

CITY COUNCIL AGENDA CITY HALL, 291 N. MAIN STREET PORTERVILLE, CALIFORNIA FEBRUARY 21, 2023, 5:30 PM

Pursuant to the provisions of Assembly Bill 361, signed into law by Governor Newsom on September 16, 2021, the City of Porterville is allowing for and encouraging electronic participation at City Council Meetings. Until further notice, Porterville City Council Meetings will be live streamed on YouTube at https://www.youtube.com/channel/UC5KuhSrNMNL9nwHJVtnJvvA

Alternatively, this meeting will also be available via Zoom using the following information

Topic: City of Porterville - City Council Meeting of February 21, 2023

Please use the following link below to join the webinar:

https://us06web.zoom.us/j/87937972559?pwd=ZlZUcWYzc1I3WWJOSDVYS25VSHVadz09

Or via Telephone: 1-669-900-6833 Webinar ID: 879 3797 2559 Passcode: 959308

Call to Order

Roll Call

ORAL COMMUNICATIONS

This is the opportunity to address the City Council on any matter scheduled for Closed Session. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

CITY COUNCIL CLOSED SESSION:

- A. Closed Session Pursuant to:
 - 1 Government Code Section 54957.6 Conference with Labor Negotiator. Agency Negotiator: John Lollis and Yuliana Andrade. Employee Organizations: Porterville City Firefighters Association.
 - **2** Government Code Section 54956.95 Liability Claim: Claimant: Melissa Planing. Agency claimed against: City of Porterville.
 - **3** Government Code Section 54956.95 Liability Claims: Claimant: Candelario Garcia and Engracia Garcia. Agency claimed against: City of Porterville.
 - **4** Government Code Section 54956.9(d)(1) Conference with Legal Counsel Existing Litigation: Estate of Armando Orozco, Jr. et al. v. City of Porterville, et al., Tulare County Superior Court Case No. PCU 282499.
 - **5** Government Code Section 54956.9(d)(3) Conference with Legal Counsel Anticipated Litigation Significant Exposure to Litigation: Four (4) cases in which facts are not yet known to potential plaintiff.

6 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One (1) case.

<u>6:30 P.M. RECONVENE OPEN SESSION AND REPORT ON REPORTABLE ACTION TAKEN IN CLOSED SESSION</u>

Pledge of Allegiance Led by Council Member Weyhrauch Invocation

PRESENTATIONS

Fourth Street Park and Community Center Draft Conceptual Design Outstanding Business

ORAL COMMUNICATIONS

This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

REPORTS

This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.

- I. City Commission and Committee Meetings
 - 1. Parks & Leisure Services Commission February 2, 2023
 - 2. Library & Literacy Commission February 14, 2023
 - 3. Arts Commission January 24, 2023
 - 4. Animal Control Commission
 - 5. Youth Commission February 8, 2023
 - 6. Transactions and Use Tax Oversight Committee (TUTOC) February 16, 2023
- II. Staff Informational Reports
 - 1. Wall of Fame
 - 2. Water Conservation Phase IV Status Update January 2023

CONSENT CALENDAR

All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar. All items removed from the Consent Calendar for further discussion will be heard at the end of Scheduled Matters.

1. City Council Minutes of February 7, 2023

Re: Considering approval of the City Council Meeting draft Minutes of February 7, 2023

2. Authorization to Purchase Police Department Ammunition

Re: Consideration to authorize the purchase of Police Department ammunition from Dooley Enterprises, Inc. in the amount of \$8,257.68.

3. One Year Extension of On-Call Right-of-Way and Appraisal and Consulting Services Re: Consideration to approve a one year extension of On-Call Right-of-Way and Appraisal and Consulting Services with Hamner, Jewell & Associates, Hopper Company, and Overland, Pacific & Cuttler, LLC.

4. Approval to Apply for CalHome Grant

Re: Consideration to adopt the draft Resolution approving the submittal of a CalHome Program funding application to the California Department of Housing and Community Development.

5. Sports Complex Concession License

Re: Consideration to approve the Sports Complex Concession License with Porterville Soccer League/South Valley Chivas.

6. Approval of Overnight Camping during 2023 OHV Park Races

Re: Consider approval of overnight camping during the 2023 OHV Park Races.

7. Community Civic Event - Native Star Foundation - Yokuts Mural Celebration - March 5, 2023

Re: Considering approval of an event to take place on March 5, 2023, from 1:00 PM to 4:00 PM, at the Heritage Center parking lot.

8. Community Civic Event - Valley Children's Healthcare Foundation - 36th Annual Kids' Day - March 7, 2023

Re: Considering approval of an event to take place on Tuesday, March 7, 2023, from 5:00 a.m. to 3:00 p.m.

9. Community Civic Event - Porterville Chamber of Commerce - Porterville Chamber Spring Festival - April 15, 2023

Re: Considering approval of an event to take place on Saturday, April 15, 2023, from 9:00 a.m. to 4:00 p.m. on Main Street from Morton Avenue to Olive Avenue and the side streets along Main Street, which has been requested to be closed from 3:00 a.m. to 7:00 p.m. and the use of the parking lot on Mill Street next to Landing 13 for a car show, the parking spaces adjacent to the former Allen's Boot and Saddle Shop for the chili cook-off and the closure of the sidewalks along Main Street, from Morton Avenue to Olive Avenue, for vendor booths.

10. Community Clean-Up Events

Re: Consideration to approve April 22, 2023 as "Spring Clean-Up Day" and October 14, 2023 as "Fall Clean-Up Day".

11. Status and Review of Local Drought Emergency

Re: Considering approval of the continuance of the Declaration of Local Emergency.

SCHEDULED MATTERS

12. Consideration of Foothill Presbyterian Church Sewer Extension

Re: Consideration to extend sewer improvements to the Foothill Presbyterian Church (1162 W. Merrill Avenue) as part of the construction agreement with Todd Companies for Sewer Utility District 474B.

13. New Porterville Rescue Mission update

Re: Consider the biannual update report and provide direction as deemed appropriate.

14. 2023 KJUG Free Summer Concert Series

Re: Consider approval of City sponsorship of the 2023 KJUG Free Summer Concert Series with three concert dates to be scheduled at an expense of \$7,000.

15. Consideration of Scheduling City Council Goal and Priority Setting Session

Re: Consideration of the City Council to approve the scheduling of its annual Goal Setting and Priority Projects Study Session for Tuesday, April 11, 2022, beginning at 6:00 p.m., in Council Chambers.

AB 1234 REPORTS

This is the time for all AB 1234 reports required pursuant to Government Code § 53232.3.

- 1. Local Initiatives Navigation Center (LINC) Services Event February 8, 2023
- 2. Tulare County Regional Transit Agency (TCRTA) Board February 8, 2023
- 3. CalVans Board February 9, 2023
- 4. Tulare County Association of Governments (TCAG) Sustainable Corridors Committee February 9, 2023
- 5. Tulare County Economic Development Corporation (TCEDC) Board Reception February 9, 2023
- 6. TCEDC Economic Summit February 9, 2023
- 7. City/Tribe Casino MOU Meeting February 10, 2023
- 8. Tulare County Water Commission February 13, 2023
- 9. CalTrans/City/CSET/TCAG Litter Abatement Program Event February 14, 2023
- 10. CalCities Homeless Roundtable February 14, 2023
- 11. Social Services Transportation Advisory Council February 14, 2023
- 12. Tulare County Task Force on Homelessness February 15, 2023
- 13. Porterville Area Development Authority (PADA) Board February 17, 2023

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

Any Closed Session Items not completed prior to 6:30 p.m. will be considered at this time.

ADJOURNMENT - to the meeting of March 7, 2023, at 5:30 P.M.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Office of City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection during normal business hours at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, and on the City's website at www.ci.porterville.ca.us.

City Council Agenda February 21, 2023



CITY COUNCIL AGENDA – FEBRUARY 21, 2023

SUBJECT: 1. Wall of Fame

SOURCE: Parks and Leisure Services

COMMENT: On an annual basis, the City of Porterville's Wall of Fame selections are

announced. The Wall of Fame is a dedicated section of the east hallway in City Hall to honor and recognize individuals for their significant efforts and service to the Porterville community. Each member of the City Council may select one honoree annually. Honorees must have lived in the Porterville area for a minimum of fifteen (15) years, and may not currently be serving as an elected

official. The Wall of Fame honorees for 2023 are as follows:

Mayor Flores: Cameron "Cam" J.Hamilton

Vice Mayor Carrillo: TBA

Council Member Beltran: David Gong Council Member Meister: Don Dowling

Council Member Weyhrauch: Milton "Milt" Gene Stowe

The 2023 honorees will be inducted into the Wall of Fame at a ceremony on

Friday, March 10, 2023, beginning at 12:00 P.M. at Centennial Park.

RECOMMENDATION: Informational Only

ATTACHMENTS: 1. Wall of Fame Honorees: 2007 - 2022

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

City of Porterville Wall of Fame Honorees

Carmen Martinez Eoff	2007	Michael R. Garcia	2017
Frank "Buck" Shaffer	2007	Bob Perez	2017
Edward B. "Ted" Cornell	2008	Jim Winton	2017
Jim Maples	2010	Richard B. Hatfield	2018
Roy Rockholt	2010	Todd 'Hoss' McNutt	2018
James Cone	2011	Teddy Wong	2018
Mona Gauger	2011	Denise Howell Marchant	2019
Brett Land	2011	Raymond Camarena	2019
Forrest 'Doc' Mock	2011	Doug Webb	2019
Alice Seal	2011	Grace Muñoz Rios	2019
Estha Mae Hinton	2012	James Kusserow	2019
Teresa Jackson	2012	Linda M. Camarena	2020
William Rogers	2012	Joe Carrillo, Jr.	2020
Orlin and Louise Shires	2012	Roberto da la Rosa, Sr.	2020
Waltraut Wilson	2012	Jim Holly	2020
Mary Hamner Baker	2013	Joe Ruiz, Jr.	2020
Robert Decker Christenson	2013	Janice Castle	2021
Cyrille Faure	2013	Teresa A. de la Rosa-Garcia	2021
Vivian Josten Lucey	2013	Jeff Edwards	2021
Emogene McCullar	2013	Virginia R. Gurrola	2021
George Overcash	2013	Gang Sue	2021
Clara Wilcox Rutherford	2013	Nicki Edwards	2022
Lester James Hamilton	2014	Cynthia Garcia Brown	2022
William 'Bill' Horst	2014	Daniel Hackey	2022
Guy Huffaker	2014	George Tanimoto	2022
Marlene Marquez	2014	Barbara Wong Sue	2022
Monte Moore	2014		
Theodore Ensslin	2015		
Pete V. McCracken	2015		
Myron Wilcox	2015		
Gilbert Yniguez	2015		
Judith A. Gibbons	2016		
James E. Howell	2016		
Philip D. Hunter	2016		
Judge Glade F. Roper	2016		
Steven E. Tree	2016		
Elva Beltran	2017		
Joseph Faure, Jr.	2017		



CITY COUNCIL AGENDA – FEBRUARY 21, 2023

SUBJECT: 2. Water Conservation Phase IV Status Update - January 2023

SOURCE: Public Works

COMMENT:

The City has continued to implement an active water conservation approach, conserving and providing flexibility to the community. The City transitioned from Phase III to Phase IV of the City's Water Conservation Plan as of October 1, 2022. The Water Conservation Plan applies to all municipal water users within or outside the city limits.

The Phase III plan limits outdoor watering to two days per week, with "odd" addresses allowed to water on Tuesday and Saturday and "even" addresses allowed to water on Wednesday and Sunday. Outdoor watering is prohibited between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m., with no watering allowed Monday, Thursday, or Friday. Watering outdoor landscaping is prohibited during and within forty-eight (48) hours after measurable rainfall, which is now defined as greater than 0.01 inch.

Effective October 1, 2022, the City transitioned to Phase IV of its Water Conservation Plan. The Phase IV plan limits outdoor watering to one day per week, with "odd" addresses allowed to water on Saturday and "even" addresses allowed to water on Sunday. Outdoor watering is prohibited between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m., with no watering allowed Monday through Friday. Watering outdoor landscaping is prohibited during and within forty-eight (48) hours after measurable rainfall, which is now defined as greater than 0.01 inch.

Violations of prohibited activities are considered infractions and are punishable by fines of up to \$500 for each day the violation occurs. Any peace officer or employee of a public agency charged with enforcing laws and authorized to do so by ordinance may issue a citation to the violator. The City will respond to enforcement by issuing a Notice of Violation for all witnessed occurrences, and staff will process all reported issues. Enforcement statistics for January 2023 show that two notices of violation were issued for water wasting, and four administrative citations were issued.

Water production for January 2023 reflects a zero percent (0%) increase to the 5-year average. The monthly production for January was 196 million gallons, which is a two percent (2%) decrease compared to January 2013 at 200 million gallons. Residential consumption for January 2023 was seventy-three (73) gallons per capita per day (GPCD).

Compliance with individual water supplier conservation requirements is based on cumulative savings. Cumulative tracking means that conservation savings will be added together from one month to the next and compared to the amount of water used during the same months in 2013. City Staff will evaluate conservation totals in two formats: 1) Calculate the cumulative conservation totals for production as compared to production in 2013, and 2) Calculate cumulative conservation totals in relation to GPCD in efforts to evaluate population growth impacts on production as compared to 2013. The cumulative total production for the City of Porterville's conservation efforts will be reflected from June 2015 through January 2023. Porterville's cumulative total production conservation through January 2022 is twenty (20%). The cumulative total of GPCD for the City of Porterville's conservation efforts will be reflected from June 2015 through January 2023. Porterville's cumulative total GPCD conservation through January 2023 is twenty-four percent (24%).

Under the February 2, 2016, emergency regulation, the City of Porterville received a revised conservation standard of twenty-eight percent (28%) with an additional two percent (2%) reduction for climate adjustment, making the City's conservation standard twenty-six percent (26%). After reviewing the Water Board's Self-Certification criteria for drought impacts on water supplies, the City of Porterville Council approved maintaining a self-imposed standard of twenty-six percent (26%). The continuation of the current conservation goal keeps a standardized message that the City has worked to develop in public outreach, provides resiliency and capacity to ensure three years of supply under drought conditions, and meets the minimum twenty percent (20%) conservation standard defined in the City's Urban Water Management Plan, and assists the City in meeting the requirements of the Sustainable Groundwater Management Act (SGMA).

The State Water Board requires monthly reporting to track what agencies are doing and how they perform throughout the year. Proposed permanent regulations will require agency reporting to continue monitoring the performance of urban water conservation with a preparedness to implement conservation standards as necessary. California Governor Gavin Newsom signed Executive Order N-10-21 on July 8, 2021, urging all Californians to voluntarily reduce their water use by fifteen percent (15%) compared to their prior-year levels due to excessive drought conditions. Water production for the City system shows a two percent (2%) decrease from January 2022 to January 2023. California Governor Gavin Newsom issued another Executive Order N-7-22 on March 28, 2022, to address drought conditions after the driest first three months of a year in recorded history. EO N-7-22 requires that each water supplier implements, at a minimum, the shortage response actions adopted under section 10632 of the Water Code for a shortage level of up to twenty percent (Level 2). The City of Porterville's Water Conservation Plan Phase IV meets the requirements for this shortage (Level 2).

RECOMMENDATION: Information Only

ATTACHMENTS: 1. Monthly Production Status January 2023

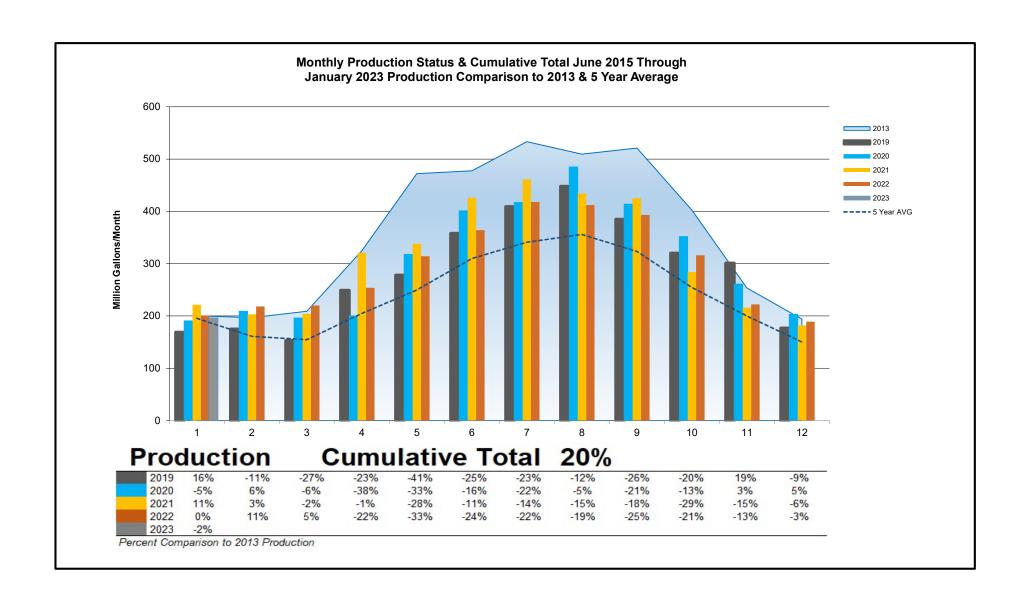
- 2. Monthly Production Status GPCD January 2023
- 3. Drought Response Phase IV Flyer

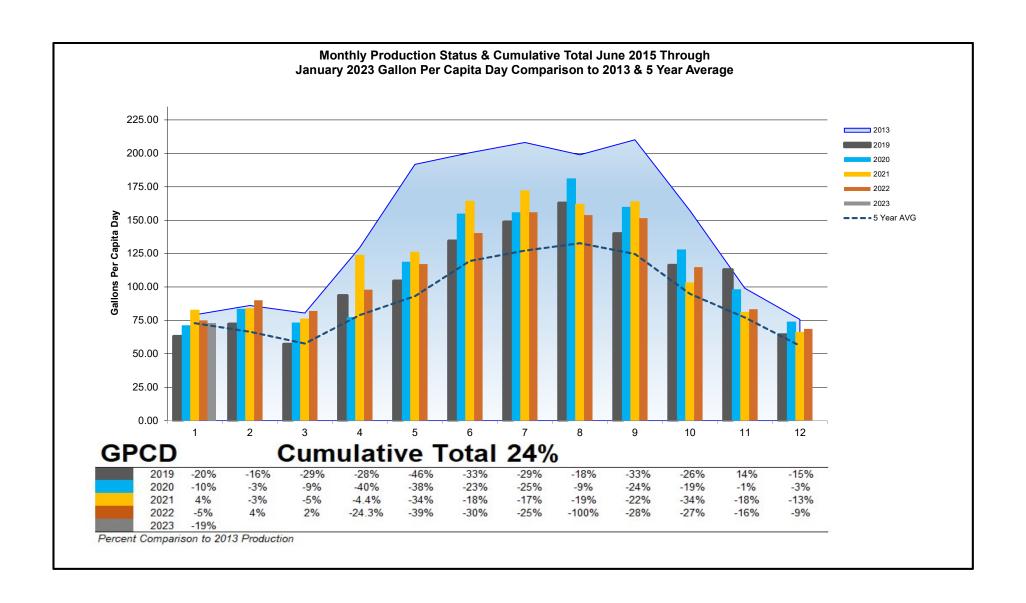
Appropriated/Funded:

Review By:

Department Director: Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager







DROUGHT Phase IV

Mandatory Odd/Even Watering Schedule, based on address. Residents will be allowed ONE day a week to water lawns and landscapes. No watering allowed Monday through Fridays.

Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM.

No watering outdoor landscapes during and within 48 hours after measurable rainfall (>0.01 inches).

Excessive water runoff is prohibited.

The washing of sidewalks and driveways is prohibited.

Vehicles shall only be washed on designated watering days and with a hose equipped with a shut-off nozzle.

The operation of ornamental water features is prohibited unless the fountain uses a recycling system.

Non-compliance with Phase IV water conservation regulations could result in citations with fines up to \$500.

DROUGHT RESPONSE PHASE IV

The City of Porterville has adopted Phase IV of its Drought Response Plan. As part of the Phase IV plan, the City has restricted watering days to one day per week, based on address.

Mandatory Odd/Even Watering Schedule

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
DO NOT WATER	DO NOT WATER	DO NOT WATER	DO NOT WATER	DO NOT WATER	OK TO WATER	OK TO WATER
				-	ODD	EVEN

Odd Address

Even Address

Outdoor Watering is Prohibited

ODD NUMBER ADDRESSES

If your address ends with an "odd" number, 1, 3, 5, 7, or 9, your watering day is Saturday *only*.

OR

EVEN NUMBER ADDRESSES

If your address ends with an "even" number, 0, 2, 4, 6, or 8, your watering day is Sunday *only*.

Violation	Citation
Level	Amount
First	Warning
Violation	Only
Second	\$100
Violation	Fine
Third	\$200
Violation	Fine
Fourth	\$500
Violation	Fine

Mandatory Odd/Even Watering Schedule

Excessive water runoff prohibited

The washing of sidewalks and driveways is prohibited

Vehicles shall only be washed on designated watering days and with hoses equipped with a shut-off nozzle

Ornamental water features are prohibited unless the fountain uses a recycling system

WATERING PROHIBITED BETWEEN THE HOURS OF

5:00 - 10:00 AM 5:00 - 10:00 PM

NO WATERING MONDAY THROUGH FRIDAY.



CITY COUNCIL AGENDA – FEBRUARY 21, 2023

SUBJECT: City Council Minutes of February 7, 2023

SOURCE: Administrative Services

COMMENT: Staff has prepared the draft Minutes of February 7, 2023, for the Council's

consideration.

RECOMMENDATION: That the Council approve the draft Minutes of February 7, 2023

ATTACHMENTS: 1. 2023-02-07 Draft Minutes

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Deputy City Manager

Final Approver: Patrice Hildreth, Deputy City Manager

CITY COUNCIL MINUTES CITY HALL, 291 N. MAIN STREET PORTERVILLE, CALIFORNIA FEBRUARY 7, 2023, 5:30 PM

Call to Order at 5: 30 p.m.

Roll Call: Council Member Greg Meister, Council Member Raymond Beltran, Council Member Donald Weyhrauch, Vice Mayor Kellie Carrillo, Mayor Martha. A. Flores

ORAL COMMUNICATIONS

None.

