)**	**Randomized Alphabet Drawing** Secretary of State shall conduct the randomized alphabet drawing to determine the order in which the candidates will appear on the general election ballot. On this same day, the County Clerk/Elections Department shall Conduct a randomized alphabet drawing for the offices of State Senate and Assembly. §13112
Aug. 15 – 25 **(E-83 to 73)**	**10-day Public Inspection for Arguments** 10-day public inspection of arguments filed by August 10. During the 10-calendar-day public examination period provided by this section, any voter of the jurisdiction in which the election is being held, or the county elections official, himself or herself, may seek a writ of mandate or an injunction requiring any or all of the materials to be amended or deleted. The writ of mandate or injunction request shall be filed no later than the end of the 10-calendar-day public examination period. §9190
Aug. 21 **(E-77)**	**Deadline for Filing Rebuttals and Analyses to Measures** On this date Rebuttal Arguments will be due by 5 p.m. §9167, 9317 County Counsel to submit analysis for county and school/special district measures; §9160, 9313 City attorney to submit analysis of city measures. §9280 County Auditor, if previously directed by the Board of Supervisors, to submit fiscal analysis of measures. §9160 Rebuttals and analyses are public after the 5 p.m. deadline.
Aug. 22 – Sept 2 **(E-76 to E-65)**	**10-day Public Inspection for Rebuttals & Analyses** 10-day public inspection of arguments, analyses, rebuttals for measures filed August 10. Documents will be on public display at the Elections Department, 940 W. Main Street, El Centro. During this period, any voter of the jurisdiction or the county elections official may seek a writ of mandate or an injunction requiring any or all of the materials to be amended or deleted. §9190, 9380

Aug 30 **(E-68)**	**Certified List of Candidates – Federal and State Offices** Last day for the Secretary of State to send to each elections official a list showing the name, party affiliation for partisan offices, party preference or lack of party preference for voter-nominated offices, and ballot designation of every person who has been nominated as a candidate for public office and is entitled to receive votes within the county at the general election. §8148
Sept 3 **(E-64)**	**County Holiday – Office Closed**
Sept 7 **(E-60)**	**Special Vote-by-Mail Ballot Applications** The first day county election officials may process applications for special vote-by-mail ballots. The application must include the statement that the voter cannot vote a vote-by-mail during the normal vote-by-mail voting period of October 8 to October 30, 2012 because of military or other contingencies that preclude normal mail delivery. §300(b), 3103
Sept 10 to Oct 23 **(E-57 to E-14)**	**Statement of Write-in Candidacy and Nomination Papers** During this period partisan write-in candidates must file their Statement of Write-in Candidacy and Nomination Papers with the county elections official. §8601
Sept 13 **(E-54)**	**54-day Walking Lists Prepared** The County Elections Official will prepare the 54-day voter index that is available for purchase upon written application. §2184
Sept 27 to Oct 16 **(E-40 to E-21)**	**Counties Mail Sample Ballots / State Ballot Pamphlet Mailing** Between these dates the county elections official shall mail a Sample Ballot and polling place notice to each register voter. Between these dates the Secretary of State shall mail state ballot pamphlets to all households in which voters were registered by Friday Sept 7 (E-60). The county will do a supplemental mailing of state pamphlets to voters who register after Sept 7. §9094, 13303, 13304
Oct 5 **Date Set by Law** **(E-32)**	**First Pre-Election Statement** Last day to file campaign statements for candidates and Committees covering the period ending Sept 30 (E-70). Gov Code §84200.5, 84200/7(b)
Oct 5 **(E-32**	**Supplemental Independent Expenditure Reports** Candidates or committees making independent expenditures of $1,000 or more in a calendar year to support or oppose a candidate or measure shall file independent expenditure reports as if it were formed or existing primarily to support or oppose the candidate or measure. Gov Code §84203.5, 82031

