AGENDA

SPECIAL MEETING
OF THE SAN JACINTO CITY COUNCIL
AND THE REDEVELOPMENT AGENCY
OF THE CITY OF SAN JACINTO

December 2, 2010, 6:00 p.m.

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625 South Pico Avenue
San Jacinto Community Center, San Jacinto, CA 92583

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1. ORGANIZATION

1.1 Oath of Office for Mark Bartel, Andrew Kotyuk, Alonso Ledezma and Scott Miller for City Council.

1.2 Call to Order

1.3 Roll Call

1.4 Invocation

1.5 Pledge of Allegiance

1.6 Council Reorganization: Selection of mayor and vice mayor for the following year

2. PUBLIC COMMENTS

Now is the time for the public to address the Council on any subject within the jurisdiction of the City Council not listed on the agenda. A limitation of three (3) minutes shall be set for each person desiring to address the City Council.

3. JOINT CONSENT CALENDARS (SECTIONS 3A AND 3B)

The matters listed under Consent Calendars are considered routine and will be enacted by one motion to the motion unless members of the City Council, staff or the public requests a specified item be removed and/or discussed. If an item is pulled, it will be heard at the end of number '5. Staff Reports.'

3A CONSENT CALENDAR - CITY COUNCIL

3B CONSENT CALENDAR - REDEVELOPMENT AGENCY

4. PUBLIC HEARING

5. STAFF REPORTS

At the end of the scheduled City Department items, anyone wishing to discuss a consent calendar item should come forward upon invitation of the Mayor; state their name, address, and the consent calendar item number pulled. Speakers should limit comments to three (3) minutes.

5.1 Redevelopment Agency Conflict of Interest - Disclosure

6. MAYOR/COUNCIL MEMBER REPORTS/DISCUSSIONS

7. CLOSED SESSION

8. ADJOURNMENT

If you challenge any action of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council (c/o the City Clerk) at, or prior to, the public hearing.

CHALLENGE TO LAND USE DECISIONS: Any person seeking to challenge a decision regarding land use made by the City Council as a result of a proceeding in which by law a hearing is required to be given, shall be required to commence that action 90 days following the date on which the decision of the City Council becomes final as provided in Code of Civil Procedure Section 1094.6. Please refer to Code of Civil Procedure Section 1094.6 to determine how to calculate when a decision becomes final.

It is the intention of the City of San Jacinto to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, or in meetings on a regular basis, you will need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact City Hall at (951) 537-6358, at least 48 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible.

DOCUMENTS RELATED TO OPEN SESSION AGENDAS (SB 343) -- Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection at the public counter located in the Administration Building of City Hall, 595 S San Jacinto Avenue, San Jacinto, CA 92583

I, Richard Miller, City Clerk of the City of San Jacinto, do hereby certify that I caused to be posted the foregoing agenda this 30th day of November, 2010 as required by law.

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Richard Miller, City Clerk

December 2, 2010

TO: The Honorable Mayor and Members of the City Council

FROM: Jeff Ballinger, City Attorney

SUBJECT: Redevelopment Agency Conflict of Interest – Disclosure

RECOMMENDATION:

Staff recommends that the City Council and Redevelopment Agency Board Receive and File information from Councilmembers/Agency Board members regarding interests in real property, and direct the City Clerk and Agency Secretary to include such information in the minutes of the City Council meeting and Redevelopment Agency Board meeting.

BACKGROUND:

In San Jacinto, as in other cities, the City Councilmembers also serve as the governing board of the San Jacinto Redevelopment Agency. The Redevelopment Agency is charged with adopting and implementing redevelopment plans, which help revitalize "blighted" areas of the City.

The California Community Redevelopment Law ("CRL") (Health and Safety Code, §§ 33000 et seq.) has a special conflict of interest rule regarding acquisition of property and disclosure. *This rule is in addition to public officials' obligation to file regular Form 700's.*

Bar from Acquiring Property

First, no Councilmember can, after assuming office, legally acquire any interest in any property included within a redevelopment project area within the City. Attached is a map showing the two (2) redevelopment project areas within the City: the San Jacinto Redevelopment Area and the Soboba Redevelopment Area.

The term "interest in property" is not defined in the Community Redevelopment Law. However, the California Attorney General has interpreted to include any interest that would meet the definition of a "financial interest" in the context of Government Code section 1090. (61 Cal.Op.Atty.Gen. 243 (1978) [finding that both Health & Safety Code section 33130 and Government Code section 1090 would be violated if a bank were to

purchase or lease property within a redevelopment project, assuming any city councilman is a shareholder, officer, or director of the bank].)

Disclosure

Second, if any such Councilmember has, at the time of assuming office, any direct or indirect financial interest in property included within a redevelopment project area, that Councilmember must immediately make a written disclosure of that financial interest to the RDA and the City Council. That disclosure must be entered in the minutes of the RDA and the City Council. Failure to make the disclosure constitutes misconduct in office.

Therefore, we recommend that this disclosure be done by the new Councilmembers/Directors at the December 2, 2010 City Council/RDA meeting, and that the City Clerk and Agency Secretary include such information in the minutes of the City Council meeting and Redevelopment Agency Board meeting.

Exceptions

There are three (3) interests in property that these rules do not apply to.

First, Councilmembers may purchase or lease property, for personal residential use, within a project area. In order for this exception to apply, the RDA must have certified that the improvements to be constructed or the work to be done on the property to be purchased or leased have been completed, or certified that no improvements need to be constructed or that no work needs to be done on the property. In addition, if a purchase or lease is made, the Councilmember must immediately make a written disclosure to the RDA and the City Council, which disclosure must be entered on the minutes of the agency. In addition, after the purchase or lease, the Councilmember is disqualified from voting on any matters directly affecting such a purchase, lease, or residency.