CITY COUNCIL CLOSED SESSION:

- A. Closed Session Pursuant to:
 - 1 Government Code Section 54957.6 Conference with Labor Negotiator. Agency Negotiator: John Lollis and Yuliana Andrade. Employee Organizations: Porterville City Firefighters Association.
 - **2** Government Code Section 54956.95 Liability Claim: Claimant: State Farm Insurance Company as Subrogee of Pamela Plumlee. Agency claimed against: City of Porterville.
 - **3** Government Code Section 54956.95 Liability Claim: Claimant: Ivonne Villagomez. Agency claimed against: City of Porterville.
 - **4** Government Code Section 54956.95 Liability Claim: Claimant: Porfiria Martinez. Agency claimed against: City of Porterville.
 - **5** Government Code Section 54956.95 Liability Claim: Claimant: Federated Mutual Insurance/M&S Pump Company/Ryan Pouncey. Agency claimed against: City of Porterville.
 - **6** Government Code Section 54956.95 Liability Claim: Claimant: Juan and Beatriz Chavez. Agency claimed against: City of Porterville.
 - 7 Government Code Section 54956.9(d)(1) Conference with Legal Counsel Existing Litigation: Reyes Soto v. California Department of Transportation et al., Sacramento County Superior Court Case No. 34-2022-00316708.
 - **8** Government Code Section 54956.9(d)(3) Conference with Legal Counsel Anticipated Litigation Significant exposure to litigation: Six (6) cases in which facts are not yet known to potential plaintiff.
 - **9** Government Code Section 54956.9(d)(4) Conference with Legal Counsel Anticipated Litigation Initiation of litigation: One (1) case.

6:33 P.M. RECONVENE OPEN SESSION AND REPORT ON REPORTABLE ACTION TAKEN IN CLOSED SESSION

City Attorney Lew reported action pertaining to A-3,A-4, and A-5, as follows:

A-3. On a MOTION made by Vice Mayor Carrillo, and SECONDED by Council Member Beltran the City Council unanimously rejected the claim filed by Ivonne Villagomez.

Documentation: M.O. 01-020723 Disposition: Claim Rejected.

A-4. On a MOTION made by Council Member Weyhrauch, and SECONDED by Council Member Meister the City Council unanimously rejected the claim filed by Porfiria Martinez.

Documentation: M.O. 02-020723 Disposition: Claim Rejected.

A-5. On a MOTION made by Council Member Weyhrauch, and SECONDED by Council Member Meister the City Council unanimously rejected the claim filed by Federated Mutual Insurance/M&S Pump Company/Ryan Pouncey.

Documentation: M.O. 03-020723

Disposition: Claim rejected.

Pledge of Allegiance Led by Vice Mayor Carrillo

Invocation – Two members of the public came forward to give an invocation.

PRESENTATIONS

Miss Porterville Queen and Court Employee of the Month - Carlos Meza Porterville Police Department - Recognition for Excellence in Policy and Training Management

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, handed out documentation to the Council with regard to the Public Hearing Item, and spoke of nearby airports getting their beacons put up.
- Greg Shelton, Porterville, presented Council with a copy of the Municipal Code, with regard to non-profit fundraising.
- David Harris, Owner of Consolidated Testing Laboratories, stated that he would like for the city to reconsider their bid that they submitted late and to give them an opportunity to re-bid for their services.
- Elizabeth Booth, Porterville, spoke against the trash in the area of Main Street and would like to see it cleaned up.
- Scott Bowler, Porterville Chamber of Commerce, spoke of the Chambers new members, an upcoming First Friday Coffee event on March 1, Ribbon Cutting and Grand Opening for EECU on March 8, Business After Hours with the Burton School District on March 9, and a Ribbon Cutting for Christen's Tonsorial Parlor on March 11.
- Michael Warden, Culture Cannabis, introduced himself as the General Manager of Culture Cannabis Club and stated he is available should the Council have questions.

AB 1234 REPORTS

At the request of Mayor Flores, all AB1234 Reports were moved to follow Scheduled Matters.

REPORTS

I. Staff Informational Reports

Code Enforcement Quarterly Report FY 2022-2023 (October - December 2022)

Ohv Park Quarterly Report FY 2022-2023 (October - December 2022)

Golf Course Quarterly Report FY 2022-2023 (October - December 2022)

Charitable Car Washes Quarterly Report Calendar Year 2022

City Council Member Appointments Attendance Quarterly Report FY 2022-2023 (October - December 2022)

City Commission and Committee Attendance Quarterly Report FY 2022-2023 (October - December 2022)

Street Performance Measure Quarterly Report FY 2022-2023 (October - December 2022)

Building Permit Activity Quarterly Report FY 2022-2023 (October - December 2022)

CONSENT CALENDAR

COUNCIL ACTION: MOVED by Council Member Weyhrauch, SECONDED by Mayor Flores

that the City Council approve Items Nos. 1-12. The motion carried

unanimously.

1. CITY COUNCIL MINUTES OF JANUARY 17, 2023

Recommendation: That the Council approve the draft Minutes of January 17, 2023

Documentation: M.O. 04-020723

Disposition: Approved.

2. AUTHORIZATION TO REPLACE CITY HALL EXTERIOR DOOR

Recommendation: That the City Council authorize the replacement of the southeast exterior door

of City Hall for \$7,465.94 from Lindsay House of Glass.

Documentation: M.O. 05-020723

Disposition: Approved.

3. AUTHORIZATION TO REPAIR SPECIALIZED EQUIPMENT - PRIMARY CLARIFIER CENTER DRIVE

Recommendation: That the City Council:

- 1. Award the repair of the primary center drive on Plant #2 for the City's Wastewater Treatment facility to GSE Construction for a do-not-exceed amount of \$150,000, which includes repair parts, labor, freight, taxes and a ten percent (10%) contingency;
- 2. Direct the Finance Director to initiate a Purchase Order to GSE Construction for a do not exceed amount of \$150,000, which includes repair parts, labor, freight, taxes and a ten percent (10%) contingency; and
- 3. Direct the Finance Director to make payment to GSE Construction upon receipt of an invoice approved by the Public Works Director.

Documentation: M.O. 06-020723

Disposition: Approved.

4. AUTHORIZATION TO PURCHASE AERONAUTICAL LIGHT BEACON FOR THE AIRPORT

Recommendation: That the City Council authorize the purchase of a new LED rotating beacon

for the Airport from Hali-Brite for \$14,530.73, in addition to the related use

tax, shipping and other charges.

Documentation: M.O. 07-020723

Disposition: Approved.

5. AUTHORIZATION TO PURCHASE REPLACEMENT PUMP AND MOTOR FOR CITY WELL NO. 1A

Recommendation: That the City Council:

- 1. Direct the Finance Director to initiate a Purchase Order to S.A. Camp for an amount not to exceed \$18,852 for the repair parts needed for City Well # 1A; and
- 2. Direct the Finance Director to make payment to S.A. Camp upon receipt of the invoice approved by the Public Works Director.

Documentation: M.O. 08-020723

Disposition: Approved.

6. AUTHORIZATION TO DISTRIBUTE A REQUEST FOR QUALIFICATIONS FOR SKATEPARK IMPROVEMENTS

Recommendation: That the City Council authorize staff to distribute a Request for Qualifications

for the Skatepark Improvements project.

Documentation: M.O. 09-020723

Disposition: Approved.

7. AUTHORIZATION TO DISTRIBUTE A REQUEST FOR QUALIFICATIONS FOR HAYES FIELD LIGHTING PROJECT

Recommendation: That the City Council authorize staff to distribute a Request for Qualifications

for the Hayes Field lighting project.

Documentation: M.O. 10-020723

Disposition: Approved.

8. AUTHORIZATION TO AWARD - AKIN AND CENTRAL MUTUAL WATER SYSTEM IMPROVEMENT PROJECT

Recommendation: That the City Council:

- 1. Award the Akin and Central Mutual Water System Improvement Project to RT Nelson Company, Inc. in the amount of \$862,644;
- 2. Authorize progress payments up to one hundred percent (100%) of the contract amount;
- 3. Authorize a ten percent (10%) contingency to cover unforeseen costs;
- 4. Authorize an additional \$138,616 for construction management, construction surveying, quality control and inspection services; and
- 5. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #04-041922.

Documentation: M.O. 11-020723

Disposition: Approved.

9. ACCEPTANCE OF PROJECT - ISLAND ANNEXATION AREA 457 SEWER PROJECT

Recommendation: That City Council:

1. Accept the project as complete; and

2. Authorize the filing of the Notice of Completion.

Documentation: M.O. 12-020723

Disposition: Approved.

10. FINANCIAL STATUS REPORTS

Recommendation: That the City Council accept the Financial Status Reports as presented.

Documentation: M.O. 13-020723

Disposition: Approved.

11. QUARTERLY INVESTMENT PORTFOLIO

Recommendation: That the City Council accept the quarterly Investment Portfolio Summary

Report.

Documentation: M.O. 14-020723

Disposition: Approved.

12. REAFFIRM CONDITIONS OF STATE ASSEMBLY BILL 361 TO CONTINUE REMOTE ATTENDANCE AT PUBLIC MEETINGS

Recommendation: That the City Council consider adoption of the draft Resolution to continue

allowing the option to participate in the City's public meetings remotely

through the use of the teleconferencing provisions of AB 361.

Documentation: Resolution No. 02-2023

Disposition: Approved.

PUBLIC HEARINGS

13. VILLAS AT SIERRA MEADOWS 4 & 5 DEVELOPMENT PROJECT

Recommendation: That the City Council open the continued Public Hearing to receive

comments on the Villas at Sierra Meadows 4 & 5 Development Project, then:

- 1. Adopt the draft Resolution adopting the Initial Study/Mitigated Negative Declaration and mitigation monitoring and reporting program;
- 2. Adopt the draft Resolution amending the General Plan to reflect the Land Use designation of the site as Low Density Residential;
- 3. Adopt the draft Resolution approving the Conditional Use Permit;
- 4. Adopt the draft Resolution approving the Tentative Subdivision Map with conditions; and
- 5. Adopt the draft Resolution requesting that Tulare County LAFCo initiate proceedings for annexation.

City Manager Lollis introduced the item and City Contract City Planner Jeff Oneal presented the staff report. Mr. Oneal stated that during the last Public Hearing of January 17, 2023, members of the public stated they have seen San Joaquin Kit Foxes (SJKF) in the area of the development but is it unlikely that there are SJKF on the project site or that the site serves as SJKF habitat, and the analysis and conclusions of the Initial Study and Mitigated Negative Declaration most likely remains appropriate regarding biological resources.

The Public Hearing was reopened at 7:24 p.m.

- Brock Neeley, Porterville, stated that when reviewing the EIR, the word foxes is only mentioned one time, and that if an endangered species survey is not conducted, the city could open themselves up to litigation.
- Lillian Garcia, Porterville, stated that it would cost her a large amount of money to

- relocate her pigs as she will need to recement portions of her property to do so.
- Greg Shelton, Porterville, spoke in favor of the project and asked why there are now concerns of kit foxes in the area, but were not a concern of different developments in the surrounding areas before.
- Kent Turner, Visalia, pointed out the biologists said the orchard where the development is being proposed, is not a habitat for kit foxes and gave his support of the Development.

The Public Hearing was closed at 7:30 p.m.

Council Member Weyhrauch thanked the public for their comments and stated that he is confident that if an endangered species was found, it would be addressed. Council Member Weyhrauch inquired whether the city was aware of known locations of kit foxes, which staff mentioned a known location that was a mile south of the location. In response to questions posed by Council Member Weyhrauch, staff indicated that the development was located in close proximity to Fire Station 73 making response times good; that water consumption projections remained accurate; and that the applicant did not request any deviation to the required setback, only the width.

Council Member Meister inquired about how long ago a kit fox was last seen a mile south, which staff answered the report was from 2007, which was a figure from the city's General Plan that was adopted some time ago.

<u>COUNCIL ACTION</u>: MOVED by Vice Mayor Kellie Carrillo, SECONDED by Council Member

Greg Meister that the City Council adopt the draft resolutions pertaining to the Villas at Sierra Meadows 4 & 5 Development Project. The motion carried

unanimously.

Documentation: Resolution No. 03-2023, Resolution No. 04-2023, Resolution No. 05-2023,

Resolution No. 06-2023, and Resolution No. 07-2023

Disposition: Approved.

SECOND READINGS

14. SECOND READING - ORDINANCE NO. 1900 - ZONE CHANGE (PRC 2022-012-Z), FROM RM-3 (HIGH-DENSITY RESIDENTIAL) TO CG (GENERAL AND SERVICE COMMERCIAL) FOR THE DEVELOPMENT OF A FUTURE BAKERY

Recommendation: That the City Council give Second Reading to Ordinance No. 1900, waive

further reading, and adopt said Ordinance.

City Manager Lollis introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Mayor Martha A. Flores, SECONDED by Council Member

Donald Weyhrauch that the City Council give Second Reading to Ordinance No. 1900, being an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF ZONE CHANGE (PRC-2022-012-ZC), FROM RM-3 (HIGH

DENSITY RESIDENTIAL) TO CG (GENERAL AND SERVICE COMMERCIAL) FOR THE DEVELOPMENT OF A FUTURE BAKERY, waive further reading, and adopt said Ordinance. The motion carried unanimously.

Documentation: Ordinance No. 1900

Disposition: Approved.

SCHEDULED MATTERS

15. CDBG CITIZENS' ADVISORY AND HOUSING OPPORTUNITY COMMITTEE AND CITIZEN PARTICIPATION PLAN

Recommendation: That the City Council:

- 1. Adopt the 2023 Citizen Participation Plan;
- 2. Appoint existing Committee members Pat Contreras, Rebecca Contreras, Linda Mendez, Eriselda Lizarraga and Isabel Olmos to the Citizens' Advisory and Housing Opportunity Committee for a one-year term; and
- 3. Appoint Yalimar Garcia and Jacqueline Verduzco Alanis as new members for a one-year term.

City Manager Lollis introduced the item and Assistant City Manager Jason Ridenour presented the staff report.

COUNCIL ACTION: MOVED by Mayor Martha A. Flores, SECONDED by Vice Mayor Kellie

Carrillo that the City Council adopt the 2023 Citizen Participation Plan, and appoint existing and new Committee members. The motion carried

unanimously.

Documentation: M.O. 15-020723

Disposition: Approved.

16. CONSIDER A LETTER OF COMMITMENT AS A KEY COMMUNITY PARTNER TO THE TULARE COUNTY REGIONAL TRANSIT AGENCY AS THE LEAD APPLICANT TO THE UNITED STATES DEPARTMENT OF TRANSPORTATION "THRIVING COMMUNITIES PROGRAM"

Recommendation: That the City Council consider approval of the Letter of Commitment as a

Key Community Partner to the Tulare County Regional Transit Agency as the Lead Applicant to the United States Department of Transportation "Thriving

Communities Program."

City Manager Lollis introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Council Member Raymond Beltran, SECONDED by Vice

Mayor Kellie Carrillo that the City Council approve a Letter of Commitment as an identified Key Community Partner to the Tulare County Regional Transit Agency as the Lead Applicant to the United States Department of Transportation "Thriving Communities Program". The motion carried unanimously.

Documentation: M.O. 16-020723

Disposition: Approved.

17. CONSIDER THE FORMATION OF A CITY COUNCIL AD HOC COMMITTEE TO ANNUALLY REVIEW THE IMPLEMENTATION OF THE CITY'S GENERAL PLAN.

Recommendation: That the City Council consider the formation of a Council Ad Hoc Committee

to annually review the implementation of the City's General Plan.

City Manager Lollis introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Mayor Martha A. Flores, SECONDED by Council Member Greg

Meister that the City Council approve the formation of a Council Ad Hoc Committee to annually review the implementation of the City's General Plan, and appoint Council Member Weyhrauch and Vice Mayor Carrillo as

members of the Committee. The motion carried unanimously.

Documentation: M.O. 17-020723

Disposition: Approved.

18. STATUS AND REVIEW OF LOCAL EMERGENCY DROUGHT

Recommendation: That the City Council receive the report of status and review of the

Declaration of Local Emergency and determine the need exists to continue

said Declaration.

City Manager Lollis introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Council Member Donald Weyhrauch, SECONDED by Mayor

Martha A. Flores that the City Council receive the report of status and review of the Declaration of Local Emergency and determined the need exists to

continue said Declaration.

AYES: Beltran, Weyhrauch, Carrillo, Flores

NOES: Meister ABSTAIN: None ABSENT: None

Documentation: M.O. 18-020723

Disposition: Approved.

19. CONSIDERATION OF AMENDMENTS TO THE CITY COUNCIL PROCEDURAL HANDBOOK

Recommendation: That the City Council consider amendments to its Procedural Handbook and

provide direction to staff as determined.

City Manager Lollis introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Mayor Martha A. Flores, SECONDED by Council Member Greg

Meister that the City Council approved the considered amendments to the Council Procedural Handbook concerning moving AB 1234 reports to follow Scheduled Matters for the order of business on Council Agendas; the addition of a policy concerning social media; the addition of the FPPC telephone number in another location; and the addition of an option form for Council

Communications. The motion carried unanimously.

Documentation: M.O. 19-020723, and Resolution No. 08-2023

Disposition: Approved.

AB1234 REPORTS

1. Tulare County Task Force on Homelessness - January 18, 2023 Mayor Flores reported on those in attendance, the adoption of a resolution and approval of minutes, voting member term renewals, updates on project Homekey, discussions on use of ARPA funds, and Encampment Resolution funding.

2. Council of Cities - January 18, 2023 No report was provided due to the meeting being canceled.

- 3. City Selection Committee January 18, 2023 No report was provided due to the meeting being canceled.
- 4. Porterville Area Development Authority Board Meeting January 20, 2023 No report was provided due to the meeting being canceled.
- 5. League of California Cities New Mayors and Council Members Academy January 18-20, 2023

Council Member Meister spoke of the various sessions he attended and noted that attendance had helped him learn how to be an effective City Council Member.

Council Member Beltran stated the event was mainly for new Mayors and new Council Members, that it was great to be around like-minded people, and that it was a great networking opportunity.

Council Member Weyhrauch spoke positively of his attendance, highlighting meeting a lobbyist that provided information regarding transportation; and noted that he was glad that the City was a member of the League of California Cities and voiced support for continuing its membership.

6. Cannabis Ad Hoc Committee - January 24, 2023

Council Member Beltran reported on his attendance and stated that the meeting was specific to Bloom Farms and their agreement. Beltran stated Bloom Farms would need to change its name as there is a different business that has the same name as theirs and changes to their agreement as well, to show that the business is a family-run business.

7. Tulare County Economic Development Corporation Board Meeting - January 25, 2023 Mayor Flores reported on those in attendance, the approval of minutes, the approval of financials, an update on project and client services, and a presentation of the ByLaws Committee recommendations. She stated that the next meeting was scheduled for Wednesday, February 22, 2023.

8. Homeless Point-In-Time Survey - January 25, 2023

Council Member Beltran stated the Homeless Point-In-Time Survey is a nationwide program done in the month of January, and stated Porterville had the largest group of volunteers in the county. Beltran stated that a report would be made available sometime in April, to show the outcome of the Survey.

Mayor Flores stated that day is always special and it's amazing to see all the volunteers that come out to assist and participate.

9. Internal City Audit Committee - January 25, 2023

Mayor Flores reported on those in attendance, the approval of minutes, the review of the Porterville Kiwanis Club Agreement and the Comision Honorifica Mexicana Americana Inc., Agreement. She stated that the next meeting was scheduled for February 22, 2023.

Vice Mayor Carrillo stated that being apart of the Audit Committee has been a great learning experience.

10. Mighty 190 Committee - January 26, 2023

Vice Mayor Carrillo stated the meeting was focused on strategic planning that was done by those in attendance on the Mighty 190 Project. Carrillo spoke of Tulare County Supervisor Dennis Townsend's presentation of a check for \$40,000 on behalf of the Tulare County Economic Development through ARPA funds for the project to continue.

Council Member Meister stated the meeting was great and that he enjoyed seeing the leaders and businesses from around the community work together on the project.

11. Tulare County Association of Governments (TCAG) / Tulare County Transportation Authority (TCTA) - January 30, 2023

Mayor Flores reported on those in attendance, adoption of resolutions, and the approval of Transportation Development Act Audit Extension for Member Agencies. Flores also reported on several informational items that included the implementation status of federally-funded projects, Senate Bill 1, the status of State Transportation Improvement Program allocations, and of California Transportation Commission, and Brown Act amendments.

Mayor Flores reported on the Association Calendar that included the approval of minutes, the adoption of resolutions, and of various informational items.

- 12. Tulare County Regional Transit Agency (TCRTA) January 30, 2023 Council Member Weyhrauch reported on introductions of new TCRTA staff, the approval of minutes, reaffirmation of conditions of AB 361 to continue remote attendance, the approval of the revised 2023 TCRTA board meeting schedule, and several action items. He stated that the next meeting was scheduled for February 22, 2023.
- 13. The U.S. Forest Service Headquarters Ribbon-Cutting February 1, 2023 Council Member Beltran spoke of his attendance and stated that he appreciated being at the event.

Council Member Weyhruach stated that he attended the introduction but had a scheduling conflict and had to step away soon after, but that he enjoyed the event and opening prayer.

Vice Mayor Carrillo reported on her attendance to the event, spoke of the dignitaries present, and described the different areas of the facility. Carrillo stated it was great to hear the Tule River Tribal Elder who gave the welcome blessing.

Council Member Meister stated he wasn't able to attend the event due to a scheduling conflict, but that he did serve seven years with the Forest Service and that he has a lot of love and respect for it.

Mayor Flores spoke of those in attendance, touched on the history of the building, and stated that it was an honor to speak at the event and take a tour of the facility.

- 14. Local Initiatives Navigation Center (LINC) Committee Meeting February 1, 2023 Council Member Beltran reported on those in attendance, a review of the Point-In-Time (PIT) event, a presentation of the budget report, and donations related to the PIT.
- 15. Tulare County Association of Governments Board Training February 2, 2023 Council Member Meister stated the training consisted of administration, Measure R Funding, Planning and Community Outreach, and appointments to other agencies and committees.

Vice Mayor Carrillo stated the training was the first session of two, with the next meeting being held in March. Carrillo stated she appreciated the training and that everything has been helpful.

Mayor Flores stated that she attended the training as a refresher course and spoke of the history

in her involvement with the training and retreats.

16. Eastern Tule Groundwater Sustainability Agency (ETGSA) Board Meeting - February 2, 2023

Council Member Weyhrauch reported on those in attendance, the approval of the consent calendar, the review and approval of several action items related to irrigation and training and Research Center -METRIC, the draft ETGSA Scope of Work & Budget for MLRP Grant, and a discussion of the LandFlex Grant.

Public Works Director Michael Knight provided additional information regarding coordination with Thomas Harding Company.

17. Police Department Badge Pinning Ceremony - February 6, 2023 Mayor Flores congratulated the officers who were sworn in, and was an honor to be in attendance.