Oct 9* **(E-29)**	**Establish Precinct Boards and Polling Places** Last day for the county Elections Department to appoint board members and polling places and provide a copy to each county central committee and make a copy available to the public. §12286, 12318
Oct 9* **(E-29)**	**Last Day to Register to Vote to Ensure Receipt of Sample Ballot** Voter registration cards received by this date (postmark **NOT ACCEPTABLE)** will be added to the rolls and the voters will receive a Sample Ballot Booklet prepared by the county Elections official. §2101, 9094, 13303
Oct 9* to Oct 30 **(E-29 to E-7)**	**Vote-by-Mail Ballot Application Period** Between these dates voters may apply for a vote-by-mail ballot from the Elections Department. Under certain conditions voters may obtain a vote-by-mail ballot after October 30. §3001, 3003
Oct 9* **(E-20)**	**29-Day Walking Lists Prepared** The County Elections Official will prepare the 29-day voter index available for purchase upon written application. §2184
Oct 22* to Nov 5 **(E-16 to E-1)**	**Late Contribution/Independent Expenditure Report** During this time late contribution/independent expenditure reports must be filed by FAX, guaranteed overnight delivery or personal delivery. Gov Code §84203, 84204
Oct 22* to Nov 5 **(E-16 to E-1)**	**24-Hour Statement of Organization Filing Requirement – Recipient Committees & Slate Mailer Organizations** During the 16 days immediately preceding an election, any person or entity which qualifies as a recipient committee or slate mailer organization must file a Form 410 within 24 hours by FAX, guaranteed overnight delivery or personal delivery. Gov Code §84101, 84108
Oct 22 **(E-15)**	**15-Day Voter Registration** The county elections official shall accept an affidavit of registration executed as part of voter registration card in the Forthcoming election if the affidavit is executed on or before the 15th day prior to the election and if any of the following apply: 1) The affidavit is postmarked on or before the 15th day prior to The election and received by mail by the county elections Official.

	2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the National Voter Registration Act of 1993 (42 USC Sec 1973gg) prior to the election. 3) The affidavit is delivered to the county elections official by means other than those described in paragraphs (2) and (3) on or before the 15th day prior to the election. §2107
Oct 23 to Oct 30 **(E-14 to E-7)**	**New Residents Registration Period** Registration for new residents shall begin the 14th day prior to an election and end on the seventh day prior to election day. This registration must be executed in the county elections office and the new resident shall vote a new resident's ballot containing the contest of President and Vice President only in the election official's office. §332, 3400
Oct 23 to Nov 6 **(E-14 to E-Day)**	**New Citizens Registration Period** Registration for new citizens shall begin the 14th day prior to an election and end on election day. A new citizen registering to Vote after the close of registration shall provide the county elections official with proof of citizenship prior to voting, and shall declare that he or she has established residency in California. new citizens vote a regular ballot. §331, 3500, 3501
Oct 25 **(E-12)**	**Second Pre-Election Statement** The last day to file campaign statements for candidates and committees covering the period October 1 to October 20, 2012. Gov Code §84200.5, 84200.7
Oct 25 **(E-12)**	**Supplemental Independent Expenditure Reports** Candidates or committees making independent expenditures of $500 or more in a calendar year to support or oppose a candidate or measure shall file independent expenditure reports as if it were formed or existing primarily to support or oppose the candidate or measure. Gov Code §84203.5, 82031
Oct 29* **(E-10)**	**Notice of Central Counting Place** Last day for county elections official to publish the notice that the general election ballots will be counted at a specified public place. The notice shall be published one time in a news paper of general circulation in the county. §12109
No later than Oct 30 **(E-7)**	**Publish Polling Places and Precinct board Members** Not less than one week before the election, the elections official shall publish the list of polling places and precinct board members. §12105-12108, Gov Code §6061
Oct 31 to Nov 6 **(E-6 to E)**	**Vote-by-Mail Ballots – Late Conditions** Voters unable to go to the polls because of illness or disability or because they will be absent from their precinct on election day,

	may come to the Elections Department and Receive a vote-by-mail ballot over the counter. Voters may designate in writing a representative to bring the vote-by-mail ballot to them. The voter may return the ballot to the Elections Department or polling place in the county either personally or through the authorized representative. §3021
Oct 31 **(E-6)**	**Quarterly Statements by Ballot Measure Committees** All committees primarily formed to support or oppose the Qualification, passage or defeat of a ballot measure must file Quarterly campaign statements for the period July 1 through Sept 30 during any semiannual period in which the measure is not being voted upon. Following the elections, such committees are only required to file semiannual statements unless they make contributions or expenditures to qualify, support or oppose other Measures, in which case they would have an ongoing duty to file quarterly statements. Gov Code §84202.3
Nov 6 **(E)**	**General Election Day** Polls open at 7 am and close at 8 pm
Nov 6	**Unopposed Judge: Superior Court** On this date, the County Clerk declares elected any incumbent superior or municipal court judge who has filed for office but whose name did not appear on either the primary or general election ballots because he or she was unopposed. §8203
Nov 8 to Dec 4 **(E+2 to E+28)**	**Official Canvass** The official canvass of precinct returns is to be completed during this time. §15301, 15372
Nov 22 to Nov 23 **(E-16 to E-17)**	**County Holiday – Office Closed**
Dec 4 **(E+28)**	**Statement of Vote to Board of Supervisors – certificates of Election Prepared** The elections official shall prepare a certified statement of the results of the election and submit it to the Board of Supervisors. The Board of Supervisors shall declare the winners for each office and the results of each measure under its jurisdiction. The county elections official shall make and deliver to each person elected a certificate of election. §15372, 15400 – 15401
Dec 7 **(E+31)**	**Candidates Elected to Special Districts and School Districts Assume Office** **SPECIAL DISTRICTS:** officers declared elected or appointed (i.e. as provided in §10515) take office this date at noon after having taken the oath or posted any bond required by the principal act. §10554