Second, these rules do not prohibit any Councilmember from acquiring an interest in property within the project area for the purpose of participating as an owner or reentering into business pursuant to the CRL if that Councilmember has owned a substantially equal interest as that being acquired for the three years immediately preceding the selection of the project area.

Third, a rental agreement or lease of property that meets all of the following conditions is not an "interest in property" for purposes of these rules:

- The rental or lease agreement contains terms that are substantially equivalent to the terms of a rental or lease agreement available to any member of the general public for comparable property in the project area.

- The rental or lease agreement includes a provision that prohibits any subletting, sublease, or other assignment at a rate in excess of the rate in the original rental or lease agreement.
- The property that is subject to the rental or lease agreement is used in the pursuit of the principal business, occupation, or profession of the officer or employee.
- The Councilmember who obtains the rental or lease agreement immediately makes a written disclosure of that fact to the RDA and the City Council.

ALTERNATIVES:

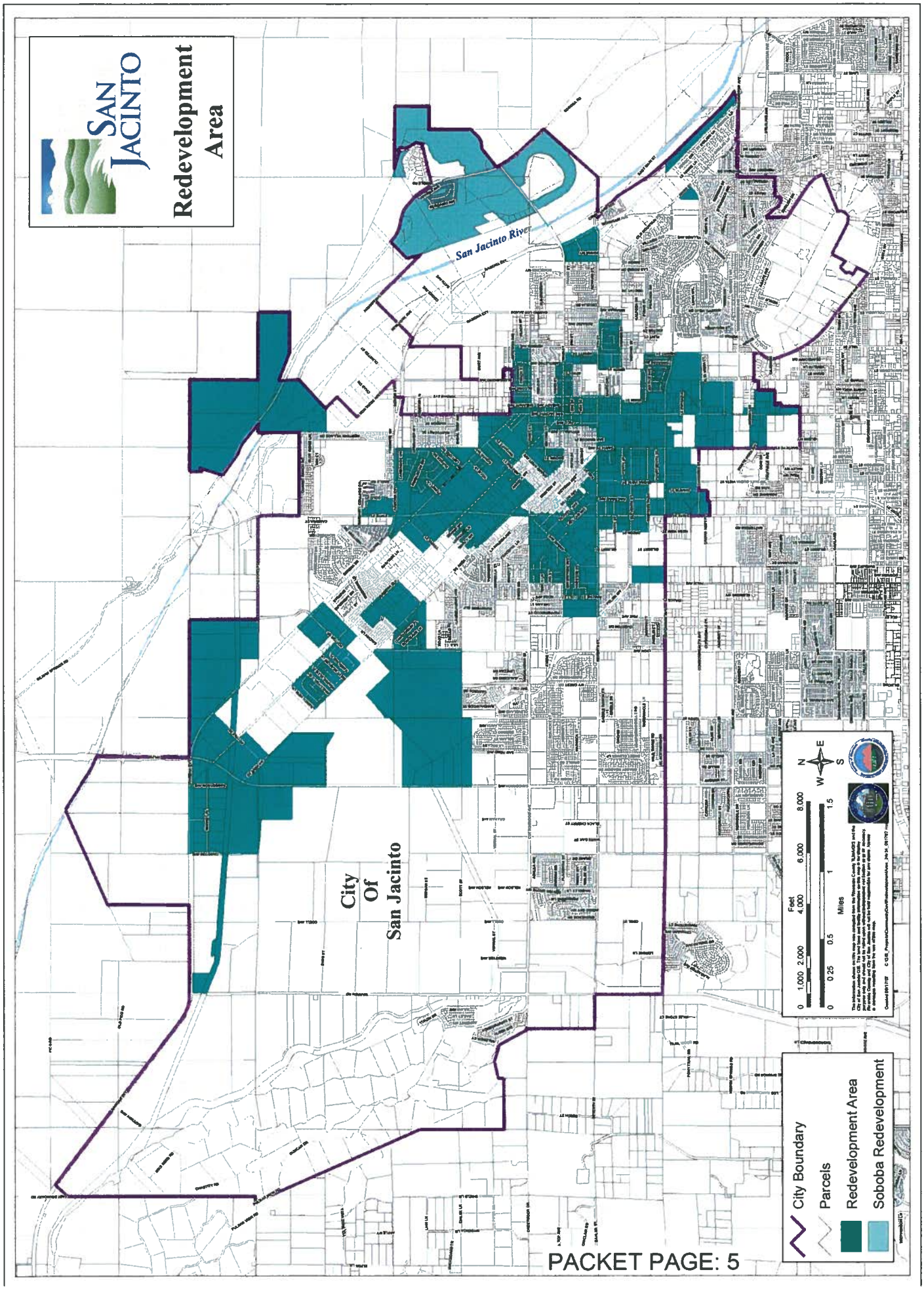
Since this is a legal requirement, there really are no alternatives.

FISCAL IMPACT:

There is no fiscal impact related to this item.

ATTACHMENTS:

Existing Map of the two (2) redevelopment project areas


San Jacinto
Redevelopment Area
San Jacinto River
City Of San Jacinto
City Boundary
Parcels
Redevelopment Area
Soboba Redevelopment
Feet
0 1,000 2,000 4,000 6,000 8,000
Miles
0 0.25 0.5 1 1.5
N
W
E
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