Council Member Weyhrauch stated it was an honor to attend the ceremony and thanked the Chief and his leadership team for finding qualified candidates for the city.

ORAL COMMUNICATIONS

• Rae Dean Strawn, Porterville, stated council members should receive more money.

OTHER MATTERS

- Council Member Meister, explained his vote decision on Item No. 18., and spoke of the representative from Consolidated Testing Laboratories who spoke to Council during Oral Communications. He voiced support for the City helping the business.
- Council Member Weyhrauch, lauded public Ssfety and law enforcement working in partnership with Tulare County Sheriff's Office and recognized city staff for their continued good work within the city.

Council reconvened into Closed Session at 9:43 p.m.

CLOSED SESSION

No reportable action had taken place during Closed Session.

ADJOURNMENT

The Council adjourned at 11:44 p.m. to the meeting of February 21, 2023 at 5:30 p.m.

	Fernando Gabriel-Moraga, Deputy City Clerk
SEAL	
Martha A. Flores, Mayor	



CITY COUNCIL AGENDA – FEBRUARY 21, 2023

SUBJECT: Authorization to Purchase Police Department Ammunition

SOURCE: Police

COMMENT:

In recent years, the Porterville Police Department has experienced significant delays in deliveries of ammunition. This has impacted the Department's monthly range training and has required modification of range training in order to conserve ammunition. This has not impacted range qualifications, but supplemental force/deescalation training options are being used. In addition, the Department also sends personnel to training where ammunition stock must be provided for the required training. Due to the ongoing issue of ammunition supplies, staff has searched for vendors who can meet the demand and supply ammunition in a timely manner.

Department staff has obtained quotes from Dooley Enterprises, Incorporated. Staff has ordered a limited quantity of ammunition from this vendor to meet immediate training needs and would like to continue utilizing the business for Department ammunition needs.

Due to the ongoing issue of supply/demand related to the manufacturing and distribution of ammunition, staff is requesting to initiate an ammunition purchase. This will ensure an adequate stock of ammunition at any given time to meet the Department's needs, even with the consideration of delivery delays. In addition, Dooley Enterprises, Inc. can provide the requested amount of ammunition.

Due to the national ammunition shortage and the immediacy of this purchase, a quote was only sought from the Department's current ammunition vendor.

The quote was as follows:

Dooley Enterprises, Inc. 9mm 115 gr. full metal jacket .40 S&W 165 gr. full metal jacket \$3,590.14

Dooley Enterprises, Inc. .223 55 gr. full metal jacket \$4,667.54

Based on the above information, the Department is requesting City Council approval to purchase ammunition from this vendor. Funds are available in the Department's current operating budget.

RECOMMENDATION: That the City Council authorize payment to Dooley Enterprises,

Inc. in the amount of \$8,257.68 upon receipt of the listed

ammunition.

ATTACHMENTS: 1. Dooley Enterprises, Inc. Quote

Appropriated/Funded:

Review By:

Department Director:

Jake Castellow, Chief of Police

Final Approver: John Lollis, City Manager



Invoice #: 6

64602

TIN#: 95-3075070 **Dooley P.O.#:** DE36730

CUSTOMER ID: 000443

SOLD TO:

CA

93257

CITY OF PORTERVILLE P.D. **ATTN:** PURCHASING DIVISION

291 N. MAIN ST.

PORTERVILLE,

SHIPPED TO:

PORTERVILLE POLICE DEPT.

ATTN: JOSH MANISS - JESUS GALLARDO
350 NORTH D STREET

PORTERVILLE, CA 93257

Date	Order No.	POC	Terms	Shipped Via	Tax
01/05/2023	JESUS GALLARDO	RR	Net 30	UPS	93257

Qty Ordered	Qty Qty Ba Shipped Order		Symbol	Description	Unit Net Price	Extended Price
9.000 M	9.000 M	0.000	USA223R1K	223 55gr. Full Metal Ja	\$459.00 /M	\$4,131.00

Comments: \$4,131.00 **Subtotal:** \$4,131.00

Tulare **Sales Tax @** 9.250% \$382.12

Shipping: 154.42 **Interest:** \$0.00

Total: \$4,667.54

DE # of Cases_____Initials_____ Agency # of Cases_____Initials_____

Total cases: 9

Date Rec'd_____HB

Rec'd By:



* **INVOICE** *

Invoice #: 64590

TIN#: 95-3075070

Dooley P.O.#: DE36720

CUSTOMER ID: 000443

SOLD TO:

CITY OF PORTERVILLE P.D. ATTN: PURCHASING DIVISION

291 N. MAIN ST.

PORTERVILLE,

CA

93257

SHIPPED TO:

PORTERVILLE POLICE DEPT. ATTN: JOSH MANISS - JESUS GALLARDO 350 NORTH D STREET

PORTERVILLE, CA 93257

 Date
 Order No.
 POC
 Terms
 Shipped Via
 Tax

 01/04/2023
 JESUS GALLARDO
 RR
 Net 30
 UPS
 93257

Qty Ordere	ed	Qty Qty Back Shipped Ordered		Symbol	Description	Unit Net Price		Extended Price	
3.000	M	3.000	М	0.000	Q4172	9mm 115gr. Full Metal J	\$266.00	/M	\$798.00
7.000	М	7.000	М	0.000	USA40SWVP	40 S&W 165gr. Full Meta	\$326.00	/M	\$2,282.00

Comments: \$3,080.00 Subtotal: \$3,080.00

Tulare **Sales Tax @** 9.250% \$284.90

Shipping: 225.24

Interest: \$0.00 Total: \$3,590.14

10tai: <u>\$3,590.14</u>

DE # of Cases_____Initials_____ Agency # of Cases_____Initials_____

Total cases: 20

Date Rec'd_____HB

Rec'd By:



CITY COUNCIL AGENDA – FEBRUARY 21, 2023

SUBJECT: One Year Extension of On-Call Right-of-Way and Appraisal and Consulting

Services

SOURCE: Community Development

COMMENT: At its meeting on October 15, 2019, the City Council awarded contracts to three

right-of-way acquisition and appraisal consulting services firms, to provide oncall consulting services to the City of Porterville Community Development Department with Minute Order 11-101519. These firms have, for the last three years, provided services for right-of-way acquisitions and appraisal services for Public Works and various City projects. The firms under contract with the City are: Hamner, Jewell & Associates, Hopper Company, and Overland, Pacific &

Cuttler, LLC.

The term of the initial contract was three years with an option for an extension if mutually agreed by both parties. Staff contacted all of the firms currently under contract and they all have requested to extend the contract. Staff recommends extending the contract of all three firms for a period of one year.

RECOMMENDATION: That the City Council:

1. Approve extension of all three contracts for a period of one year;

- 2. Authorize the Mayor to sign contract documents;
- 3. Authorize the Assistant City Manager to sign task orders; and
- 4. Authorize staff to make payments up to 100% upon satisfactory completion of tasks.

ATTACHMENTS: 1. City Council Agenda Staff Report - October 15, 2019

Appropriated/Funded:

Review By:

Department Director:

Jason Ridenour, Assistant City Manager

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – OCTOBER 15, 2019

SUBJECT: Award of Contract - On-Call Right-of-Way and Appraisal Consulting Services

SOURCE: Community Development

COMMENT: On August 6, 2019, City Council authorized staff to distribute a Request for

Qualifications (RFQ) for on-call consulting for right-of-way and appraisal services. The right-of-way services to be rendered would consist of, but not be limited to, the preparation of appraisal and acquisition documents and other related items as necessary to comply with the Uniform Act, and would be utilized on a number of projects identified in the City's Capital Improvement Program that require specialization outside of the scope that the Community

Development Department is able to perform with its own staff.

The RFQ was advertised in the Porterville Recorder, and online via the City's website and Public Purchase. The City received a total of eight (8) responses. The eight (8) responsive firms were: Associated Right of Way Services, Inc., Clark Land Resources, Inc., Colliers International, Hamner Jewell & Associates, Hopper Company, Paragon Partners, Ltd., Universal Field Services, Inc., and Overland Pacific & Cutler, LLC.

At this time, staff is proposing to enter consultant service agreements with three (3) firms: Hamner Jewell & Associates, Overland Pacific & Cutler, LLC, and Hopper Company (Appraisal Services only). When a project need arises, staff will solicit proposals for specific task orders from those three (3) firms, rank them appropriately, and execute task orders as needed. This will allow for even greater flexibility and expedited response time for the City's consulting needs.

Staff is recommending the use of Hopper Company as the sole appraiser and Hamner Jewell & Associates, and Overland Pacific & Cutler, for review of appraisals, property acquisition and relocation services. Should Hopper Company be unable to complete a task, the other two (2) firms have qualified staff to complete appraisal services.

The proposed contract has a term of three (3) years, with a one (1) year extension.

RECOMMENDATION: That the City Council:

1. Authorize staff to negotiate on-call contracts with Hopper Company, Hamner Jewell & Associates, and Overland Pacific &

Cutler:

- 2. Authorize the Mayor to sign contract documents;
- 3. Authorize the Community Development Director to sign task orders; and
- 4. Authorize staff to make payments up to 100% upon satisfactory completion of tasks.

ATTACHMENTS:

1. August 6, 2019 Staff Report

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – FEBRUARY 21, 2023

SUBJECT: Approval to Apply for CalHome Grant

SOURCE: Community Development

COMMENT:

The California Department of Housing and Community Development (HCD) has issued a 2023 Homeownership Super Notice of Funding Availability (Super NOFA) for funds under the CalHome Program on January 6, 2023. The program Super NOFA is designed to make funds available to cities, counties, and nonprofit corporations to increase homeownership programs aimed at low-and very-low-income households and operated by the local public agency or the nonprofit corporation. This Super NOFA is for First Time Homebuyer Mortgage Assistance, Owner Occupied Rehabilitation Assistance, Technical Assistance for Self-Help Housing Projects, Technical Assistance for Shared Housing Programs, and ADU/JADU Assistance and Homeownership Development Project Loans.

Though staff is interested in submitting an application for \$601,850 by the February 28, 2023 deadline for the continuation of the City's First Time Low Income Homebuyer Program (FTHB), the Resolution is requesting the City Council to approve applying for an amount up to \$1,000,000 as recommended by HCD in the CalHome Super NOFA instructions, as award amounts are frequently recalculated and are subject to change and this approval to receive a higher amount will reduce the possibility that a new Resolution will be required. The Super NOFA has designated geographical targets of up to forty-five percent (45%) for Southern California, up to thirty percent (30%) for Northern California and up to fifteen percent (15%) for rural jurisdictions, of which the City of Porterville is considered Northern California.

The application to HCD is due February 28, 2023. Award of funds is expected to be made in June 2023, with the execution of a Standard Agreement with HCD several months later. The term of the Standard Agreement shall be for thirty-six (36) months from the date of the award letter.

A Resolution, granting authority to make an application to HCD for a funding commitment from the CalHome Program, is a requirement of the application. No match is required and up to ten percent (10%) of the total award can be utilized for activity delivery costs associated with the projects funded.

In applying for CalHome Program funds, the City is taking measures to implement programs outlined in the City's Housing Element and the 2025 Five Year Consolidated Plan.

RECOMMENDATION: That the City Council:

- 1. Adopt the draft Resolution approving the submittal of a CalHome Program funding application to the California Department of Housing and Community Development;
- 2. Authorize the Mayor or designee to execute all documents pertaining to the CalHome program; and be authorized to make any augmentation, modification, addition or revision as may be necessary to conform to requirements imposed by the California Department of Housing and Community Development; and
- 3. Authorize the Community Development Director to execute, in the name of the City of Porterville, project drawdown requests, and all other administrative documents required by the California Department of Housing and Community Development.

ATTACHMENTS: 1. Draft Resolution

Appropriated/Funded:

Review By:

Department Director:

Jason Ridenour, Assistant City Manager

Final Approver: John Lollis, City Manager

RESOLUTION NO. ____-2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE HEREBY AUTHORIZES THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE CALHOME PROGRAM; THE EXECUTION OF A STANDARD AGREEMENT IF SELECTED FOR SUCH FUNDING AND ANY AMENDMENTS THERETO; AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE CALHOME PROGRAM.

WHEREAS: The City of Porterville has an adopted, State certified Housing Element, an adopted Five-Year Community Development Block Grant (CDBG) Consolidated Plan (2025, CDBG Action Plan (2022), that identify goals, policies, and programs to help in the provision and maintenance of affordable housing within the City; and

WHEREAS: Pursuing state and federal funding to assist in meeting the housing needs of low- and moderate-income households is one of the identified implementation strategies in these adopted documents; and

WHEREAS: The City of Porterville wishes to apply for and receive an allocation of funds through the CalHome Program; and

WHEREAS: The California Department of Housing and Community Development ("HCD") has issued a 2023 Homeownership Super Notice of Funding Availability ("Super NOFA") on January 6, 2023, for the CalHome Program established by Chapter 84, Statutes 2000 (SB 1646 Alacorn), and codified in Chapter 6 (commencing with Section 50650) of Part 2 of Division 31 of the Health and Safety Code (the "statute"). Pursuant to the statute, HCD is authorized to approve funding allocations utilizing monies made available by the State Legislature to the CalHome Program, subject to the terms and conditions of the statute and the CalHome Program Regulations adopted by HCD in April 2004; and

WHEREAS: The City of Porterville wishes to submit an application to obtain from HCD an allocation of CalHome funds in the amount of up to \$1,000,000.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville, State of California, hereby approve the submittal to HCD of an application to participate in the CalHome Program in response to the Super NOFA issued on January 6, 2023, to request up to \$1,000,000 for the First-Time Homebuyer Mortgage Assistance with up to 35% of the purchase price per household for gap funding be used to assist low- to moderate-income families purchase homes within the city limits of Porterville.

If the application for funding is approved, the City of Porterville hereby agrees to use the CalHome funds for eligible activities in the manner presented in the application as approved by HCD and in accordance with program regulations cited above. The application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application are enforceable through the standard

Agreement. The City of Porterville acknowledges and agrees that it may be required to execute any and all other instruments necessary or required by HCD for participation in the CalHome Program.

BE IT FURTHER RESOLVED: The City of Porterville authorizes the Mayor execute, in the name of the City of Porterville, the application, the Standard Agreement, and any subsequent amendments or modifications thereto, as well as any other documents required by HCD for participation in the CalHome Program, and any amendments thereto; and that the City of Porterville authorizes the Assistant City Manager to execute in the name of the City of Porterville project drawdown requests, and all other administrative documents required by the HCD for administration of the CalHome Program, attached as Exhibit A.

PASSED, APPROVED, and ADOPTED this 21st day of February, 2023.

ATTEST: John Lollis, City Clerk	Martha A. Flores, Mayor
By Patrice Hildreth, Chief Deputy City Clerk	



Community Development Department

February 21, 2023

Mauro Lara
Manager
Division of State Financial Assistance
Program, Design & Implementation (PDI)
California Department of Housing & Community Development
2020 W. El Camino Avenue, Ste 670
Sacramento, CA 95833

Re: Identifying Designee Signatures

Dear Mr. Lara,

Pursuant to the attached Resolution, I am the designated Signature Authority of City of Porterville. I am authorized to execute documents related to the 2021 CalHome Program.

As of today's date, I have designated John D. Lollis, City Manager and Jason Ridenour, Assistant City Manager, to execute documents on my behalf.

This designation is effective until rescinded by the Mayor of the City of Porterville.

If you have further questions or require additional assistance, please feel free to contact this office at (559) 782-7466.

	20
Martha A. Flores, Mayor	
Date:	



CITY COUNCIL AGENDA – FEBRUARY 21, 2023

SUBJECT: Sports Complex Concession License

SOURCE: Parks and Leisure Services

COMMENT: Non-profit organizations are entitled to request a license agreement with the

City for the purposes of authorizing them to exclusively utilize City facilities for fundraising concession sales. Past practice has been to award the Sports Complex concession license to youth sports organizations who hold their games at the Sports Complex. Porterville Soccer League/South Valley Chivas holds games at the Sports Complex, and contacted City staff expressing an interest in

being awarded the concession license for 2023.

The license agreement is for services to the public in general, for the sale of soft drinks, ice creams, hot dogs, pre-packaged food, general confectionary articles and products, and promotional items at the Sports Complex. The licensee shall keep and maintain all concession facilities, equipment and grounds in and around the concession building in good and sanitary condition. Also, the licensee is to remain in good standing with the City for the duration of the term of the license agreement. At its meeting on February 2, 2023, the Parks and Leisure Services Commission recommended awarding Porterville Soccer League/South Valley Chivas the 2023 Sports Complex concession license. The current fee for concession building usage is \$8.00 per hour. The fee is adjusted annually by the San Francisco Consumer Price Index. The total fee incurred from the monthly usage is due by the 15th day of each month.

RECOMMENDATION: That the City Council:

1. Approve the Sports Complex Concession License with Porterville Soccer League/South Valley Chivas; and 2. Authorize and direct the Mayor to execute the same.

ATTACHMENTS: 1. Draft Sports Complex Concession License

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE SPORTS COMPLEX CONCESSION LICENSE

The City of Porterville, hereinafter referred to as "CITY" hereby grants to the Porterville Soccer League/South Valley Chivas, hereinafter referred to as "LICENSEE", a license for services to the public in general, for the sale of soft drinks, ice creams, hot dogs, pre-packaged food, general confectionery articles and products, and promotional items at the Sports Complex Concession Building located at 2701 W. Scranton Ave., Porterville, California, for a term of commencing March 1, 2023, and ending February 1, 2024.

- 1. The LICENSEE'S appointment is conditional upon passing a drug/alcohol test, fingerprint clearance, and/or reference check.
- 2. The LICENSEE shall not sell or serve any type of alcoholic beverage on the premises.
- 3. The LICENSEE shall, at all times during the term of said License, keep and maintain the concession building open for the convenience of patrons at said Field during the hours in which said Field is being utilized for organized sports or at any other time the CITY deems the operation of the concession necessary for special activities. Failure to operate the concession facilities during the specified periods is a breach of this Agreement and shall constitute grounds for termination of this Agreement.
- 4. The LICENSEE shall keep and maintain all concession facilities, equipment and grounds at and around said concession building in good and sanitary condition and shall keep and maintain all of the concession fixtures and equipment in good condition and repair. LICENSEE shall not make any additions to the facilities or grounds, or make any structural improvements to facilities, without receiving prior written consent of the CITY.
- 5. Each employee, volunteer or agent of LICENSEE should: a) be clean, neat, and well-groomed; b) be professional, courteous, and friendly to the public; and c) adhere to the CITY personnel policy regarding dress code.
- 6. The LICENSEE shall lock the concession building upon closing the concession building. The LICENSEE shall turn in all keys to the CITY five days after expiration of term.
- 7. In the event the LICENSEE coordinates placement of refrigerators or vending and dispensing machines at the facility, LICENSEE shall ensure such machines are removed or disengaged from City provided utilities promptly at the conclusion of each season. The LICENSEE shall also see to it that any type of machine or equipment does not block any door entrance.
- 8. In the event the LICENSEE shall fail, neglect or refuse to abide by and perform the terms, conditions, covenants, and agreements hereof, the CITY may, at its option, terminate and cancel this License, and in the event of a termination of this License, the LICENSEE shall

surrender up and deliver to the CITY complete possession of the premises where said License is being operated within 30 days after receiving notice to vacate. Notwithstanding the 30 day notice provision for breach of contract, the failure by LICENSEE to remain in good standing with CITY or comply with all applicable laws and regulations, or the apparent commission of a crime by LICENSEE or any of LICENSEE'S employees, contractors, agents, or volunteers during the term of this Agreement is grounds for **immediate** termination of this Agreement by the CITY.

- 9. Notwithstanding any provision of this agreement to the contrary, this agreement may be terminated by either party, with our without cause, by giving the other party thirty (30) days written notice of termination. Notice shall be given by personal delivery or first class mail, return receipt requested.
- 10. If this Agreement is terminated by the CITY without cause prior to the conclusion of the initial License term, and a non-profit organization enters into a Concession License Agreement with the CITY for the facility, the CITY shall reimburse LICENSEE for any documented improvements made during the term of this License Agreement that were preapproved in writing by the CITY, including but not limited to any such structural improvements. In this event the concession fees collected for the facility as specified in paragraph 15 shall be credited against said start-up costs.
- 11. The LICENSEE shall not assign, transfer or convey this license or any of the rights or benefits hereunder to any person, firm or corporation without first securing the written consent of the CITY, and such consent may be withheld for any reason.
- 12. The CITY, by its authorized agents and servants, reserves the right of entry upon the premises where said license is being operated for purposes of inspection.
- 13. Nothing herein shall be construed as creating a partnership or joint venture between the CITY and the LICENSEE.
- 14. To the fullest extent permitted by law, LICENSEE (and its officers, employees, contractors, agents or volunteers) shall indemnify, defend and hold harmless, the CITY, its officers, agents, employees, and volunteers ("City Indemnitees"), from and against all causes of action, claims, liabilities, obligations, judgments, or damages, including reasonable legal counsels' fees and costs of litigation ("claims"), arising out of or in any way connected with the use, occupation or employment of said License, or LICENSEE's performance of this Agreement, including CITY's active or passive negligence EXCEPT for such loss or damage arising from the sole negligence or willful misconduct of the CITY. In the event the City Indemnitees are made a party to any action, lawsuit, or other adversarial proceeding arising from LICENSEE's performance of this Agreement, LICENSEE shall provide a defense to the City Indemnitees, or at the CITY's option, reimburse City Indemnitees their costs of defense, including reasonable legal counsels' fees, incurred in defense of such claims.
- 15. LICENSEE shall secure, at LICENSEE's expense, liability insurance including product liability indemnifying the CITY and the LICENSEE in the sum of two million dollars

- (\$2,000,000) combined single limit for property damage and injury, including death, to one or more persons, and deposit with the CITY an original certificate of said insurance, and name the CITY, its officers, agents and employees as an additional insured on LICENSEE's policy.
- 16. During the entire term of this License, the Licensee shall not suffer, allow, or permit any income, profit, or emolument gross and net from any of its activities arising from, connected with, or in any manner associated with the use and employment by the LICENSEE of this License to inure, to be paid to, or delivered to the benefit of any members, private shareholder, or individual; and/or income, profit, gross and net, or other rights or benefits which shall arise from the use and employment of this LICENSEE shall be used solely, positively and exclusively to meet the necessary expenses or upkeep and operation of the activities of the LICENSEE as such, and not any members, shareholders, or individual.
- 17. The LICENSEE shall pay monthly to the City a fee of \$8.00 per hour for the use of the concession building by the 15th of each month. The payment will be made by Porterville Soccer League/South Valley Chivas. The fee will be adjusted July 1st of each year by the San Francisco Consumer Price Index.
- 18. The LICENSEE shall obtain a non-profit business license from the City of Porterville prior to the commencement date of this license agreement.
- 19. The LICENSEE shall maintain Workers' Compensation Insurance for all its employees and volunteers who are in any way connected with the performance of LICENSEE'S concessionary interest to the extent as provided by law.
- 20. The LICENSEE shall maintain and keep adequate records of its sales from the Licensed premises and agrees to permit the CITY to examine said records on demand. In addition, the LICENSEE shall submit a completed "Monthly Concession Report" form to the City no later than the fifth day of the month following any month during which the LICENSEE conducted concession sales.
- 21. The LICENSEE shall have the right and privilege, provided it is not in default of the terms and provisions of the License, at the end of the term or sooner termination thereof, to remove from the Licensed premises all personal property belonging to the LICENSEE, together with their stocks, goods and wares and trade fixtures that LICENSEE may have installed, provided the same can be removed without material injury to the premises and the LICENSEE hereby acknowledges receipt of the premises in good condition and repair.
- 22. Attorney Fees. If any litigation is commenced between the parties to the Agreement concerning the Agreement or the rights and duties of either in relation to the Agreement, the party prevailing in that litigation shall be entitled, in addition to any other relief that may be granted in the litigation to a reasonable sum as and for its attorney's fees in the litigation, which shall be determined by the court in that litigation or in a separate action brought for that purpose.

not apply in interpreting this Agreement. The language in this Agreement shall be interpreted as to its fair meaning and not strictly for or against any party.