	SCHOOL AND COMMUNITY COLLEGE DISTRICTS: Officers Elected to school office take office this date pursuant to Ed Code §5017, though no reference is made to "noon" as is the case in EC §10554.
5 days after canvass	**Recount May Be Requested** Within five (5) days after the completion of the official canvass, any voter may request a recount by filing a written request with the elections official and specifying which candidates and/or Measures are to be recounted. The request may specify the order of the precincts for the recount and the petitioning voter shall, before commencement of each days's recount, deposit such sum as the official requires to cover costs. "Completion of the canvass" shall be presumed to be the time when the elections official signs the certified Statement of Vote. §15620 – 15634
Varies between 10 days to 6 months following the certification of the vote	**Contesting Election** Any elector of a county, city or of any political subdivision of Either may contest any election held therein for any of the Following causes: a) That the precinct board or any member thereof was guilty of malconduct. b) That the person who has been declared elected to an office was not, at the time of the election, eligible to that office. c) That the defendant has given to any elector or member of a precinct board any bribe or reward, or has offered any bribe or reward for the purpose of procuring his election or has committed any other offense against the elective franchise defined in Division 18 (commencing with Section 18000). d) That illegal votes were cast. e) That eligible voters who attempted to vote in accordance with the laws of the state were denied their right to vote. f) That the precinct board in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election as to any person who has been declared elected. g) That there was an error in the vote-counting programs or summation of ballot counts. §16100
Varies between 10 days to 6 months following the certification of the vote	**Contesting Election – continued** The contestant shall verify the statement of contest, as provided by Section 446 of the Code of Civil Procedure and shall file it within the following times after the declaration of the result of the election or the declaration of the results of any postcanvassing the returns thereof. a) In cases other than cases of a tie, where the contest is brought on any of the grounds mentioned in subdivision © of

	Section 16100, six months. b) In all cases of tie, 20 days. c) In cases involving presidential electors, 10 days. d) In all other cases, 30 days. §16401
Dec 3 **(E+27)**	**State Senators and State Assemblymembers Assume Office** Terms begin on the first Monday in December following the election. CA Const Art IV §2
Dec 7 **(E+31)**	**Statement of Vote to Secretary of State** No later than this date the elections official shall send one copy of the Statement of Vote to the Secretary of State. §15375
Dec 14 **(E+38)**	**Certificates of Election** The Secretary of State shall issue certificates of election to pPersons elected to US Senate, Congress and legislative offices. §15503 – 15504
Jan 7, 2013 **(E+62**	**Candidates Elected to County Supervisors, Judges Assume Office** Terms begin at noon on the first Monday after January 1 succeeding their election for Supervisors. Superior Court Judges also begin on this date; although, there is no mention of the noon hour. CA Const Art VI§16; Gov Code §24200
Jan 31, 2013 **(E+86)**	**Semiannual Campaign Statement** Last day to file semiannual campaign statements, if required, by all candidates and committees. Gov Code §84200. 84216
Jan 31, 2013 **(E+86)**	**Supplemental Independent Expenditure Reports** Candidates or committees making independent expenditures of $500 or more in a calendar year to support or oppose a candidate or measure shall file independent expenditure reports as if it were formed or existing primarily to support or oppose the candidate or measure. Gov Code §84203.5, 82031