IN WITNESS whereof the parties have executed this License Agreement at Porterville, California, this _____ day of February, 2023.

CITY OF PORTERVILLE PSL/SOUTH VALLEY CHIVAS

BY: _____ BY: _____ BY: _____ Board Chairperson

ATTEST:

John D. Lollis, City Clerk APPROVED AS TO FORM:

BY: Patrice Hildreth, Chief Deputy City Clerk Julia M Lew, City Attorney

23. Each party has participated fully in the review and revision of the Agreement. Any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall



CITY COUNCIL AGENDA – FEBRUARY 21, 2023

SUBJECT: Approval of Overnight Camping during 2023 OHV Park Races

SOURCE: Parks and Leisure Services

COMMENT: Staff has been contacted by Myron Short, representing 2X Promotions, with a

proposal to host motocross races at the City's OHV Park in 2023. Short currently holds an annual agreement with the City to manage the operations of the OHV Park, and has held several successful similar races at the OHV Park since 2014. All of the additional necessary equipment and personnel to conduct the races are provided by 2X Promotions. 2X Promotions also provides the

insurance name the City as an additional insured.

In conjunction with the races, staff is seeking permission to permit overnight camping at the facility during 2X Promotions race weekends. Overnight camping is not allowed per the City's Municipal Code, thus requiring City Council authorization to be permitted. At its meeting on February 2, 2023, the Parks and Leisure Services Commission recommended that overnight camping be permitted during 2023 2X Promotions race weekends. The first race is slated

for March 11-12, 2023.

RECOMMENDATION: That the City Council approve overnight camping during 2023

OHV Park Races.

ATTACHMENTS: 1. Locator Map

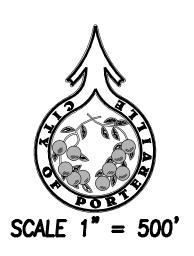
Appropriated/Funded:

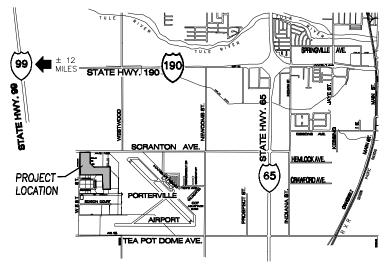
Review By:

Department Director:

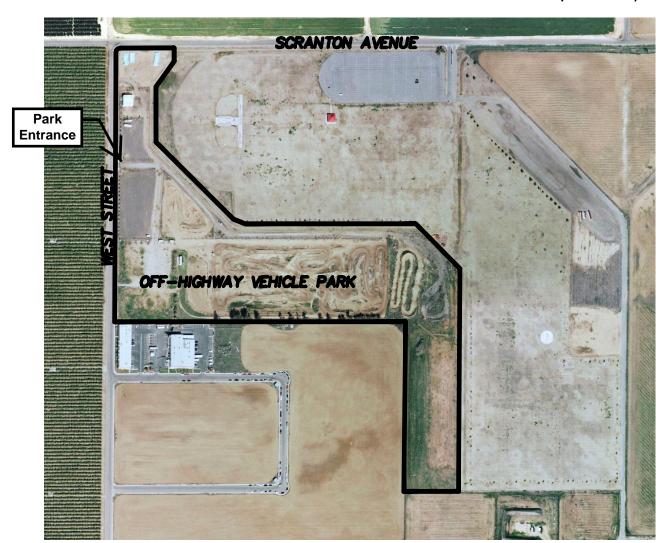
Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager





VICINITY MAP (no scale)



AERIAL MAP

CITY OF PORTERVILLE

06-15-09

CITY ENGINEER

DATE

LOCATOR MAP

REV.



CITY COUNCIL AGENDA – FEBRUARY 21, 2023

SUBJECT: Community Civic Event - Native Star Foundation - Yokuts Mural Celebration -

March 5, 2023

SOURCE: Finance

COMMENT: The Native Star Foundation is requesting approval to hold the "Yokuts Mural

Celebration" on March 5, 2023 from 1:00 PM to 4:00 PM, at the Heritage Center parking lot. The event consists of the unveiling of a Yokuts Mural located at 209 East Orange Avenue, with the introduction and presentation of

the mural project and the local Native artist.

This request is made under the Community Civic Events Ordinance No. 1326, as amended. The application has been routed according to the Ordinance regulations and reviewed by all City Departments involved. The requirements and restrictions are listed on the attached copy of the Application and

Agreement, Exhibit A and Exhibit B.

RECOMMENDATION: That the City Council approve the Community Civic Event

application from the Native Star Foundation to hold the Yokuts Mural Celebration event on March 5, 2023, subject to the

requirements and restrictions contained in the Application and

Agreement, Exhibit A and Exhibit B.

ATTACHMENTS: 1. Community Civic Event Application and Agreement

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

291 N. Main Street, Porterville, CA 93257 559-782-7451 Fax: 784-4569 www.ci.porterville.ca.us

(Incomplete applications can delay permit process) APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY DO YOU HAVE? Event Flyer? (Yes) E-mail address? Website? Application date: 15/23 05/2023 Event date: Event time: Name of Event: Sponsoring organization: Phone # Address: Authorized representative: William Phone # Address: 533. S. Reservuh Event chairperson: Phone # Location of event Millr announcement (Location map must be attached) Non-profit organization status: (IRS Determination) City services requested (fees associated with these services will be billed separately); Barricades (quantity): Street sweeping Yes ____ Police protection No X Refuse pickup Yes Other: Parks facility application required: Yes No Attached Assembly permit required: Yes Attached STAFF COMMENTS (list special requirements or conditions for event): Appr. Deny Bus. Lic. Spvr. Pub. Works Dir Comm. Dev. Dir. Field Svcs. Mgr. Fire Chief Parks Dir.

Police Chief

Admin. Svcs. Dir.

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?

A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures. This application must be submitted NO LESS THAN 30 DAYS PRIOR to the date of the event in order to obtain City Council approval.

All City Code requirements are described in ordinance 15-20 (e) 1-23 and as amended in ordinance 1613. For a full description please visit our City of Porterville website at www.cl.porterville.ca.us/govt/CityClerk/, Porterville Municipal Codes. For questions or concerns please call 559-782-7451 or 559-782-7457. Any person who violates the provisions in this code, shall be deemed guilty of either a misdemeanor or an infraction, with penalties of one hundred (\$100) for the first violation.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville and Successor Agency to the Porterville Redevelopment Agency shall be named as additional insured. A Certificate of Liability Insurance and Additional Insured Endorsement sample forms are enclosed for your convenience. This original certificate and endorsement shall be submitted to the Finance Department prior to the City of Porterville Council's approval. The council shall condition the granting of a CCE permit upon the sponsoring entity's filing with the council a policy of public liability insurance in which the city has been named as insured or coinsured with the permittee. The policy of insurance shall insure the city, its officers, and its employees against all claims arising out of, or in connection with, the issuance of the CCE permit or the operation of the permittee or its agents or representatives, pursuant to the permit. The policy of insurance shall provide coverage of no less than one million dollars (\$1,000,000.00) per occurrence of bodily injury and property damage, combined single limit. (Ordinance 15-20(e) 18)

Authorized Representative Initials

Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include full liquor liability in an amount not less than one million dollars (\$1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permitted, his/her agents or representatives pursuant the permit. Claims-made policies are not acceptable. Authorized Representative Initials

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney Blvd., Visalia, CA, 93277, call 559-733-6441, or fax information to 559,733-6932; or visit their website: Authorized Representative Initials www.tularehhsa.org.

First aid station: Organization/Applicant will establish a first aid station, with clearly posted signs, to provide basic emergency care, such as ice/hot packs, bandages, and compresses. Authorized Representative Initials

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit 'A.' The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

(Name of Organization)

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY

Name of event: $\bigvee $	kuts Mural	Celebration	· · · · · · · · · · · · · · · · · · ·
Sponsoring organiza	ation: <u>Native</u>	Star Found	lation 1
	=. Orange		5 /23 Event time: 1pm - 2/pm
All vendors are require	ad to complete the trust		

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION. Vendors with no valid City of Porterville business license are required to pay \$1 per day to the City, with the exceptions of non-profit organizations per *City of Porterville Municipal Code 15-20(E) Community Civic Events (16). This form should be completed at the time of application, but must be submitted NO LESS THAN ONE WEEK PRIOR TO THE EVENT.

<u>Vendor name</u>	Address/Telephone	Business License required?	Type of Activity
	<u> </u>		
Musicial Code 15 20(T) Co			

*Municipal Code 15-20(E) Community Civic Events (16): Business License Fees: Any individual, company, firm, concessionaire, fair operator, carnival operator, etc., who engages in, conducts, organizes, or promotes business for profit shall pay a business license fee of one dollar (\$1.00) per day per amusement, entertainment, exhibit, ride or per booth, space, stall, stand or other unenclosed location used for the purpose of advertising, promoting, or sale of, or taking orders for, goods or services; except that no individual, company, firm concessionaire, fair operator, carnival operator, etc., who possesses a valid city business license shall be subject to separate licensing pursuant to this subsection E16.

The nonprofit sponsor shall collect said fee and remit the fee to the city within five (5) working days following the CCE. Said remittance shall be accompanied by a complete list of participants and consecutively numbered receipts written in triplicate, containing the name, address and telephone number of the licensee, and the licensee's California seller's permit number. Said receipts shall be furnished by the city. One copy of the receipt shall be furnished to the licensee, one copy filed with the finance department of the city, and one copy retained by the CCE sponsor for a period of three (3) years for audit purposes.

REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event:	cuts Mural (elebration	-
Sponsoring organization:	Native Star	Foundation	M
Event date: <u>SUN</u>	24 3/5/23	Hours:	m-4mn
ATTACH MAP MARKIN	G AREAS TO BE CLOSED OR	USED:	
	Closed		
Street Name	<u>From</u>	<u>To</u>	Activity
			1
<u>Sidewalks</u>	<u>From</u>	То	Activity
-			
Parking lots and spaces	Locati	on	Activity
Use parking	lots Near Sunta	Fe	· Announcements
1	256. E Drune		& Introduce
	Do not need	Closuresof	Murat project
1	Sirects.		and FILIST.



Requirements for Community Civic Event Native Star Foundation Yokuts' Mural Celebration March 5, 2023

City Engineer:

D. Cervantez

No comments.

Community Development Director:

No comments.

J. Ridenour

Public Works Director:

No comments.

M. Knight

Fire Marshal:

No comments.

C. Dignam

Parks and Leisure Services Director:

No comments.

D. Moore

Police Lieutenant:

R. Moore

Please see Exhibit B.

Deputy City Manager:

P. Hildreth

Risk management requires liability insurance of \$1M, naming the City as an additional insured. I have advised applicant that \$5,000 in medical would

suffice.

Field Services Superintendent:

B. Spry

No comments.

Field Services Superintendent – Streets:

J. Baeza

No comments.

Requirements for Community Civic Event

Sponsor: Event:

Native Star Foundation
Yokuts' Mural Celebration

Event Chairman:

William Carrillo

Location:

209 E Orange, Porterville Ca

Date of Event:

March 5, 2023 (1:00 p.m.)

RISK MANAGEMENT:

Conditions of Approval

That the Native Star Foundation provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than \$1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as 'Additional Insured' against all claims arising from, or in connection with, the Permitted operation and sponsorship of the aforementioned Community Civic Event.

- A. The Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than \$1,000.
- B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A: VII, and the insurance company must be an 'admitted' insurer in the State of California.

CITY OF PORTERVILLE Community Civic Event Application

Yokuts' Mural Unveiling Celebration March 5, 2023 / 1:00 PM-4:00 PM 209 E. Orange Avenue, Porterville

Proposed Conditions/Requirements

- > Ensure that participants do not interfere with the normal flow of pedestrian/vehicle traffic in the area of the event.
- An "Outside Amplifier Permit" has been requested and granted. Event organizers shall not allow sound amplification so loud as to unreasonably disturb the peace and good order of any residents or business establishments in the surrounding area.
- At the conclusion of the event, event organizers shall ensure the area is promptly cleared of any equipment or anything that could present a hazard to pedestrians or vehicles traveling through this area.

Ron Moore, Lieutenant Porterville Police Department

OUTSIDE AMPLIFIER PERMIT

(City Ordinances #18-9 & 18-14)



Dale

This application must be submitted ten (10) days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

3.4.4.4.011 10 1000000	
1 Name and home address of the applicant: Native Star Tour Authin 7	Board
Member, William Carrillo-533 S. Resexvati	on Rd, Doyle
2 Address where amplification equipment is to be used: 256 E. Wange Au	e
3 Names and addresses of all persons who will use or operate the amplification equipment:	
4 Type of event for which amplification equipment will be used: MUVAL UNVEL	ling of
5 Dates and hours of operation of amplification equipment: Sunday 3/5/23 (1)	om-40m)
A general description of the sound amplifying equipment to be used: DA SYSTEM.	
It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, precord player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the hundred for noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby reas to unreasonably disturb and interfere with the peace and comfort. The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainty hundred feet (100) from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prime facie evidence of a victorial Cord. Code § 6311) Section 18-14 It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or any or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclose, or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police up therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the complexition are and any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 6312) Penal Code Section 415 (2) Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than than four hundred dotars (\$400), or both such imprisonment and fine: (2) Any person who mallclously and willfully disturbs another person by lother hundred dotars (\$400), or both such imprisonment and fine:	and voice or any sound staldences or so loud audible at a distance of one colation of this section. For operated, or connected at as may be necessary to be ure in which the show or pon application in writing council be deemed in the event of the
I hereby certify that I have read and answered all statements on this registration form and that they are Signature of Applicant	e true and correct. $\frac{2/15/23}{\text{Date}}$
THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REICONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FABY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.	MAIN ILURE TO ABIDE
City of Porterville, Chief of Pollce/Designee	Dale



CITY COUNCIL AGENDA – FEBRUARY 21, 2023

SUBJECT: Community Civic Event - Valley Children's Healthcare Foundation - 36th

Annual Kids' Day - March 7, 2023

SOURCE: Finance

COMMENT: Valley Children's Healthcare Foundation is requesting approval to hold the 36th

Annual Kids' Day event on Tuesday, March 7, 2023, from 5:00 AM to 3:00 PM. The event is a fundraiser for the Foundation with volunteers collecting donations and handing out postcards to donors. The event sponsor is requesting the use of various City sidewalks, mostly around the schools where the

volunteers will receive donations.

This request is made under the Community Civic Events Ordinance No. 1326, as amended. The application has been routed according to the Ordinance regulations and reviewed by all City Departments involved. The requirements and restrictions are listed on the attached copy of the Application and

Agreement, Exhibit A and Exhibit B.

RECOMMENDATION: That the City Council approve the Community Civic Event

application from Valley Children's Healthcare Foundation to hold

the 36th Annual Kids' Day on March 7, 2023, subject to the requirements and restrictions contained in the Application and

Agreement, Exhibit A and Exhibit B.

ATTACHMENTS: 1. Community Civic Event Application and Agreement

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

291 N. Main Street, Porterville, CA 93257 559-782-7451 Fax: 784-4569 www.ci.porterville.ca.us

(Incomplete applications can delay permit process)

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A

COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

OCIVILIDIAL L CIVIC	EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY
DO YOU HAVE?	Event Flyer? E-mail address? Website?
Application date:	2-1-23 Event date: March +, 2023
	Event time:
Name of Event:	301 annual Kids Daix
Sponsoring organiz	ation: Valley Children's Phone # 13-51353-7100
Addres	is: 9300 Valley Children's P. Madera 93636
Authorized represer	
Addres	
Event chairperson:	Stessical Duarte Phone # 5593537100
,	Thomas Co to San Till
Location of event	City state uscelles
	(Location map must be attached)
Type of event:	trandraiser for Valley (1) Idrept
Voluntzens (ou collect darations and handant protection
Non-profit organizat	The state of the s
(IRS Determination)	Covide 1
City services reques	ted (fees associated with these services will be billed separately):
Barricades (quant	has the same of th
Police protection	
Other:	Yes No Refuse pickup Yes No (1)
-	
Parks facility appl	lcation required: Yes No 🗘 Attached
Assembly permit	
, received bettier	required: Yes No Attached
STAFF COMMENTS	Clied angular requirements on applithans for the form
Appr. Deny	6 (list special requirements or conditions for event):
	s. Lic. Spvr.
•	b. Works Dir
	mm, Dev, Dir.
	eld Svcs. Mgr.
	rks Dir.
· · · · · · · · · · · · · · · · · · ·	lice Chief
Adı	min, Svcs, Dir.

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?

A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures. This application must be submitted NO LESS THAN 30 DAYS PRIOR to the date of the event in order to obtain City Council approval.

All City Code requirements are described in ordinance 15-20 (e) 1-23 and as amended in ordinance 1613. For a full description please visit our City of Porterville website at www.ci.porterville.ca.us/govt/CityClerk/, Porterville Municipal Codes. For questions or concerns please call 559-782-7451 or 559-782-7457. Any person who violates the provisions in this code, shall be deemed guilty of either a misdemeanor or an infraction, with penalties of one hundred (\$100) for the first violation.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville and Successor Agency to the Porterville Redevelopment Agency shall be named as additional insured. A Certificate of Liability insurance and Additional insured Endorsement sample forms are enclosed for your convenience. This original certificate and endorsement shall be submitted to the Finance Department prior to the City of Porterville Council's approval. The council shall condition the granting of a CCE permit upon the sponsoring entity's ling with the council a policy of public liability insurance in which the city has been named as insured or coinsured with the permittee. The policy of insurance shall provide insurance of the CCE permit or the operation of the permittee or its agents or representatives, pursuant to the permit. The policy of insurance shall provide coverage of no less than one million dollars (\$1,000,000,000,000) per occurrence of bodily injury and property damage, combined single limit. (Ordinance 16-20(e) 18)

Alcohol flability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include full liquor liability in an amount not less than one million dollars (\$1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permitted, his/her agents or representatives pursuant the permit. Claims-made policies are not acceptable.

Authorized Representative Initials

Authorized Representative Initials

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney Blvd., Visalla, CA, 93277, call 559-733-6441, or fax information to 559-733-6932; or visit their website: www.tularehhsa.org.

First ald station: Organization/Applicant will establish a first ald station, with clearly posted signs, to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

Authorized Representative Initials

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 16-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit 'A.' The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

Valley Chitieris tealthouse	mardut	2-1-22
(Name of Organization)	(Signature)	 . (Date)

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event:

Sponsoring organization:

INFORMATION. Vendors with the exceptions of nor	witi 1-p uld	omplete the business license permit for participate in the above-named event. In no valid City of Porterville business is rofit organizations per *City of Porter be completed at the time of applications.	orm N lce	List all fire O PERMIT	m: W	TLL BE ISSUED WITHOUT THIS red to pay \$1 per day to the City
<u>Vendor name</u>		" Address/Telephone		Business License required?		Type of Activity
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*Municipal Code 15-20(E) Community Civic Events (16): Dustness License Fees: Any individual, company, firit, concessionaire, fair operator, carnival operator, etc., who engages in, conducts, organizes, or promotes business for profit shall pay a business license fee of one dollar (\$1.00) penday per annusement, entertainment, exhibit, ride or per booth, space, stall, stand or other unenclosed location used for the purpose of advertising, promoting, or sale of, or taking orders for, goods or services; except that no individual, company, firm concessionaire, fair operator, carnival operator, etc., who possesses a valid city business license shall be subject to separate licensing pursuant to this subsection £16.

The nonprofit sponsor shall collect said fee and remit the fee to the city within five (5) working days following the CCE. Said remittance shall be accompanied by a complete list of participants and consecutively numbered receipts written in triplicate, containing the name, address and telephone number of the licensee, and the licensee's California seller's permit number. Said receipts shall be furnished by the city. One copy of the receipt shall be furnished to the licensee, one copy filed with the finance department of the city, and one copy retained by the CCE sponsor for a period of three (3) years for audit purposes.

REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: 36 Manual Kicks Day
Sponsoring organization: Vally Children's teathcase foundation
Event date: Muskay March 7, 2023 Hours: 5Am-3pm
ATTACH MAP MARKING AREAS TO BE CLOSED OR USED

Closed

	Closed		
Street Name	<u>From</u>	· <u>To</u>	Activity
na			LISATRY
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Rartlett N	italie Supol Col	DONE GOVERN	Till Plat Col (
Sldewalks	From	the someth	THO TOUNDATE STUTE
VAVITAGE SIN	PLOPIKS 52m	<u>Io</u>	Activity
TW VOI	1001/2	3pm	(ecaving duration
Parley 110 H	incers of	V .	and passing onta
		yners	TOUST-CAXO.
Strathmore	Frensphool 1	aner	
Tarnony M		berners	
tocknille a	valle cornet		The state of the s
Parking lots and	Locatio	n	Activity
spaces .	And the state of t		THOUSILY
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- × × × ×	Meas Whene		
•			

Requirements for Community Civic Event Valley Children's Healthcare Foundation 36th Annual Kids Day March 7, 2023

City Engineer:

D. Cervantez

No comments.

Community Development Director:

J. Ridenour

No comments.

Public Works Director:

M. Knight

No comments.

Fire Marshal:

C. Dignam

As long as it does involve persons standing in a public roadway, or Soliciting contributions from passing Motorists, unless they fully comply with Section17510.25 of the California Business and Professions Code.

Parks and Leisure Services Director:

D. Moore

No comments.

Police Lieutenant:

R. Moore

Please see Exhibit B.

Deputy City Manager:

P. Hildreth

If they are only doing information-type booths, liability insurance of \$1M would suffice, naming the City as an additional insured. If they plan on having other activities like kids' rides or bounce houses, then we'll need \$2M.

Field Services Superintendent:

B. Spry

No comments.

Field Services Superintendent – Streets:

J. Baeza

No comments.

Requirements for Community Civic Event

Sponsor:

Valley Children's Healthcare Foundation

Event:

36th Annual Kids Day

Event Chairman:

Jessica Duarte

Location:

City sidewalks, Porterville Ca

Date of Event:

March 7, 2023 (5:00 a.m.)

RISK MANAGEMENT:

Conditions of Approval

That the Valley Children's Healthcare Foundation provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than \$1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as 'Additional Insured' against all claims arising from, or in connection with, the Permitted operation and sponsorship of the aforementioned Community Civic Event.

- A. The Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than \$1,000.
- B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A: VII, and the insurance company must be an 'admitted' insurer in the State of California.

CITY OF PORTERVILLE/POLICE DEPARTMENT Community Civic Event Application

Valley Children's 36th Annual Kids' Day March 7, 2023 / 5:00 AM—3:00 PM Various sidewalks throughout Porterville

Recommendations/Requirements:

- At conclusion of event, organizers shall ensure all sidewalks are promptly cleared of any
 equipment, booths, or anything that could present a hazard to pedestrians or vehicular
 traffic.
- Participants shall not be parked on any portion of the sidewalk, or otherwise block traffic or pedestrian travel.
- Participants shall be directed to stay to the side of the roadway and not disrupt the normal flow of traffic.
- Event organizers should contact Porterville Police Watch Commanders well in advance
 of the event for informational purposes to identify any additional policing
 concerns/requirements, with the goal of ensuring a safe event. Please contact
 Lieutenant Azevedo, Lieutenant Gurule or Lieutenant Hatch at (559) 782-7410 for
 assistance.

Ron Moore, Lieutenant Porterville Police Department



CITY COUNCIL AGENDA – FEBRUARY 21, 2023

SUBJECT: Community Civic Event - Porterville Chamber of Commerce - Porterville

Chamber Spring Festival - April 15, 2023

SOURCE: Finance

COMMENT: The Porterville Chamber of Commerce is requesting approval to hold the

Porterville Chamber Spring Festival on Saturday, April 15, 2023, from 9:00 AM to 4:00 PM. The event will include food booths, vendor booths, a kids' zone, a chili cook-off, family entertainment, and a car show. The request includes the closure of Main Street from Morton Avenue to Olive Avenue and the side streets along Main Street, as indicated on the attached map, from 3:00 AM to 7:00 PM. The sponsor is also requesting the use of the parking lot on Mill Street next to Landing 13 for the car show, the parking spaces adjacent to the former Allen's Boot and Saddle Shop for the chili cook-off and the closure of the sidewalks along Main Street, from Morton Avenue to Olive Avenue, for

the vendor booths.

This request is made under the Community Civic Events Ordinance No. 1326, as amended. The application has been routed according to the Ordinance regulations and reviewed by all City Departments involved. The requirements and restrictions are listed on the attached copy of the Application and

Agreement, Exhibit A and Exhibit B.

RECOMMENDATION: That the City Council approve the Community Civic Event

application from the Porterville Chamber of Commerce to hold the Porterville Chamber Spring Festival on April 15, 2023, subject to the requirements and restrictions contained in the Application and Agreement, Exhibit A and Exhibit B.

ATTACHMENTS: 1. Community Civic Event Application and Agreement

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

291 N. Main Street, Porterville, CA 93257 559-782-7451 Fax: 784-4569 www.ci.porterville.ca.us

(Incomplete applications can delay permit process)

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

DO YOU HAVE?	Event Flyer?	E-mail address?	Website?
Application date:	January 12, 2023	Event date:	April 15, 2023
			9 am to 4 pm
Name of Event:	Porterville Chambe	er Spring Festival	street closures from 3 am to 7 pm
Sponsoring organi	ization: Porterv	ille Chamber	Phone # (559) 784-7502
Addre	ess: 93 N. M	Main St., Ste. A, Porterville, C	CA 93257
Authorized represe	entative: Kristy l	Martin	Phone # (559) 784-7502
Addre		, Ste. A, Porterville, CA 9325	7
Event chairperson	: Stephanie Tor	res - Vice Chair of Events	Phone # (559) 350-1614
Location of event_		ille - Main St Olive to Morto	
			nding 13 Parking Lot - Car Show
Type of event: F	estival - Vendors, Kid	s Zone, Entertainment, Chili	Cook Off, Car Show, Food Booth
Non-profit organiza	ation status:	501 (c) 6	
(IRS Determination)			
City services reque		ociated with these services	will be billed separately):
Barricades (qua	•	Street sweeping	Yes No _x
	n Yes <u>×</u> No	Refuse pickup	Yes x No
Other: Special E	vent Officers		
	•		
	plication required:		Attached _x
Assembly permi	it required:	Yes No	x Attached
	TO #1		
	1 S (list special requi	rements or conditions for ev	vent):
Appr. <u>Deny</u>			
	Bus. Lic. Spvr.		
	Pub. Works Dir		
	Comm. Dev. Dir.		
	Field Svcs. Mgr.		
	ire Chief		
F	Parks Dir.		
F	Police Chief		
Д	Admin. Svcs. Dir.		

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?

A <u>non-profit organization</u> wishes to sponsor an event that is <u>open to the community at large</u> and will <u>utilize public property</u>. Most of the time, Community Civic Events require street or sidewalk closures. This application must be submitted NO LESS THAN 30 DAYS PRIOR to the date of the event in order to obtain City Council approval.

All City Code requirements are described in ordinance 15-20 (e) 1-23 and as amended in ordinance 1613. For a full description please visit our City of Porterville website at www.ci.porterville.ca.us/govt/CityClerk/, Porterville Municipal Codes. For questions or concerns please call 559-782-7451 or 559-782-7457. Any person who violates the provisions in this code, shall be deemed guilty of either a misdemeanor or an infraction, with penalties of one hundred (\$100) for the first violation.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville and Successor Agency to the Porterville Redevelopment Agency shall be named as additional insured. A Certificate of Liability Insurance and Additional Insured Endorsement sample forms are enclosed for your convenience. This original certificate and endorsement shall be submitted to the Finance Department prior to the City of Porterville Council's approval. The council shall condition the granting of a CCE permit upon the sponsoring entity's filing with the council a policy of public liability insurance in which the city has been named as insured or coinsured with the permittee. The policy of insurance shall insure the city, its officers, and its employees against all claims arising out of, or in connection with, the issuance of the CCE permit or the operation of the permittee or its agents or representatives, pursuant to the permit. The policy of insurance shall provide coverage of no less than one million dollars (\$1,000,000.00) per occurrence of bodily injury and property damage, combined single limit. (Ordinance 15-20(e) 18)

_____Authorized Representative Initials

Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include **full liquor liability** in an amount not less than one million dollars (\$1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permitted, his/her agents or representatives pursuant the permit. **Claims-made policies are not acceptable**.

Authorized Representative Initials

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney Blvd., Visalia, CA, 93277, call 559-733-6441, or fax information to 559-733-6932; or visit their website: www.tularehhsa.org.

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit 'A.' The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

Porterville Chamber	Klilader	 1/12/23
(Name of Organization)	(Signature)	(Date)

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event:Portervill	e Chamber Spring Festival		I	
Sponsoring organization:F	Porterville Chamber			
Location:Main St Olive to	o MortonE	vent date:	4/15/2	LVCIII tillio.
street closures 3am to 7pm all vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., nat will engage in selling at or participate in the above-named event. NO PERMIT WILL BE ISSUED WITHOUT THIS NFORMATION. Vendors with no valid City of Porterville business license are required to pay \$1 per day to the City, with the exceptions of non-profit organizations per *City of Porterville Municipal Code 15-20(E) Community Civic Events (16). This form should be completed at the time of application, but must be submitted NO LESS THAN ONE VEEK PRIOR TO THE EVENT.				
<u>Vendor name</u>	Address/Telephone	Busine Licen		Type of Activity

<u>Vendor name</u>	Address/Telephone	Business License required?	Type of Activity
List provided when			Food Booths
closer to event			Kids Zone
			Vendors
Business license permits			Info Booths
to be completed as required by the City			Car Show

^{*}Municipal Code 15-20(E) Community Civic Events (16): Business License Fees: Any individual, company, firm, concessionaire, fair operator, carnival operator, etc., who engages in, conducts, organizes, or promotes business for profit shall pay a business license fee of one dollar (\$1.00) per day per amusement, entertainment, exhibit, ride or per booth, space, stall, stand or other unenclosed location used for the purpose of advertising, promoting, or sale of, or taking orders for, goods or services; except that no individual, company, firm concessionaire, fair operator, carnival operator, etc., who possesses a valid city business license shall be subject to separate licensing pursuant to this subsection E16.

The nonprofit sponsor shall collect said fee and remit the fee to the city within five (5) working days following the CCE. Said remittance shall be accompanied by a complete list of participants and consecutively numbered receipts written in triplicate, containing the name, address and telephone number of the licensee, and the licensee's California seller's permit number. Said receipts shall be furnished by the city. One copy of the receipt shall be furnished to the licensee, one copy filed with the finance department of the city, and one copy retained by the CCE sponsor for a period of three (3) years for audit purposes.

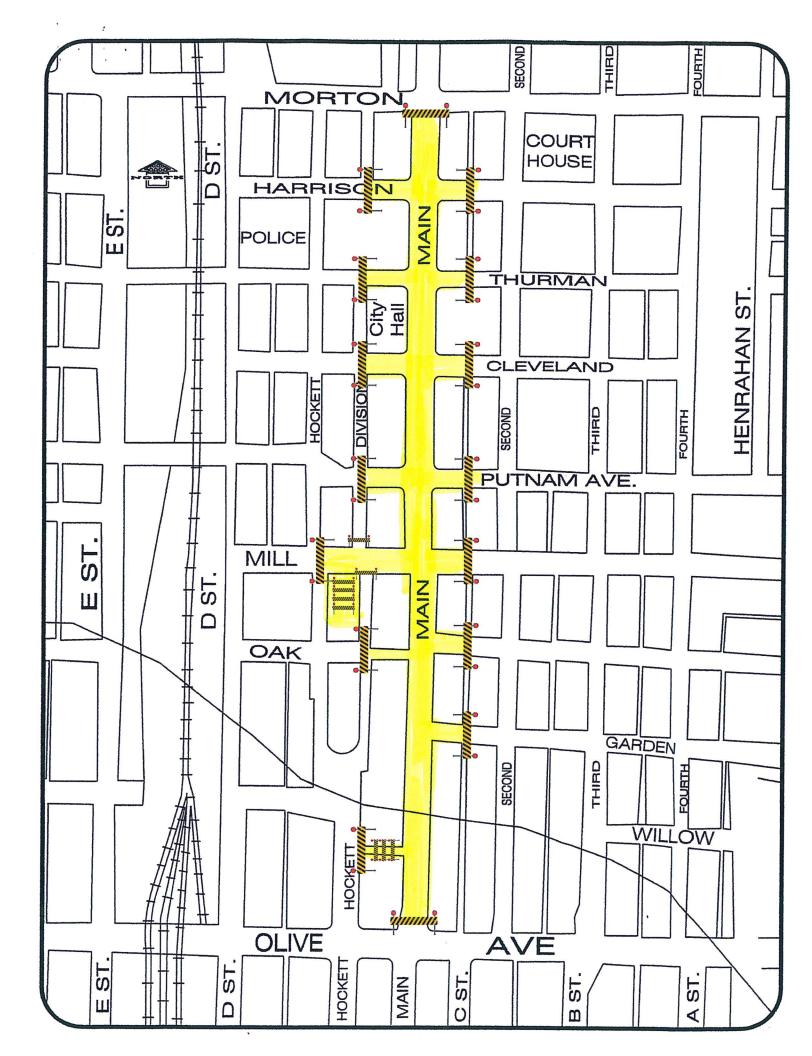
REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event:	Porterville	e Chamber Spring Festival		
Sponsoring org	anization: _	Porterville Chamber		
Event date:4	4/15/23		Hours: _	9am to 4pm
				street closures 3am to 7pm

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed

Morton Division Hockett Main St.	Olive East Alley East Alley East Alley	Vendor Booths Kids Zone
Hockett	East Alley	
Main St.	East Alley	
		Entertainment
From	<u>To</u>	Activity
Olive	Morton	vendor booth sales
Location	n	Activity
Mill St. next to Landing 13		car show
Adjacent to Allen's Boot Buildir	ng	chili cook-off
	Olive Location Mill St. next to Landing 13	Olive Morton Location



Requirements for Community Civic Event Porterville Chamber of Commerce Porterville Chamber Spring Festival April 15, 2023

City Engineer:

D. Cervantez

No comments.

Community Development Director:

J. Ridenour

No comments.

Public Works Director:

M. Knight

No comments.

Fire Marshal:

C. Dignam

Standard comments from Fire regarding booths and spacing.

Parks and Leisure Services Director:

D. Moore

If electrical outlets are needed to be used, contact staff at least 72 hours prior to the event to coordinate outlet locations. Vehicles to remain off the Centennial Park grass.

Police Lieutenant:

R. Moore

Please see Exhibit B.

Deputy City Manager:

P. Hildreth

Risk management requires adherence to any Local/State/Federal COVID-19 mandates that may be in place at the time of the event. Regarding insurance, they are missing endorsement page which reflects that the City actually has coverage as an additional insured. Also, until we know what types of vendors, a risk assessment cannot be completed as to coverage amounts. If they have rides/slides/bounce houses, that will add additional requirements and have

additional requirements, such as

waivers of liability, ect.

Field Services Superintendent:

B. Spry

We will take care of refuse service.

Exhibit A, Page 1

Field Services Superintendent – Streets: J. Baeza

Closing the roads at 3 am is going to take lighted barricades and advanced signage due to it being dark outside.

Requirements for Community Civic Event

Sponsor: Event: Porterville Chamber of Commerce Porterville Chamber Spring Festival

Event Chairman:

Location:

Stephanie Torres Downtown Main St., Olive to Morton, Porterville Ca

Date of Event:

April 15, 2023 (9:00 a.m.- 4:00 p.m)

RISK MANAGEMENT:

Conditions of Approval

That the Porterville Chamber of Commerce provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than \$2,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as 'Additional Insured' against all claims arising from, or in connection with, the Permitted operation and sponsorship of the aforementioned Community Civic Event.

- A. The Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than \$1,000.
- B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A: VII, and the insurance company must be an 'admitted' insurer in the State of California.

CITY OF PORTERVILLE/POLICE DEPARTMENT Community Civic Event Application

Porterville Chamber Spring Festival April 15, 2023—9:00am-4:00pm

Proposed Conditions/Requirements—Downtown Main Street

- > City Council approval is required for all street closures.
- > On all streets approved for closure, ensure adequate barricades/barriers are used to warn motorists of non-access and prevent vehicle access to those designated areas.
- If event organizers anticipate the need for removal of parked vehicles from public roadways related to the event, the affected public roadways must be posted with appropriate signage no less than 24 hours in advance of the event. Said signs and associated posting must meet minimum requirements as established by the California Vehicle Code. (Recommend event organizers contact Sgt. Jay Starling of the Porterville Police Department/Traffic Unit in order to ensure that signs meet the requirements as established by law or request additional assistance).
- Food vendors should provide inspection certificates from the Tulare County Health Department to members of the organizing committee, to ensure food product safety.
- If event organizers anticipate the sales of alcoholic beverages during the event, they must first apply for and be granted a temporary license to sell alcohol from the CA Dept. of Alcoholic Beverage Control. If such license is issued, additional conditions may apply (beer garden, location, security).
- An Outside Amplifier Permit has been approved and granted. However, event organizers shall not allow music to be played so loud as to unreasonably disturb the peace and good order of any residents or business establishments in the surrounding area.
- At conclusion of event, event organizers shall ensure streets are promptly cleared of any vehicles, equipment, booths or anything that could present a hazard to pedestrians or vehicles traveling through this area.

Ron Moore, Lieutenant Police Department

CITY OF PORTERVILLE **OUTSIDE AMPLIFIER PERMIT**

(City Ordinances #18-9 & 18-14)



This application must be submitted ten (10) days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1 Name and home address of the applicant:	Porterville	Chamber	of Commerce	
	93 N. Mai	n St., Suite	A, Porterville, CA 932	57
2 Address where amplification equipment is to	be used:	Main St. a	nd Mill St parking lot	next to Landing 13
3 Names and addresses of all persons who will Zenith Sounds (Joseph Zenith) - 844 E \	use or oper Veldon Ave	ate the amp , Fresno, C	olification equipment: CA 93704	Various Chamber volunteers
4 Type of event for which amplification equipme			Porterville Chamber	Spring Festival
5 Dates and hours of operation of amplification	equipment:	4/15/23	9:00am to 4:00pm	
A general description of the sound amplifying	equipment to	be used:	various types	There's all make a sales that
or noise in a manner so loud as to be calculated to disturb the pear as to unreasonably disturb and interfere with the peace and comfor The operation of any such instructure, vehicle, or place in (Ord. Code § 6311) Section 18-14 It shall be unlawful for any personany or sound amplifier in such a manner as to cause any sound to amplify sound for the proper presentation of moving picture shows, or exhibition is given, without having first procured a permit from the therefore, but which permit, when granted, shall be revocable by the objectionable, and any such permit may be so revoked with or with revocation of any such permit, the same shall not be renewed, excepted the proper presentation of the proper presentation of the provided by the objectionable, and any such permit may be so revoked with or with revocation of any such permit, the same shall not be renewed, excepted the proper presentation of the provided by the objectionable of the permit of the following persons significant the following persons significant the proper presentation of the provided by the provided by the provided by the permit of the following persons significant the proper presentation of the provided by	e, machine, appar ce and good order t, ment, phonograph which, or on which n to maintain, ope be projected outs or exhibiting for the chief of police, whe cout notice, or with ept upon application all be punished bees. (2) Any per-	ratus, or instrum of the neighbor or atte, connect, o ide of any buildir the convenient h thich permit shall enever any such the or without a fo on as the first ins y imprisonment son who maliclo	nine or device in such manner as to located shall be primal facie evid a suffer or permit to be maintained, ag or out of doors in any part of the pearing of patrons within the building be granted at the will of the chief loudspeaker or sound amplifier strength hearing, at the option of the catance. (Ord. Code § 6312) in the county jall for a period of no usly and willfully disturbs another patrons.	on of the human voice or any sound in nearby residences or so loud to be plainly audible at a distance of one ence of a violation of this section. Operated, or operated, or connected e city, except as may be necessary to g or enclosure in which the show or of police upon application in writing hall by the council be deemed ouncil, and in the event of the terson by loud and unreasonable noise.
I hereby certify that I have read and answered a	all statement	s on this re	gistration form and that	they are true and correct.
Signature of Applicant				Date
THIS OUTSIDE AMPLIFIER PERMIT HAS BE CONSIDERATE OF THE GENERAL PEACE A BY THESE REGULATIONS CAN RESULT IN City of Porterville, Chief	ND ORDER REVOCATION	OF THE N ON OF THE	FIGHRORS IN THE AD	T'CS FORBERIAL

JMADRIGAL

ACORD'

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 1/11/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s). CONTACT Jacqueline Madrigal PRODUCER License # 0D44424 Walter Mortensen Insurance / INSURICA PHONE (A/C, No, Ext): (559) 560-3215 FAX (A/C, No): (559) 781-3229 PO Box 1960 Porterville, CA 93258 E-MAIL ADDRESS: Jacqueline.Madrigal@INSURICA.com **INSURER(S) AFFORDING COVERAGE** NAIC# INSURER A: United States Liability Insurance Company 25895 INSURED **INSURER B: Porterville Chamber of Commerce INSURER C:** 93 N. Main Street Suite A INSURER D : Porterville, CA 93257-3711 INSURER E : **INSURER F: COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:** THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. INSR LTR POLICY EFF POLICY EXP (MM/DD/YYYY) ADDL SUBR INSD WVD **TYPE OF INSURANCE POLICY NUMBER** LIMITS Δ X COMMERCIAL GENERAL LIABILITY 1,000,000 EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) CLAIMS-MADE X OCCUR 100,000 NBP1561899 7/17/2022 X 7/17/2023 5,000 MED EXP (Any one person) 1,000,000 PERSONAL & ADV INJURY 2,000,000 GEN'L AGGREGATE LIMIT APPLIES PER: **GENERAL AGGREGATE** PRO-2,000,000 X POLICY PRODUCTS - COMP/OP AGG OTHER: COMBINED SINGLE LIMIT (Ea accident) **AUTOMOBILE LIABILITY** ANY AUTO **BODILY INJURY (Per person)** OWNED AUTOS ONLY SCHEDULED AUTOS **BODILY INJURY (Per accident)** PROPERTY DAMAGE (Per accident) HIRED AUTOS ONLY NON-OWNED AUTOS ONLY **UMBRELLA LIAB** OCCUR **EACH OCCURRENCE EXCESS LIAB** CLAIMS-MADE **AGGREGATE** DED RETENTION \$ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY PER STATUTE ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) E.L. EACH ACCIDENT N/A E.L. DISEASE - EA EMPLOYEE If yes, describe under DESCRIPTION OF OPERATIONS below E.L. DISEASE - POLICY LIMIT DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Spring Festival 2023 - Event Date: April 15, 2023. Certificate holder is an additional insured with respect to general liability if required or agreed to in a written contract subject to all the provisions and limitations of the policy. CERTIFICATE HOLDER CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. The City of Porterville and Successor Agency to the Porterville Redevelopment Agency 291 N Main Street AUTHORIZED REPRESENTATIVE Porterville, CA 93257



CITY COUNCIL AGENDA – FEBRUARY 21, 2023

SUBJECT: Community Clean-Up Events

SOURCE: Public Works

COMMENT: To encourage local property maintenance and beautification, the City sponsors

two clean-up events annually, one in the Spring and one in the Fall. These events offer City residential refuse customers free disposal of general trash, bulky items, woodwaste, yard clippings, and e-waste at the City's Corporation

Yard.

Based on the success of prior events, staff recommends the City host two Community Clean-up Events in 2023. The proposed event dates are Saturday, April 22nd and Saturday, October 14, 2023. Staff are unaware of any community event conflicts with these dates. As in the past, the events are open to all residents receiving City residential refuse service. Staff estimated City costs for both events to be approximately \$11,000 and funded through the Solid Waste Operating Budget.