RECORD OF BUILDING PERMITS

May 2012

Prepared by: Francisco Soto, Building Official

Prepared As of: 06/08/12

DATE ISSUED	PERMIT NUMBER	PERMIT DESCRIPTION	ASSESSOR PARCEL NUMBER	ADDRESS	OWNER	ISSUED TO	COST OF IMPROVEMENTS
05/01/12	24414	Electrical	048-430-003	1080 S. Brawley Avenue	Sun Community	Duggins Construction	N/A
05/01/12	24415	Electrical	047-231-007	568 N. Palm Avenue	Evelyn Zamudio	Owner	N/A
05/01/12	24416	Electrical	048-221-022	675 S. Garrett Street	Ana Gutierrez	Wasser Construction	N/A
05/01/12	24417	Plumbing	049-192-062	920 Martin Place	Virginia Coronado	Campesinos Unidos, Inc.	N/A
05/02/12	24418	Mechanical	048-331-008	891 W. Legion Road	Phyllis Elijah	Air Makers Heating & Air Cond.	N/A
05/03/12	24419	Tanks Removal	049-140-007	815 "K" Street	Soco Group, Inc.	Valley Petroleum	32,000.00
05/03/12	24420	New House	048-101-006	246 "G" Street	R. Garcia Construction, Inc.	Owner	125,523.00
05/03/12	24421	Remodel House	046-233-005	250 W. "B" Street	Mike King	Bellah Construction	4,327.00
05/08/12	24422	Electrical	049-022-008	270 S. 5th Street	Hugh & Jackie Kissick	Stills Electric	N/A
05/09/12	24423	Reroof	048-222-028	687 S. Imperial Avenue	Gary Tacket	Owner	1,100.00
05/09/12	24424	Reroof	049-024-001	608 "G" Street	Almaden Billions Properties	Robert's Custom Roofing	8,500.00
05/09/12	24425	Mechanical	047-430-001	1502 1/2 River Drive	Ray Lancaster	Extreme A/C	N/A
05/09/12	24426	New Pool	048-275-046	122 McKenzie Place	Martin Auza	Exquisite Pools Custom Creations	22,500.00
05/10/12	24427	Patio	048-276-005	829 Shelbie Avenue	Leonardo Garcia	Picazo Construction	12,420.00
05/11/12	24428	Remodel House	048-123-014	506 Willard Avenue	Larry Francis	George Mitchell Builders, Inc.	6,500.00
05/14/12	24429	New Pool	048-184-001	295 W. Allen Street	Ron & Nadia Goff	Endless Summer Pools	28,000.00
05/21/12	24430	Encroachment	049-192-035	900 Ivy Street	Esteban Vasquez	Owner	N/A
05/22/12	24431	Remodel House	047-294-013	1197 "C" Street	Rosa Reyes	Pinky USA Corp	1,000.00
05/22/12	24432	Store Remodel	046-191-034	395 W. "E" Street	Family Dollar Store	ICE Builders, Inc.	100,000.00
05/22/12	24433	Electrical	049-140-008	508 S. 8th Street	Smythe Plumbing	Stills Electric	N/A
05/22/12	24434	Right of Way	048-143-019-000	145 "J" Street	Henry Oliva	TBD	N/A
05/22/12	24435	Reroof	048-034-004	426 W. "G" Street	John Benson	Dan Boyer Construction	12,000.00
05/22/12	24436	Reroof	048-141-002	164 W. "I" Street	Andres de la Trinidad	Owner	6,912.00
05/23/12	24437	Mechanical	047-291-026	464 N. Cesar Chavez.#A	Jimmy Sanders	R&K Air	N/A
05/25/12	24438	House Addition	048-042-006	253 W. "G" Street	Jeff Dickerson	Wasser Construction	54,565.00
05/28/12	24439	Demo	047-344-001	245 N. 8th Street	Elms Equipment Rental, Inc.	Owner	N/A
05/29/12	24440	Mechanical	048-111-011	161 S. Plaza	Elks Lodge	Owner	N/A
05/29/12	24441	Right of Way	046-090-009-001	428 W. Cady Road	Kent & Karen Constable	Primo Construction	N/A
05/30/12	24442	Right of Way	N/A	1600 Block of "I" Street	R. Garcia Construction, Inc.	TBD	N/A
05/30/12	24443	Replace Fuel Tanks	048-051-009	104 W. Main Street	Tesoro West Coast	Valley Petroleum	194,500.00
05/31/12	24444	Store Remodel	048-201-004	610 S. Brawley Avenue	Goyal Enterprises, Inc.	Owner	8,000.00
05/31/12	24445	Pergola	046-214-006	301 Main Street	First Presbyterian Church	Owner	2,000.00

170