RECOMMENDATION: That the City Council:

1. Approve Saturday, April 22, 2023 as "Spring Clean-Up Day"

and Saturday, October 14, 2023 as "Fall Clean-Up Day;"

2. Encourage all residents to clean up their properties and take advantage of these special opportunities offered by the City;

3. Authorize the City to accept trash, litter and yard clippings delivered by City residents receiving City residential refuse service to the Spring and Fall Clean-Up Events for free disposal;

and

4. Authorize the cost of both events be funded from the Solid

Waste Operating Budget.

ATTACHMENTS: 1. Spring 2023 Clean-Up Event Flyer (English)

2. Spring 2023 Clean-Up Event Flyer (Spanish)

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager

Spring 2023

FREE COMMUNITY CLEAN-UP & DISPOSAL EVENT



FOR MORE INFORMATION CALL 559-782-7513 OR VISIT WWW.CI.PORTERVILLE.CA.US



SATURDAY, APRIL 22, 2023 FROM 8:00 AM to 2:00 PM 555 N. PROSPECT ST., PORTERVILLE, CA 93257

CURRENT CITY OF PORTERVILLE REFUSE BILL IS REQUIRED

Trailers will be limited up to 10 feet.

Participants will be required to unload their own vehicle.

PLEASE NOTE: City residents only. No county, business or commercial waste allowed.

NO CHILDREN OR PETS ALLOWED OUTSIDE OF YOUR VEHICLE

ACCEPTABLE ITEMS:

Greenwaste: Tree Limbs, Branches, Yardwaste (Not to exceed 10 feet)

Household Waste: Household Trash, Furniture, Scrap Metal, Mattress/Box Springs

E-Waste: Computers, Laptops, Monitors, Televisions, Cell Phones, Tablets.

Construction & Demolition: Concrete, Dirt, Wood

UNACCEPTABLE ITEMS:

Household Hazardous Waste (Batteries, Paint, Oil, Oil Filters, Flourescent Bulbs), Tires, Refrigerators, Oversized Auto Parts (Cab, truck bed, etc.)

TULARE COUNTY HOUSEHOLD HAZARDOUS & E-WASTE These Items May Be Disposed Of

One Day Clean-Up Event at Tulare County Fire Station, 22315 Ave 152, Porterville, from 8:00 a.m. to 12:00 p.m.

- No agricultural or business waste, explosives, radioactive materials, biowaste, or asbestos will be accepted.
- By law, an individual may not transport more than 15 gallons or 125 pounds of hazardous waste to a mobile collection facility.
- For more information, call Tulare County Environmental Health: (559) 624-7400 or visit www.tularecountyeh.org
- For a list of used oil collection centers near you, call 1-800-CLEANUP

At No Cost:

- Computers/Monitors
- Cell Phones/Televisions
- **Automotive Batteries**
- Automotive Fluids & Anti-freeze
- Fluorescent Lamps & Tubes
- Garden Chemicals/ Pesticides
- Household Batteries
- Household Cleaners/Poisons
- **Pool Chemicals**
- Paints/Solvents/Aerosol Cans
- Used Motor Oil & Filters/

PRIMAVERA GRATIS 2023 EVENTO COMUNITARIO DE LIMPIEZA Y ELIMINACIÓN



PARA MAS INFORMACIÓN LLAME AL 559-782-7513 O VISITE WWW.CI.PORTERVILLE.CA.US



SÁBADO, ABRIL 22, 2023

DE 8:00 AM a 2:00 PM

555 N. PROSPECT ST., PORTERVILLE, CA 93257

REQUIERE FACTURA DE BASURA ACTUAL DE LA CIUDAD DE PORTERVILLE Se limitarán las trailas a 10 pies.

Los participantes deben descargar su propio vehículo.

TENGA EN CUENTA: Solo clientes residenciales. No se permiten residuos de negocios o comerciales.

NO SE ADMITEN NIÑOS O MASCOTAS FUERA DE SU VEHÍCULO

ARTÍCULOS ACEPTABLES:

Basura: Ramas de Árboles, Ramas, Desechos de Jardín (No exceder 10 pies)

Desechos Domésticos: Basura Doméstica, Muebles, Chatarra, Colchones/Canapés

Residuos Electrónicos: Computadoras, Portátiles, Pantallas, Televisores, Celulares, Etc.

Construcción y Demolición: Cemento, Tierra, Madera

ARTÍCULOS INACEPTABLES:

Residuos Peligrosos Del Hogar (Pilas, Pinturas de Látex, Aceite y Filtros de Aceite, Lámparas Fluorescentes, Llantas, Refrigeradores, Partes de autos de tamaño grande (Cabina, Plataforma de Camioneta, etc.)

RESIDUOS PELIGROSOS DOMÉSTICOS & ELECTRÓNICOS DEL CONDADE TULARE

Evento de Limpieza de Un Día en la Estación de Bomberos del Condado de Tulare,

22315 Ave 152, Porterville, 8:00 a.m. - 12:00 p.m.

- No se aceptarán residuos agrícolas o empresariales, explosivos, materiales radiactivos, biorresiduos o amianto.
- Es contra la ley, que una persona transporte más de 15 galones o 125 libras de desechos peligrosos a una instalación móvil de colección.
- Para más información, llame al Departamento de Salud Ambiental del Condado de Tulare: (559) 624-7400 o visite <u>www.tularecountyeh.org</u>
- Para obtener una lista de los centros de recolección de aceite usados cerca de usted, llame al 1-800-CLEANUP.

Se Puede Deshacerse de Estos Artículos Sin Costo Alguno:

- Computadoras/Pantallas
- Teléfonos Celulares/Televisores
- Baterías de Automóviles
- Fluidos, y.Anticongelantes para Automóviles
- Lámparas y Tubos Fluorescentes
- Químicos de jardín/ pesticidas
- Pilas
- Limpiadores Domésticos/Venenos
- Químicos para Piscina
- Pinturas/Disolventes/Contenedores de Aerosol
- Aceite y Filtros de Aceite/Gasolina



CITY COUNCIL AGENDA – FEBRUARY 21, 2023

SUBJECT: Status and Review of Local Drought Emergency

SOURCE: City Manager's Office

COMMENT:

At its meeting of May 5, 2015, the City Council took action to approve a Resolution Declaring a Drought Emergency in the City of Porterville. At its meeting of February 7, 2023, the Council reviewed the status of existence of local emergency, and acted to continue its Resolution of local emergency.

Governor Brown issued Executive Order B-29-15 on Wednesday, April 1, 2015, which established drought-related mandates and restrictions in addition to those already stipulated in previous Executive Orders B-26-14 and B-28-14. Of significance, the Governor directed the State Water Resources Control Board to impose restrictions to achieve a statewide twenty-five percent (25%) reduction in potable urban water usage through February 28, 2016, in comparison to the amount used in 2013, and with consideration given to per capita usage as a basis. The Governor further directed the Board to impose additional restrictions on commercial, industrial, and institutional properties with significant landscaping (cemeteries, golf courses, parks, schools, etc.), to also achieve a twenty-five (25%) reduction in potable water usage. Also of significance, the Board was directed to prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or micro-spray systems.

On November 13, 2015, Governor Brown issued Executive Order B-36-15, which extends emergency conservation regulations through October 2016, if drought conditions persist through January 2016. On February 2, 2016, the State Water Resources Control Board adopted extended emergency water conservation regulations, to be in effect March 1 through October 31, 2016. The City of Porterville benefited somewhat from the extended regulations as the City's water conservation rate has been reduced from thirty-two percent (32%) to twenty-six percent (26%), due to new water connections that have been made and population served (4%), as well as a new climate adjustment factor that was considered (2%).

On May 9, 2016, Governor Brown issued Executive Order B-37-16 ("Making Water Conservation a California Way of Life"), which directs the State Water Resources Control Board to establish new regulations making permanent the emergency conservation regulations. On May 18, 2016, the State Water Resources Control Board adopted a statewide water conservation approach that replaces the percentage reduction-based water conservation standard with a

localized "stress test" approach that mandates urban water suppliers act immediately to ensure at least a three-year supply of water to their customers under continued drought conditions.

On April 7, 2017, Governor Brown issued Executive Order B-40-17, which ended the drought state of emergency in most of California, with the exception of Fresno, Kings, Tulare and Tuolumne counties where emergency water supply and reliability projects are continuing toward addressing diminishing groundwater supplies. The Order maintains monthly reporting requirements and prohibitions on wasteful practices.

On May 31, 2018, Governor Brown signed both AB 1668 (Friedman) and SB 606 (Hertzberg), which set permanent overall targets for indoor and outdoor water consumption. The legislation sets an initial limit for indoor water use of fifty-five (55) gallons per-person per-day in 2022, reducing to 52.5 gallons perperson per-day in 2025, and finally to fifty (50) gallons per-person per-day in 2030. The amount of residential outdoor use is yet-to-be determined, but will allow for varying regional climates. In addition, a standard for water loss due to leak rates in water system pipes will be established. As an urban water provider, the City will need to submit its plan for compliance for approval by the State Water Resources Control Board.

On March 5, 2021, Secretary Vilsack of the United States Department of Agriculture federally-designated Tulare County as a primary natural disaster area due to ongoing drought conditions. On April 21, 2021, Governor Newsom issued a State of Emergency Proclamation due to drought conditions, including Tulare County. On April 27, 2021, the Tulare County Board of Supervisors adopted a Resolution Proclaiming a Local Emergency due to severe drought conditions. On January 4, 2022, the State Water Resources Control Board adopted emergency regulations to supplement voluntary water conservation. On March 28, 2022, Governor Newsom issued Executive Order N-7-22, that requires the state's largest water providers (including the City of Porterville) to put in place "Level 2" of water shortage contingency plans, which the City is currently in "Level 4." On June 10, 2022, the State Water Resources Control Board adopted emergency regulations to prohibit the watering of nonfunctional or purely decorative grass in commercial, industrial or institutional properties with potable water.

At its meeting on January 17, 2023, the Council considered an emergency request from the County of Tulare for assistance to Self-Help Enterprises, Inc. (SHE) in the provision of source water for the Emergency Tank Program that serves 389 residences across Tulare County where domestic wells have run dry due to continued drought. The County had been providing source water from its well at the Bob Wiley Detention Facility, north of Visalia, but the recent rainfall had caused damage and the temporary closure of the access road to the well. The Council acted to grant the County's request for emergency assistance and provide source water to SHE to continue the Emergency Tank Program, to be reviewed at its next regular meeting on February 7, 2023. On January 20, 2023, SHE began taking City water for delivery. The County later reported that

the access road had been repaired and that the County source well was accessible again to SHE beginning on February 1, 2023. According to the City water meter report, approximately 111,500 gallons of water was accessed by SHE, with a corresponding cost of \$350. At Council's direction, City staff has also been in contact and coordinating with the Eastern Tule Groundwater Sustainability Agency (ETGSA) in regard to source water from the ETGSA crossing over into other GSA territories and other Sub-basins (e.g. Kaweah) and addressing any potential impacts, although it is important to note that the same has been happening from the County well that is located in the Kaweah Sub-basin.

Initially within the city of Porterville, twenty-six (26) residences within the city were determined to have dry wells, for which City staff submitted a Mutual Aid Request to Tulare County OES to initiate the household tank program for identified properties within the city where wells are dry and challenged for permanent connection. The State has committed funding for non-profit agencies to continue drought-related activities, which Self-Help Enterprises has continued the household tank program locally, through State Cleanup and Abatement Account (CAA) emergency funds.

Representatives for the City, County, State (CalOES, DDW, DWR, and SWB) and non-profit partners continued to meet in support of the long-term permanent water connection project for the entire East Porterville area and the estimated 1,800 expected future connections. DWR identified 423 residential units in the East Porterville area (381 of which are in the City's Urban Development Boundary), that were served by the County's Household Tank Program and desired by the State to be connected to the City's water distribution system as soon as possible. DWR has completed a significant City waterline extension project to permanently connect those 423 residential units to the City's water system (considered Phase I of the project). To provide initial source water for the DWR extension project, CalOES desired to expeditiously connect the new well on Olive Avenue to the City's water system instead of being first equipped as a filling station. Given the new well has an estimated water production value of 800 gallons per minute, as well as a SWB assumed 1.5 gallons per minute per residence, the new well could effectively serve up to five hundred (500) single-family residential units. The City indicated its significant interest that the E. Vandalia Avenue area and its eighty (80) residential units be included in the water connection project, to which the State was agreeable.

Given CalOES has paid for the development of the new well, and its connection to the City's water system, the City will be required under "Drought Redundancy and Resiliency Provisions" to make available to the State up to three million gallons of water per month without charge for emergency purposes. On May 7, 2022, Tulare County OES notified the City that due to deteriorating conditions across the county involving small water systems dependent upon the Friant-Kern Canal that may result in the complete lack of water or "Do Not Drink" orders, the State and County may have to invoke the provision of water from the well.

To proceed with the connection of the new well to the City's water system and the 500 East Porterville and E. Vandalia Avenue residential units, the City Council approved modifications to the Draft Agreement between the City and County at its meeting on April 5, 2016, which the County Board of Supervisors subsequently approved at their meeting on May 10, 2016.

A Memorandum of Understanding between the State, County, and City on the East Porterville permanent water connection project was approved by the Council during a Special Meeting on Tuesday, June 21, 2016, and approved by the Board of Supervisors on Tuesday, June 28, 2016. With the approval of the MOU, the State began the permanent connection of approximately forty (40) homes that are located along existing City water mains. Subsequently, the State officially requested that the City approve the connection of an additional thirty (30) residences as part of the first immediate connections, for up to a total of seventy (70), which the Council approved at its meeting on August 2, 2016.

In regards to the new well's development and connection to the City's water distribution system, the Board of Supervisors awarded the contract for equipping and connecting the new well at its meeting on Tuesday, August 16, 2016, and construction activities commenced the week of October 10, 2016. County staff had previously indicated that the well would be in service and connected to the City's system no later than December 2016, however, the well was operational and connected to the City's water distribution as of Friday, February 17, 2017. Given the delay in the well's completion and connection, DWR requested that the Council consider allowing the connection of residences as they become prepared for connection, to which the Council was receptive, and a Draft MOU Amendment was approved by the Council at its meeting on December 6, 2016, and subsequently approved by the Board of Supervisors at is meeting on December 20, 2016. City staff continued to work with County staff toward the transfer of the well's ownership from the County to the City, which at its meeting on April 20, 2021, the Council approved the draft Transfer Agreement subject to the City Attorney's final form.

As of Friday, March 31, 2017, the date the State established as the final day for property owners to complete the registration process to participate in the State-funded connection program opportunity, of the 1,017 eligible developed residential properties identified by the State for connection, 722 completed the required Extra-Territorial Services Agreement, leaving 295 developed residential properties non-responsive to this unique connection program, twenty-three (23) of which were reported as having either dry or diminishing capacity wells. On February 6, 2018, the final residential connection was made of the approximate eligible eight hundred (800) residences in East Porterville to the City's water system.

City staff continues to coordinate with Self-Help Enterprises and State representatives toward the extension of water mains to serve all residential properties within City limits and the city's periphery that are currently participating in the County's Household Tank Program. The two main areas of

focus are N. Cobb Street (northwest of State Route 65 and Pioneer Avenue), and S. Cloverleaf Street (southeast of State Route 65 and Olive Avenue). The State has maintained its commitment to grant-fund the necessary infrastructure and connection fees, providing an official funding letter to the City on January 18, 2018, which commits up to \$2.81 million in funding until December 31, 2019. The authorization to advertise for bids for the water connection project was approved by the Council at its July 17th meeting, after which DWR reviewed the bid package for compliance and approved in December the package for advertisement. Council authorized award of the construction contract for approximately \$1.82 million at its meeting on January 15, 2019. City staff conducted a pre-construction public outreach meeting with the affected residents on the status of the project on Thursday, April 4, 2019. Council authorized the agreement with Self-Help Enterprises Inc. to provide the private residential connections at its meeting on July 2, 2019, and construction work began on the project. At its meeting on October 1, 2019, the Council accepted the public works segment of the project in the installation of water mains as complete, with Self-Help and CSET continuing to collaborate on the completion of the individual private connections and abandonment of private wells. City staff has recently been made aware that there may be a couple of additional residences whose wells are dry that are located along existing City water mains or may require further extension of water mains. Staff is coordinating with State staff on addressing these new isolated needs.

County OES and the State Division of Drinking Water (DDW) have reported to the City that the Central Mutual Water Company, located south of the city and south of Gibbons Avenue, has had its well run dry and desires an immediate emergency connection to the City's water system to serve the forty-one (41) connections currently without water. DDW is wishing to support a financial application to upgrade the small water system to City standards (new water lines, meters, etc.), and to sponsor an Urban Development Boundary (UDB) Amendment application to Tulare County Local Agency Formation Commission (LAFCO), given this area is currently outside the City's UDB but within the City's Urban Area Boundary (UAB). Given several private wells have run dry in this area, DDW is also attempting to sponsor their connection to the City's water system. For source water capacity for the connections, DWR will include these new connections within the East Porterville water connection capacity development projects. At its Special meeting on August 30, 2019, the City Council directed staff to proceed with the immediate emergency connection of the Central water system, with the permanent connection of the system contingent upon an Agreement with DDW to the sponsorship conditions they have offered. At its meeting on October 1, 2019, the Council directed staff to proceed with the amendment of the UDB to facilitate annexation, which a public meeting with the affected residents was conducted on Wednesday, October 9, 2019. At its meeting on April 21, 2020, the Council conducted a Public Hearing and approved Resolutions of approval of the environmental determination and amendment to the UDB to facilitate annexation. At its meeting on June 1, 2021, the Council approved the State Water Board funding agreement for the development of a City-owned production well, distribution mains and water meters to serve each customer, as well as fire hydrants. On

July 20, 2021, the City received notification from the State Water Board that the Akin/Central Water Consolidation Project funding agreement had been formally approved and executed.

DDW has also reported to the City that the Del Oro East Plano water system, located on Paul Street (southeast of the intersection of Plano Street and Worth Avenue), is experiencing problems with its existing well and have implemented severe water restrictions. The East Plano water system serves fourteen (14) residences and approximately forty-five (45) people. DDW is wishing to provide financial support to upgrade the small water system to City standards (new water lines, meters ,etc.), and for source water capacity for the connections, DDW would need to either pay appropriate fees and/or develop a capacity development project. The Council is aware that the Del Oro Grandview Gardens water system (north of W. North Grand Avenue) is also experiencing significant issues, and DDW may seek their future consolidation with the City's water system as well.

DDW has further reported to the City that the Beverly Grand Mutual Water Company water system, located north of West North Grand Avenue, is experiencing problems with its existing well and water quality issues, and desires its connection to the City's system to serve the thirty-one (31) residences the system serves. DDW is wishing to provide financial support to upgrade the small water system to City standards (new water lines, meters ,etc.), and for source water capacity for the connections, DDW has agreed to pay appropriate fees toward developing a capacity development project, which at its meeting of October 3, 2017, the Council approved a purchase agreement with Smee Homes, Inc. for the acquisition of property along the Tule River for the development of a new municipal well. At its meeting of October 1, 2019, the Council approved proceeding with the consolidation of the Beverly Grand water system.

RECOMMENDATION:

That the City Council receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration.

ATTACHMENTS:

- 1. City of Porterville Resolution Declaring Local Drought Emergency: May 5, 2015
- 2. United States Department of Agriculture Drought Natural Disaster Area Designation: March 5, 2021
- 3. State of California State of Emergency Proclamation: April 21, 2021
- 4. County of Tulare Drought Local Emergency Resolution: April 27, 2021
- 5. State Water Resources Control Board: Emergency Regulation Water Conservation; January 4, 2022
- 6. Governor Newsom Executive Order N-7-22: March 28, 2022

- 7. State Water Resources Control Board: Emergency Regulation Water Conservation; June 10, 2022
- 8. State Water Resources Control Board Funding Agreement: Akin/Central Water Consolidation Project

Appropriated/Funded:

Review By:

Department Director: John Lollis, City Manager

Final Approver: John Lollis, City Manager

RESOLUTION NO. 49-2015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DECLARING A DROUGHT EMERGENCY WITHIN THE CITY OF PORTERVILLE

WHEREAS: in response to the ongoing severe drought, the State Water Resources Control Board approved an emergency regulation to ensure water agencies, their customers, and state residents increase water conservation in urban settings or face possible fines or other enforcement; and

WHEREAS: as we enter the fourth year of severe drought, long-term forecasts indicate no relief of the current drought conditions, and suggest a warmer-than-average summer, resulting in increased domestic demand for water; and

WHEREAS: public and private potable water supplies continue to be threatened due to decreasing supplies of groundwater caused by the precipitation deficit and an extended state of groundwater overdraft; and

WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

NOW, THEREFORE, BE IT RESOLVED: that the City Council of the City of Porterville does hereby proclaim that, due to drought conditions, a Local Emergency now exists in the city of Porterville and shall remain in effect for the duration of the emergency; and

BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance, to include a Presidential Declaration of Emergency and Individual Assistance and Public Assistance programs as applicable; and

BE IT FURTHER RESOLVED: that a copy of this resolution be forwarded to the State Director of the Office of Emergency Services.

PASSED, APPROVED, AND ADOPTED this 5th, day of May 2015.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk



United States Department of Agriculture

Office of the Secretary Washington, D.C. 20250

March 5, 2021

The Honorable Gavin Newsom Governor State of California Sacramento, California 95814

Dear Governor Newsom:

In accordance with 7 CFR 759.5(a), I am designating 50 California counties as primary natural disaster areas due to a recent drought.

According to the U.S. Drought Monitor (see http://droughtmonitor.unl.edu/), these counties suffered from a drought intensity value during the growing season of 1) D2 Drought-Severe for 8 or more consecutive weeks or 2) D3 Drought-Extreme or D4 Drought-Exceptional.

In accordance with section 321(a) of the Consolidated Farm and Rural Development Act, additional areas of your state and adjacent states are named as contiguous disaster counties. Enclosed you will find documentation that provides a detailed list of all primary and contiguous counties impacted by this disaster.

A Secretarial disaster designation makes farm operators in primary counties and those counties contiguous to such primary counties eligible to be considered for certain assistance from the Farm Service Agency (FSA), provided eligibility requirements are met. This assistance includes FSA emergency loans. Farmers in eligible counties have 8 months from the date of a Secretarial disaster declaration to apply for emergency loans. FSA considers each emergency loan application on its own merits, taking into account the extent of production losses on the farm and the security and repayment ability of the operator.

Local FSA offices can provide affected farmers with further information.

Sincerely,

Thomas J. Vilsack

Secretary

Enclosure

Disaster Designation Areas for California and Contiguous States

Primary Counties:

California	(50)			
Alameda	Glenn	Marin	Riverside	Solano
Alpine	Humboldt	Mariposa	Sacramento	Sonoma
Amador	Imperial	Mendocino	San Bernardino	Stanislaus
Butte	Inyo	Merced	San Francisco	Sutter
Calaveras	Kern	Modoc	San Joaquin	Tehama
Colusa	Kings	Mono	San Mateo	Trinity
Contra Costa	Lake	Napa	Santa Clara	Tulare
Del Norte	Lassen	Nevada	Shasta	Tuolumne
El Dorado	Los Angeles	Placer	Sierra	Yolo
Fresno	Madera	Plumas	Siskiyou	Yuba

Contiguous Counties:

California	(8)		
Monterey	San Benito	San Luis Obispo	Santa Cruz
Orange	San Diego	Santa Barbara	Ventura

In addition, in accordance with section 321(a) of the Consolidated Farm and Rural Development Act, counties in adjacent states are named as contiguous disaster areas. Those states, counties, and numbers are:

Contiguous Counties in Adjacent States:

Arizona La Paz	(3) Mohave	Yuma	
Nevada Clark Douglas	(8) Esmeralda Lyon	Mineral Nye	Washoe Carson City
Oregon Curry Jackson	(5) Josephine Klamath	Lake	

EXECUTIVE DEPARTMENT STATE OF CALIFORNIA

State of Emergency Proclamation

WHEREAS climate change is intensifying the impacts of droughts on our communities, environment and economy, and California must therefore improve drought resiliency and prepare to respond to more frequent, prolonged, and intense dry periods; and

WHEREAS much of the West is experiencing severe to exceptional drought and California is in a second consecutive year of dry conditions, resulting in drought or near-drought throughout many portions of the State; and

WHEREAS these drought conditions can result in degraded water quality, fallowing of productive farmland, setbacks to vulnerable and rural communities through job losses and longer-lasting recoveries, significant impacts to tribal, commercial, and recreational salmon fisheries, constraints on access to traditional lifeways, loss of aquatic and terrestrial biodiversity, and ecosystem impacts; and

WHEREAS drought conditions vary across the State and some watersheds, including the Russian River and Klamath Basin, are extremely dry and are facing substantial water supply and ecosystem challenges; and

WHEREAS it is necessary to expeditiously mitigate the effects of the drought conditions within the Russian River Watershed, located within Mendocino and Sonoma counties, to ensure the protection of health, safety, and the environment; and

WHEREAS experience in the last drought has demonstrated the value of preparing earlier for potential sustained dry conditions, the need to improve our monitoring and forecasting capabilities, and many other lessons that are captured in the Administration's *Report to the Legislature on the 2012-2016*Drought; and

WHEREAS the State and its many partners have strengthened drought resilience since the last drought including state investments in water management systems, implementation of the Sustainable Groundwater Management Act, establishment of the Safe and Affordable Fund for Equity and Resilience Program, development of the Administration's Water Resilience Portfolio, and continued water conservation by Californians whose current statewide urban water use is 16% lower than at the beginning of the last drought; and

WHEREAS state agencies have been actively responding to current drought conditions and preparing for the possibility of a third dry year including through convenings of the interagency drought team, which was established at my direction, to organize, focus, and track changing conditions, coordinate state agency responses, and work closely with partners across the State; and

WHEREAS under the provisions of Government Code section 8558(b), I find that the conditions caused by the drought conditions, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and



WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the drought conditions; and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of, the drought conditions within the Russian River Watershed, and under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions of the Russian River Watershed, located within Mendocino and Sonoma counties.

NOW THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in Mendocino and Sonoma counties due to drought conditions in the Russian River Watershed.

IT IS HEREBY ORDERED THAT:

- To further the success of California's water conservation efforts and increase our drought preparedness, state agencies shall partner with local water districts and utilities to make all Californians aware of drought, and encourage actions to reduce water usage by promoting the Department of Water Resources' Save Our Water campaign (https://saveourwater.com) and other water conservation programs.
- 2. To continue coordination with partners across the State for the potential of prolonged drought impacts, the Department of Water Resources, the State Water Resources Control Board (Water Board), the Department of Fish and Wildlife, and the Department of Food and Agriculture shall work with regional and local governments, including groundwater sustainability agencies, to identify watersheds, communities, public water systems, and ecosystems that may require coordinated state and local actions to address issues stemming from continued dry conditions, to ensure that we can respond to water shortages and protect people, natural resources and economic activity.
- 3. To continue partnership and coordination with Californian Native American tribes, state agencies shall engage in consultation, collaboration, and communication with California Native American tribes to assist them in necessary preparation and response to drought conditions on tribal lands and potential impacts to cultural and traditional resources within ancestral lands.
- 4. To prioritize drought response and preparedness resources, the Department of Water Resources, the Water Board, the Department of Fish and Wildlife and the Department of Food and Agriculture, in consultation with the Department of Finance, shall:
 - a. Accelerate funding for water supply enhancement, water conservation, or species conservation projects.
 - b. Identify unspent funds that can be repurposed to enable projects to address drought impacts to people, ecosystems, and economic activities.
 - c. Recommend additional financial support for water resilience infrastructure projects and actions for potential inclusion in the upcoming May Revision.

- 5. To increase resilience of our water supplies during drought conditions, the Department of Water Resources shall:
 - a. Work with counties to encourage reporting of household water shortages, such as dry residential wells, on the website the Department maintains for that purpose, to enable tracking of drought impacts.
 - b. Work with counties, and groundwater sustainability agencies as appropriate, to help ensure that well drillers submit required groundwater well logs for newly constructed and deepened wells in a timely manner.
 - c. Work with agricultural water suppliers and agricultural water users to provide technical assistance, including implementation of efficient water management practices and use of technology such as the California Irrigation Management Information System.
 - d. Work with urban and agricultural water suppliers to encourage timely submittal by water districts and public posting of urban water management and water shortage contingency plans and agricultural water management and drought plans.
 - e. Accelerate updating the land subsidence data it is providing to support implementation of the Sustainable Groundwater Management Act.
- 6. To increase resilience of our water systems during drought conditions, the Water Board shall:
 - a. Use its authority, provide technical assistance, and where feasible provide financial assistance, to support regular reporting of drinking water supply well levels and reservoir water levels where the Water Board determines that there is risk of supply failure because of lowering groundwater levels or reservoir levels that may fall below public water system intakes.
 - b. Prioritize the permitting of public water systems that anticipate the need to activate additional supply wells where water quality is a concern and treatment installation needs to proceed to relieve a system's potential supply concerns.
 - c. Provide annual water demand data, information on water right priority, and other communications on water availability on its website.
 - d. Identify watersheds where current diversion data is insufficient to evaluate supply impacts caused by dry conditions, and take actions to ensure prompt submittal of missing data in those watersheds.
- 7. To address the acutely dry conditions in the Russian River Watershed, the Water Board shall consider:
 - a. Modifying requirements for reservoir releases or diversion limitations in that watershed to ensure adequate, minimal water supplies for critical purposes.
 - b. Adopting emergency regulations to curtail water diversions when water is not available at water rights holders' priority of right or to protect releases of stored water.

For purposes of carrying out this directive, Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are suspended in the counties of Mendocino and Sonoma to the extent necessary to address the impacts of the drought in the Russian River Watershed. The Water Board shall identify the projects

- eligible for the suspensions pursuant to this paragraph and maintain on its websites a list of the activities or approvals for which these provisions are suspended.
- 8. To ensure that equipment and services necessary for drought response in the Russian River Watershed can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to procurement, state contracts, and fleet assets, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended to the extent necessary to address the effects of the drought in the Russian River Watershed, located within Mendocino and Sonoma counties. Approval of the Department of Finance is required prior to the execution of any contract entered into pursuant to this provision.
- 9. To increase the resilience of our natural habitats to protect vulnerable species during drought conditions, the Department of Fish and Wildlife shall:
 - a. Evaluate and take actions to protect terrestrial and aquatic species and, wherever possible, work with water users and other parties on voluntary measures to protect species.
 - b. Work to improve State hatcheries and increase water use efficiency on State wildlife areas and ecological reserves to maintain habitat for vulnerable species.
 - c. Respond to human-wildlife interactions related to ongoing dry conditions and increase public messaging and awareness.
 - d. Work with commercial and recreational salmon fishing and tribal representatives to anticipate and develop strategies to mitigate and respond to salmon fishery impacts, with particular emphasis on addressing impacts to salmon fisheries in the Klamath Basin.
- 10.To support our agricultural economy and food security during drought conditions, the Department of Food and Agriculture shall:
 - a. Provide technical assistance to support conservation planning, onfarm water and energy conservation practices and technologies, including augmenting the State Water Efficiency and Enhancement Program.
 - b. Conduct an economic analysis of drought impacts to agriculture, including land use, jobs, and rural food economies, expanding on existing research done in the last drought to include thorough regional analysis especially in the Central Valley, and in the implementation of the Sustainable Groundwater Management Act and alternative land uses for fallowed land.
 - c. Maintain a web page with drought resources for farmers and ranchers, including the United States Department of Agriculture and other federal and state resources.
 - d. Work with federal agencies to assist Klamath Basin farmers and ranchers contending with reduced water supplies.
- 11.To ensure the potential impacts of drought on communities are anticipated and proactively addressed, the Department of Water Resources, in coordination with the Water Board, shall develop groundwater management principles and strategies to monitor, analyze, and minimize impacts to drinking water wells.
- 12.To provide critical information on the different drought conditions across the State, the Department of Water Resources, in consultation with the Department of Fish and Wildlife, the Department of Food and Agriculture,

and the Water Board, shall develop a California Drought Monitor by December 31, 2021, as recommended in the Administration's Report to the Legislature on the 2012-2016 Drought.

- 13.To prepare for potential salinity issues in the Delta, the Department of Water Resources, in consultation with the Water Board, the Department of Fish and Wildlife, the Delta Stewardship Council, and the Central Valley Flood Protection Board, shall initiate actions necessary to prepare for and address potential Delta salinity issues during prolonged drought conditions.
- 14. To prepare for potential impacts of drought conditions on species, the Water Board and the Department of Fish and Wildlife shall work with federal agency partners to manage temperature conditions for the preservation of fish in the Sacramento River downstream of Shasta Dam while balancing water supply needs.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I **FURTHER DIRECT** that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of Galifornia to be affixed this 21st day of April 2021

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GAVA NEWSOM

Governor of California

UNION LAUSEL

ATTEST:

DR SHIRLEY WEBEI

Secretary of State

RESOLUTION PROCLAIMING A LOCAL EMERGENCY BY THE BOARD OF SUPERVISORS COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF A	
LOCAL EMERGENCY DUE TO	RESOLUTION NO. 2021-0290
SEVERE DROUGHT CONDITIONS	

WHEREAS, California's most recent drought spanning from approximately 2012 to 2018 required the proclamation of a Local Emergency by the County of Tulare from February 2014 to November 2019, as well as a Governor's State of Emergency and the combined resources of multiple local, state, and federal agencies, commercial entities, and non-profit organizations to mitigate; and

WHEREAS, over 3,000 failed or dry wells – including private domestic, community, and agricultural wells – were reported to Tulare County from 2014 to 2017 as a result of the prior drought, causing significant health, safety, and economic issues for Tulare County residents and businesses; and

WHEREAS, well over \$100 million in emergency relief and permanent infrastructure projects were expended to mitigate the effects of the prior drought; and

WHEREAS, a hydrological year ("water year") runs from October 1 to September 30 of the following year; and

WHEREAS, the current water year beginning October 1, 2020 is, to date, the third-driest on record, with potential to become the driest on record without significant additional precipitation which is unlikely to occur during the traditionally dry months; and

WHEREAS, the United States Drought Monitor shows that 94.51% of Tulare County is currently experiencing "Extreme Drought" (D3) conditions and the remaining 5.49% is in "Severe Drought" (D2) conditions, and the County of Tulare anticipates that these conditions will progress to "Exceptional Drought" (D4) conditions as occurred in the prior drought based on the current Southern Sierra snowpack measured at only 15% of historical average for April 1st, drastically reduced surface water allocations on the State Water Project and Central Valley Project, and correspondingly low water levels in local reservoirs; and

WHEREAS, surface water supply constraints create a demonstrable and unsustainable increase in demand for groundwater which is likely to cause additional dry wells for community water systems, private domestic wells, and agricultural wells, creating economic hardships and conditions of extreme peril to the health and safety of individuals within Tulare County requiring the combined forces of all levels of government to mitigate; and

WHEREAS, California Government Code section 8630 empowers the Board of Supervisors to proclaim the existence or threatened existence of a local emergency; and

WHEREAS, Section 1-15-1005 of the Tulare County Ordinance Code defines "emergency" to include "the actual or threatened existence of conditions of disaster or of

extreme peril to the safety of persons and property within [Tulare] County caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, ... which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of [Tulare] County, requiring the combined forces of other political subdivisions to combat"; and

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout said Tulare County due to drought which has created conditions of disaster and extreme peril to the safety of persons and property within the County, and that such conditions are or are likely to be beyond the control of the services, personnel, equipment, and/or facilities of this County, thus requiring the combined forces of other political subdivisions to combat; and

IT IS FURTHER PROCLAIMED that this local emergency is proclaimed pursuant to the California Emergency Services Act, California Government Code §8550 et seq.; and

IT IS REQUESTED that the Governor of the State of California find and proclaim Tulare County to be in a State of Emergency, and make available any and all material and financial support and resources necessary to combat the conditions of disaster, including but not limited to California Disaster Assistance Act funding for emergency protective measures and increased funding to relevant programs of the State Water Resources Control Board and Department of Water Resources; and

IT IS FURTHER REQUESTED that the Governor waive and all regulations and statutes that may hinder response to this emergency; and

IT IS PROCLAIMED AND ORDERED that during the existence of said local emergency, the powers, functions, and duties of the emergency organization of Tulare County shall be those prescribed by State law, by ordinances and resolutions of Tulare County, and by the Tulare County Operational Area Emergency Operations Plan, as approved by the Board of Supervisors.

UPON MOTION OF SUPERVISOR MICARI, SECONDED BY SUPERVISOR TOWNSEND, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD APRIL 27, 2021, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS MICARI, VANDER POEL, SHUKLIAN, VALERO AND

TOWNSEND

NOES: NONE ABSTAIN: NONE

ABSENT: NONE ATTEST: JASON T. BRITT

COUNTY ADMINISTRATIVE OFFICER/ CLERK, BOARD OF SUPERVISORS

BY:

Deputy Clerk

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2022-0002

TO ADOPT AN EMERGENCY REGULATION TO SUPPLEMENT VOLUNTARY WATER CONSERVATION

WHEREAS:

- On April 21, May 10, and July 8, 2021, Governor Newsom issued proclamations that a state of emergency exists in a total of 50 counties due to severe drought conditions and directed state agencies to take immediate action to preserve critical water supplies and mitigate the effects of drought and ensure the protection of health, safety, and the environment.
- 2. On October 19, 2021, Governor Newsom signed a proclamation extending the drought emergency statewide and further urging Californians to reduce their water use.
- 3. There is no guarantee that winter precipitation will alleviate the current drought conditions.
- 4. Many Californians have taken bold steps over the years to reduce water use; nevertheless, the severity of the current drought and uncertainty about Water Year 2022 require additional conservation actions from residents and businesses.
- 5. Water conservation is the easiest, most efficient, and most cost-effective way to quickly reduce water demand and extend supplies into the next year, providing flexibility for all California communities. Water saved is water available next year, giving water suppliers the flexibility to manage their systems efficiently. The more water that is conserved now, the less likely it is that a community will experience such dire circumstances or that water rationing will be required.
- 6. Most Californians use more water outdoors than indoors. In many areas, 50 percent or more of daily water use is for lawns and outdoor landscaping. Outdoor water use is generally discretionary, and many irrigated landscapes would not suffer greatly from receiving a decreased amount of water.

- 7. Public information and awareness are critical to achieving conservation goals, and the Save Our Water campaign (<u>SaveOurWater.com</u>), run jointly by the Department of Water Resources (DWR) and the Association of California Water Agencies, is an excellent resource for conservation information and messaging that is integral to effective drought response.
- 8. <u>SaveWater.CA.Gov</u> is an online tool designed to help save water in communities. This website lets anyone easily report water waste from their phone, tablet, or computer by simply selecting the type of water waste they see, typing in the address where the waste is occurring, and clicking send. These reports are filed directly with the State Water Resources Control Board (State Water Board or Board) and relevant local water supplier.
- 9. Enforcement against water waste is a key tool in conservation programs. When conservation becomes a social norm in a community, the need for enforcement is reduced or eliminated.
- 10. On October 19, 2021, the Governor suspended the environmental review required by the California Environmental Quality Act to allow State Water Board-adopted drought conservation emergency regulations and other actions to take place quickly to respond to emergency conditions.
- 11. Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations in certain drought years in order to: "prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter's priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports."
- 12. On November 30, 2021, the State Water Board issued public notice that the State Water Board would consider the adoption of the regulation at the Board's regularly scheduled January 4, 2022 public meeting, in accordance with applicable State laws and regulations. The State Water Board also distributed for public review and comment a Finding of Emergency that complies with State laws and regulations.
- 13. The emergency regulation sets a minimum standard that many communities are already doing more but not everyone is taking these low-cost, easy to implement actions that can save significant amounts of water during a drought emergency.

- 14. Disadvantaged communities may require assistance in increasing water conservation, and state and local agencies should look for opportunities to provide assistance in promoting water conservation, including but not limited to translation of regulation text and dissemination of water conservation announcements into languages spoken by at least 10 percent of the people who reside in a water supplier's service area, such as in newspaper advertisements, bill inserts, website homepage, social media, and notices in public libraries.
- 15. The Board directs staff to consider the following in pursuing any enforcement of section 995, subdivision (b)(1)(A)-(F): before imposing monetary penalties, staff shall provide one or more warnings; monetary penalties must be based on an ability to pay determination, consider allowing a payment plan of at least 12 months, and shall not result in a tax lien; and Board enforcement shall not result in shutoff.
- 16. The Board encourages entities other than Board staff that consider any enforcement of this regulation to apply these same factors identified in resolved paragraph 15. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Moreover, the Water Code does not impose a mandatory penalty for violations of the regulation adopted by this resolution, and local agencies retain their enforcement discretion in enforcing the regulation, to the extent authorized, and may develop their own progressive enforcement practices to encourage conservation.

THEREFORE BE IT RESOLVED THAT:

- 1. The State Water Board adopts California Code of Regulations, title 23, section 995, as appended to this resolution as an emergency regulation.
- 2. State Water Board staff will submit the regulation to the Office of Administrative Law (OAL) for final approval.
- If, during the approval process, State Water Board staff, the State Water Board, or OAL determines that minor corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the State Water Board Executive Director or designee may make such changes.

- 4. This regulation shall remain in effect for one year after filing with the Secretary of State unless the State Water Board determines that it is no longer necessary due to changed conditions or unless the State Water Board renews the regulation due to continued drought conditions, as described in Water Code section 1058.5.
- 5. The State Water Board directs State Water Board staff to work with the Department of Water Resources and the Save Our Water campaign to disseminate information regarding the emergency regulations.
- Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Local agencies are encouraged to develop their own progressive enforcement practices to promote conservation.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on January 4, 2022.

AYE: Vice Chair Dorene D'Adamo

Board Member Sean Maguire Board Member Laurel Firestone Board Member Nichole Morgan

NAY: None

ABSENT: Chair E. Joaquin Esquivel

ABSTAIN: None

Jeanine Townsend
Clerk to the Board

ADOPTED TEXT OF EMERGENCY REGULATION

Title 23. Waters

Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

Chapter 3.5. Urban Water Use Efficiency and Conservation

Article 2. Prevention of Drought Wasteful Water Uses

§ 995. Wasteful and Unreasonable Water Uses.

- (a) As used in this section:
- (1) "Turf" has the same meaning as in section 491.
- (2) "Incidental runoff" means unintended amounts (volume) of runoff, such as unintended, minimal overspray from sprinklers that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility or system design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.
- (b)(1) To prevent the unreasonable use of water and to promote water conservation, the use of water is prohibited as identified in this subdivision for the following actions:
 - (A) The application of potable water to outdoor landscapes in a manner that causes more than incidental runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;
 - (B) The use of a hose that dispenses water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;
 - (C) The use of potable water for washing sidewalks, driveways, buildings, structures, patios, parking lots, or other hard surfaced areas, except in cases where health and safety are at risk;
 - (D) The use of potable water for street cleaning or construction site preparation purposes, unless no other method can be used or as needed to protect the health and safety of the public;
 - (E) The use of potable water for decorative fountains or the filling or topping-off of decorative lakes or ponds, with exceptions for those decorative fountains, lakes, or ponds that use pumps to recirculate water and only require refilling to replace evaporative losses;
 - (F) The application of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one fourth of one inch of rain. In determining whether measurable rainfall of at least fourth of one inch of rain occurred in a given area, enforcement may be based on records of the National Weather Service, the closest CIMIS station to the parcel, or any other reliable source of rainfall data available to the entity undertaking enforcement of this subdivision; and
 - (G) The use of potable water for irrigation of ornamental turf on public street medians.

- (2) Notwithstanding subdivision (b)(1), the use of water is not prohibited by this section to the extent necessary to address an immediate health and safety need. This may include, but is not limited to, the use of potable water in a fountain or water feature when required to be potable because human contact is expected to occur.
- (c)(1) To prevent the unreasonable use of water and to promote water conservation, any homeowners' association or community service organization or similar entity is prohibited from:
 - (A) Taking or threatening to take any action to enforce any provision of the governing documents or architectural or landscaping guidelines or policies of a common interest development where that provision is void or unenforceable under section 4735, subdivisions (a) and (b) of the Civil Code;
 - (B) Imposing or threatening to impose a fine, assessment, or other monetary penalty against any owner of a separate interest for reducing or eliminating the watering of vegetation or lawns during a declared drought emergency, as described in section 4735, subdivision (c) of the Civil Code; or
 - (C) Requiring an owner of a separate interest upon which water-efficient landscaping measures have been installed in response to a declared drought emergency, as described in section 4735, subdivisions (c) and (d) of the Civil Code, to reverse or remove the water-efficient landscaping measures upon the conclusion of the state of emergency.

(2) As used in this subdivision:

- (A) "Architectural or landscaping guidelines or policies" includes any formal or informal rules other than the governing documents of a common interest development.
- (B) "Homeowners' association" means an "association" as defined in section 4080 of the Civil Code.
- (C) "Common interest development" has the same meaning as in section 4100 of the Civil Code.
- (D) "Community service organization or similar entity" has the same meaning as in section 4110 of the Civil Code.
- (E) "Governing documents" has the same meaning as in section 4150 of the Civil Code.
- (F) "Separate interest" has the same meaning as in section 4185 of the Civil Code.
- (3) If a disciplinary proceeding or other proceeding to enforce a rule in violation of subdivision (c)(1) is initiated, each day the proceeding remains pending shall constitute a separate violation of this regulation.
- (d) To prevent the unreasonable use of water and to promote water conservation, any city, county, or city and county is prohibited from imposing a fine under any local maintenance ordinance or other relevant ordinance as prohibited by section 8627.7 of the Government Code.

- (e) The taking of any action prohibited in subdivision (b), (c) or (d) is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal.
- (f) A decision or order issued under this section by the Board or an officer or employee of the Board is subject to reconsideration under article 2 (commencing with section 1122) of chapter 4 of part 1 of division 2 of the Water Code.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 4080, 4100, 4110, 4150, 4185, and 4735, Civil Code; Section 8627.7, Government Code; Sections 102, 104, 105, 275, 350, 491, and 1122, Water Code; Light v. State Water Resources

Control Board (2014) 226 Cal.App.4th 1463; Stanford Vina Ranch Irrigation Co. v. State of California (2020) 50 Cal.App.5th 976.

EXECUTIVE DEPARTMENT STATE OF CALIFORNIA

EXECUTIVE ORDER N-7-22

WHEREAS on April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed states of emergency that continue today and exist across all the counties of California, due to extreme and expanding drought conditions; and

WHEREAS climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and California is in a third consecutive year of dry conditions, resulting in continuing drought in all parts of the State; and

WHEREAS the 21st century to date has been characterized by record warmth and predominantly dry conditions, and the 2021 meteorological summer in California and the rest of the western United States was the hottest on record; and

whereas since my October 19, 2021 Proclamation, early rains in October and December 2021 gave way to the driest January and February in recorded history for the watersheds that provide much of California's water supply; and

WHEREAS the ongoing drought will have significant, immediate impacts on communities with vulnerable water supplies, farms that rely on irrigation to grow food and fiber, and fish and wildlife that rely on stream flows and cool water; and

WHEREAS the two largest reservoirs of the Central Valley Project, which supplies water to farms and communities in the Central Valley and the Santa Clara Valley and provides critical cold-water habitat for salmon and other anadromous fish, have water storage levels that are approximately 1.1 million acre-feet below last year's low levels on this date; and

WHEREAS the record-breaking dry period in January and February and the absence of significant rains in March have required the Department of Water Resources to reduce anticipated deliveries from the State Water Project to 5 percent of requested supplies; and

WHEREAS delivery of water by bottle or truck is necessary to protect human safety and public health in those places where water supplies are disrupted; and

WHEREAS groundwater use accounts for 41 percent of the State's total water supply on an average annual basis but as much as 58 percent in a critically dry year, and approximately 85 percent of public water systems rely on groundwater as their primary supply; and

WHEREAS coordination between local entities that approve permits for new groundwater wells and local groundwater sustainability agencies is important to achieving sustainable levels of groundwater in critically overdrafted basins; and

UNION LABEL

WHEREAS the duration of the drought, especially following a multiyear drought that abated only five years ago, underscores the need for California to redouble near-, medium-, and long-term efforts to adapt its water management and delivery systems to a changing climate, shifting precipitation patterns, and water scarcity; and

WHEREAS the most consequential, immediate action Californians can take to extend available supplies is to voluntarily reduce their water use by 15 percent from their 2020 levels by implementing the commonsense measures identified in operative paragraph 1 of Executive Order N-10-21 (July 8, 2021); and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- The orders and provisions contained in my April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021 Proclamations remain in full force and effect, except as modified by those Proclamations and herein. State agencies shall continue to implement all directions from those Proclamations and accelerate implementation where feasible.
- 2. To help the State achieve its conservation goals and ensure sufficient water for essential indoor and outdoor use, I call on all Californians to strive to limit summertime water use and to use water more efficiently indoors and out. The statewide Save Our Water conservation campaign at SaveOurWater.com provides simple ways for Californians to reduce water use in their everyday lives. Furthermore, I encourage Californians to understand and track the amount of water they use and measure their progress toward their conservation goals.
- 3. By May 25, 2022, the State Water Resources Control Board (Water Board) shall consider adopting emergency regulations that include all of the following:
 - a. A requirement that each urban water supplier, as defined in section 10617 of the Water Code, shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water

supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code;

- b. A requirement that each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, the shortage response actions adopted under section 10632 of the Water Code for a shortage level of up to twenty percent (Level 2), by a date to be set by the Water Board; and
- c. A requirement that each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, shortage response actions established by the Water Board, which shall take into consideration model actions that the Department of Water Resources shall develop for urban water supplier water shortage contingency planning for Level 2, by a date to be set by the Water Board.

To further conserve water and improve drought resiliency if the drought lasts beyond this year, I encourage urban water suppliers to conserve more than required by the emergency regulations described in this paragraph and to voluntarily activate more stringent local requirements based on a shortage level of up to thirty percent (Level 3).

- 4. To promote water conservation, the Department of Water Resources shall consult with leaders in the commercial, industrial, and institutional sectors to develop strategies for improving water conservation, including direct technical assistance, financial assistance, and other approaches. By May 25, 2022, the Water Board shall consider adopting emergency regulations defining "non-functional turf" (that is, a definition of turf that is ornamental and not otherwise used for human recreation purposes such as school fields, sports fields, and parks) and banning irrigation of non-functional turf in the commercial, industrial, and institutional sectors except as it may be required to ensure the health of trees and other perennial non-turf plantings.
- 5. In order to maximize the efficient use of water and to preserve water supplies critical to human health and safety and the environment, Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended, with respect to the directives in paragraphs 3 and 4 of this Order and any other projects and activities for the purpose of water conservation to the extent necessary to address the impacts of the drought, and any permits necessary to carry out such projects or activities. Entities that desire to conduct activities under this suspension, other than the directives in paragraphs 3 and 4 of this Order, shall first request that the Secretary of the Natural Resources Agency make a determination that the proposed activities are eligible to be conducted under this suspension. The Secretary shall use sound discretion in applying this Executive Order to ensure that the suspension serves the purpose of accelerating conservation projects that are necessary to address impacts of the drought, while at the same time

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- protecting public health and the environment. The entities implementing these directives or conducting activities under this suspension shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.
- 6. To support voluntary approaches to improve fish habitat that would require change petitions under Water Code section 1707 and either Water Code sections 1425 through 1432 or Water Code sections 1725 through 1732, and where the primary purpose is to improve conditions for fish, the Water Board shall expeditiously consider petitions that add a fish and wildlife beneficial use or point of diversion and place of storage to improve conditions for anadromous fish. California Code of Regulations, title 23, section 1064, subdivisions (a)(1)(A)(i)-(ii) are suspended with respect to any petition that is subject to this paragraph.
- 7. To facilitate the hauling of water for domestic use by local communities and domestic water users threatened with the loss of water supply or degraded water quality resulting from drought, any ordinance, regulation, prohibition, policy, or requirement of any kind adopted by a public agency that prohibits the hauling of water out of the water's basin of origin or a public agency's jurisdiction is hereby suspended. The suspension authorized pursuant to this paragraph shall be limited to the hauling of water by truck or bottle to be used for human consumption, cooking, or sanitation in communities or residences threatened with the loss of affordable safe drinking water. Nothing in this paragraph limits any public health or safety requirement to ensure the safety of hauled water.
- 8. The Water Board shall expand inspections to determine whether illegal diversions or wasteful or unreasonable use of water are occurring and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
- 9. To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:

ONION LABEL

a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or

b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.

- 10. To address household or small community drinking water shortages dependent upon groundwater wells that have failed due to drought conditions, the Department of Water Resources shall work with other state agencies to investigate expedited regulatory pathways to modify, repair, or reconstruct failed household or small community or public supply wells, while recognizing the need to ensure the sustainability of such wells as provided for in paragraph 9.
- 11. State agencies shall collaborate with tribes and federal, regional, and local agencies on actions related to promoting groundwater recharge and increasing storage.
- 12. To help advance groundwater recharge projects, and to demonstrate the feasibility of projects that can use available high water flows to recharge local groundwater while minimizing flood risks, the Water Board and Regional Water Quality Control Boards shall prioritize water right permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge requirements to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife. For the purposes of carrying out this paragraph, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, and Chapter 3 (commencing with section 85225) of Part 3 of Division 35 of the Water Code and regulations adopted pursuant thereto are hereby suspended to the extent necessary to address the impacts of the drought. This suspension applies to (a) any actions taken by state agencies, (b) any actions taken by local agencies where the state agency with primary responsibility for the implementation of the directives concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b). The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.
- 13. With respect to recharge projects under either Flood-Managed Aquifer Recharge or the Department of Water Resources Sustainable

Groundwater Management Grant Program occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought, for any (a) actions taken by state agencies, (b) actions taken by a local agency where the Department of Water Resources concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b), Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

- 14. To increase resilience of state water supplies during prolonged drought conditions, the Department of Water Resources shall prepare for the potential creation and implementation of a multi-year transfer program pilot project for the purpose of acquiring water from willing partners and storing and conveying water to areas of need.
- 15. By April 15, 2022, state agencies shall submit to the Department of Finance for my consideration proposals to mitigate the worsening effects of severe drought, including emergency assistance to communities and households and others facing water shortages as a result of the drought, facilitation of groundwater recharge and wastewater recycling, improvements in water use efficiency, protection of fish and wildlife, mitigation of drought-related economic or water-supply disruption, and other potential investments to support short- and long-term drought response.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 28th day of March 2022.

GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D. Secretary of State

State of California Office of Administrative Law

In re:

State Water Resources Control Board

Regulatory Action:

Title 23, California Code of Regulations

Adopt sections: 996 Amend sections:

Repeal sections:

NOTICE OF APPROVAL OF EMERGENCY REGULATORY ACTION

Government Code Sections 11346.1 and 11349.6

OAL Matter Number: 2022-0606-03

OAL Matter Type: Emergency (E)

This emergency action by the State Water Resources Control Board adopts a new regulation which requires urban water suppliers to submit preliminary supply and demand assessments to the Department of Water Resources and to implement Level 2 demand reduction actions (actions intended to result in a 10 to 20 percent savings). The regulation bans the irrigation of non-functional turf with potable water in commercial, industrial, and institutional sectors and establishes that such irrigation is an infraction punishable by a fine of up to five hundred dollars for each day in which the violation occurs pursuant to Water Code section 1058.5(d).

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code. Pursuant to Water Code section 1058.5(b), the Finding of Emergency in this matter was exempt from Office of Administrative Law Review.

This emergency regulatory action is effective on 6/10/2022 and, pursuant to Water Code section 1058.5(c), will expire on 6/10/2023. The Certificate of Compliance for this action is due no later than 6/9/2023.

Date:

June 10, 2022

Dale Mentink

Assistant Chief Counsel

For:

Kenneth J. Pogue

Director

Original: Eileen Sobeck, Executive

Director

Copy: Garrett Lenahan

STATE OF CALIFORNIA--OFFICE OF ADMINISTRA NOTICE PUBLICATION

Z-

STD. 400 (REV. 10/2019) NOTICE FILE NUMBER OAL FILE

NUMBERS

Eric Oppenheimer

TYPED NAME AND TITLE OF SIGNATORY

2022

-0606-03E

For use by Office of Administrative Law (OAL) only

OFFICE OF ADMIN. LAW 2022 JUN 6 PH3:18

For use by Secretary of State only

ENDORSED - FILED in the office of the Secretary of State of the State of California

JUN 10 2022

JUN 10 2022

Office of Administrative Law

				2:06 PM
NOTICE	,			
AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board		REGULATIONS		AGENCY FILE NUMBER (If any)
A. PUBLICATION OF NOTICE (Comple	ete for publication in Noti	ce Register)		
1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFI	ECTED	REQUESTED PUBLICATION DATE
3. NOTICE TYPE Notice re Proposed Regulatory Action Other	GENCY CONTACT PERSON	TELEPHONE NUMBE	R	FAX NUMBER (Optional)
OAL USE ACTION ON PROPOSED NOTICE ONLY Approved as Submitted Modified	5 Disapproved/ Withdrawn	NOTICÉ REGISTER I	NUMBER	PUBLICATION DATE
B. SUBMISSION OF REGULATIONS (C		regulations)		
1a. SUBJECT OF REGULATION(S) Water Demand Reduction Emergency Re			IOUS RELATED	OAL REGULATORY ACTION NUMBER(S)
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AN		related)	***	
SECTION(S) AFFECTED (List all section number(s) (1996)				
additional sheet if needed.)		n '2000 10 10 10 10 10 10 10 10 10 10 10 10		
23 REPEAL			-	
3. TYPE OF FILING				
Resubmittal of disapproved or withdrawn nonemergency before the eme	compliance: The agency officer named that this agency complied with the lov. Code §§11346.2-11347.3 either ergency regulation was adopted or period required by statute.	Emergency Read (Gov. Code, §11:	opt 346.1(h))	Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) Print Only
Emergency (Gov. Code, \$11346.1(b))	disapproved or withdrawn g (Gov. Code, §11346.1)			le Section 1058.5
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF M	ODIFIED REGULATIONS AND/OR MATERIA	AL ADDED TO THE RULEN	IAKING FILE (Ca	II. Code Regs. title 1, §44 and Gov. Code §11347.1)
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346 Effective January 1, April 1, July 1, or Effective January 1, April 1, July 1, or		Without FT Effective		
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR R Department of Finance (Form STD. 399) (SAM §6660)	EVIEW, CONSULTATION, APPROVAL OR (THER AGENCY	OR ENTITY State Fire Marshal
Other (Specify)				·
7. CONTACT PERSON Garrett Lenahan	(916) 341-5179	FAX NUMBER (C	Optional)	E-MAIL ADDRESS (Optional)
I certify that the attached copy of the regulati of the regulation(s) identified on this form, the is true and correct, and that I am the head of or a designee of the head of the agency, and	ion(s) is a true and correct cop at the information specified on the agency taking this action	this form		Office of Administrative Law (OAL) only
SIGNATURE OF AGENCY HEAD OR DESIGNEE	LDATE			

DATE

6/6/2022

Digitally signed by Eric Oppenhei Date: 2022,06.06 14:24:44 -07'00'

Eric Oppenheimer, Chief Deputy Director, State Water Resources Control Board

ADOPTED EMERGENCY REGULATION TEXT

Title 23. Waters
Division 3. State Water Resources Control Board and Regional Water Quality
Control Boards
Chapter 3.5. Urban Water Use Efficiency and Conservation
Article 2. Prevention of Drought Wasteful Water Uses

§ 996. Urban Drought Response Actions

(a) As used in this section:

- (1) "Commercial, industrial and institutional" refers to commercial water users, industrial water users, and institutional water users as respectively defined in Water Code, section 10608.12, subdivisions (e), (i), and (j), and includes homeowners' associations, common interest developments, community service organizations, and other similar entities but does not include the residences of these entities' members or separate interests.
- (2) "Common interest development" has the same meaning as in section 4100 of the Civil Code.
- (3) "Community service organization or similar entity" has the same meaning as in section 4110 of the Civil Code.
- (4) "Homeowners' association" means an "association" as defined in section 4080 of the Civil Code.
- (5) "Non-functional turf" means turf that is solely ornamental and not regularly used for human recreational purposes or for civic or community events. Non-functional turf does not include sports fields and turf that is regularly used for human recreational purposes or for civic or community events.
- (6) "Plant factor" has the same meaning as in section 491.
- (7) "Separate interest" has the same meaning as in section 4185 of the Civil Code.
- (8) "Turf" has the same meaning as in section 491.
- (9) "Urban water supplier" has the same meaning as Water Code section 10617.
- (10) "Water shortage contingency plan" means the plan required by Water Code section 10632.
- (b) Each urban water supplier shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1

of the Water Code no later than June 1, 2022 or the effective date of this section, whichever comes later, and submit a final annual water supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code.

- (c) (1) Each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources shall implement by June 10, 2022, at a minimum, all demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2).
 - (2) Notwithstanding subdivision (c)(1), urban water suppliers shall not be required to implement new residential connection moratoria pursuant to this section.
 - (3) Notwithstanding subdivision (c)(1), an urban water supplier may implement the actions identified in subdivision (d) in lieu of implementing the demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code section 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2), provided the supplier meets all of the following:
 - (i) The supplier's annual water supply and demand assessment submitted to the Department of Water Resources demonstrates an ability to maintain reliable supply until September 30, 2023.
 - (ii) The supplier does not rely on, for any part of its supply, the Colorado River, State Water Project, or Central Valley Project, and no more than ten (10) percent of its supply comes from critically overdrafted groundwater basins as designated by the Department of Water Resources.
 - (iii) The supplier's average number of gallons of water used per person per day by residential customers for the year 2020 is below 55 gallons, as reported to the Board in the Electronic Annual Report.
- (d) Each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources shall, by June 10, 2022, and continuing until the supplier has implemented all demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2), implement at a minimum the following actions:
 - (1) Initiate a public information and outreach campaign for water conservation and promptly and effectively reach the supplier's customers, using efforts such as email, paper mail, bill inserts, customer app notifications, news articles, websites, community events, radio and television, billboards, and social media.
 - (2) Implement and enforce a rule or ordinance limiting landscape irrigation with potable water to no more than two (2) days per week and prohibiting landscape irrigation with potable water between the hours of 10:00 a.m. and 6:00 p.m.

- (3) Implement and enforce a rule or ordinance banning, at a minimum, the water uses prohibited by section 995. Adoption of a rule or ordinance is not required if the supplier has authority to enforce, as infractions, the prohibitions in section 995 and takes enforcement against violations.
- (e) (1) To prevent the unreasonable use of water and to promote water conservation, the use of potable water is prohibited for the irrigation of non-functional turf at commercial, industrial, and institutional sites.
 - (2) Notwithstanding subdivision (e)(1), the use of water is not prohibited by this section to the extent necessary to ensure the health of trees and other perennial non-turf plantings or to the extent necessary to address an immediate health and safety need.
 - (3) Notwithstanding subdivision (e)(1), an urban water supplier may approve a request for continued irrigation of non-functional turf where the user certifies that the turf is a low water use plant with a plant factor of 0.3 or less, and demonstrates the actual use is less than 40% of reference evapotranspiration.
- (f) The taking of any action prohibited in subdivision (e) is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal.
- (g) A decision or order issued under this section by the Board, or an officer or employee of the Board, is subject to reconsideration under article 2 (commencing with section 1122) of chapter 4 of part 1 of division 2 of the Water Code.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 4080, 4100, 4110, and 4185, Civil Code; Section 8627.7, Government Code; Sections 102, 104, 105, 275, 350, 377, 491, 1058.5, 1122, 10608.12, 10617, 10632, and 10632.1, Water Code; Light v. State Water Resources Control Board (2014) 226 Cal.App.4th 1463; Stanford Vina Ranch Irrigation Co. v. State of California (2020) 50 Cal.App.5th 976



DRINKING WATER CONSTRUCTION LOAN

AGREEMENT NO. SWRCB00000000000D2002017
by and between
CITY OF PORTERVILLE ("Recipient")
and

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD ("State Water Board")



AKIN/CENTRAL WATER CONSOLIDATION PROJECT 5410010-018C AND 5400655-001C ("Project")

 Section 116760 et seq. of the Health and Safety Code and Resolution Nos. 2019-0065 and 2020-0022.

PROJECT FUNDING AMOUNT: \$4,787,664
PRINCIPAL FORGIVENESS COMPONENT: \$4,787,664

ESTIMATED REASONABLE PROJECT COST: \$4,787,664
ELIGIBLE WORK START DATE: JULY 1, 2016
ELIGIBLE CONSTRUCTION START DATE: SEPTEMBER 22, 2020
CONSTRUCTION COMPLETION DATE: OCTOBER 1, 2023
FINAL REIMBURSEMENT REQUEST DATE: APRIL 1, 2024
RECORDS RETENTION END DATE: OCTOBER 1, 2059

Project No.: 5410010-018C/ 5400655-001C Agreement No.: SWRCB000000000D2002017

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1. The State Water Board and the Recipient mutually promise, covenant, and agree to the terms, provisions, and conditions of this Agreement, including the following Exhibits, which are attached hereto or are incorporated by reference:

- Exhibit A Scope of Work and Schedule
- Exhibit B Specific Funding Provisions
- Exhibit C GENERAL TERMS AND CONDITIONS 2019-NOV
- Exhibit D Special Conditions
- 2. The following documents are also incorporated by reference:
 - the Drinking Water System Permit No. 03-12-06P-004;
 - the Davis-Bacon requirements found at:

https://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/davisbacon/2020_dwsrf_governmental_entities.pdf

3. Party Contacts during the term of this Agreement are:

State Water Board		City of Porterville	
Section:	Division of Financial Assistance		
Name:	Pete Stamas, Project Manager	Name:	Monte Reyes, Mayor
Address:	1001 I Street, 16th Floor	Address:	291 North Main Street
City, State,	Sacramento, CA 95814	City, State, Zip:	Porterville, CA 93257
Zip:			
Phone:	(916) 552-9983	Phone:	(559) 782-7499
Fax:		Fax:	
Email:	Pete.Stamas@waterboards.ca.gov	Email:	montereyes@portervilleca.gov

Each party may change its contact upon written notice to the other party. While Party Contacts are contacts for day-to-day communications regarding Project work, the Recipient must provide official communications and notices to the Division's Deputy Director.

- 4. Conditions precedent to this Agreement are set forth as follows:
 - (a) The Recipient must deliver an opinion of general counsel satisfactory to the State Water Board's counsel dated on or after the date that the Recipient signs this Agreement.
 - (b) The Recipient must deliver to the Division a resolution authorizing this Agreement and identifying its authorized representative by title.
 - (c) The Recipient must deliver to the Division a resolution certifying that its decision-making body reviewed and considered the Mitigated Negative Declaration filed by the State Water Board for the Akin Water Company Water Supply Project together with the Mitigation Monitoring and Reporting Program and reached its own conclusions on whether and how to approve the Project, pursuant to Section 15050 (b) of the CEQA Guidelines.
- 5. The Recipient represents, warrants, and commits to the following as of the Eligible Work Start Date and continuing thereafter for the term of this Agreement, which shall be at least until the Records Retention End Date:
 - (a) The Recipient agrees to comply with all terms, provisions, conditions, and commitments of this Agreement, including all incorporated documents.
 - (b) The execution and delivery of this Agreement, including all incorporated documents, has been duly authorized by the Recipient. Upon execution by both parties, this Agreement constitutes a valid and binding obligation of the Recipient, enforceable in accordance with its terms, except as such enforcement may be limited by law.

Project No.: 5410010-018C/ 5400655-001C Agreement No.: SWRCB000000000D2002017

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(c) None of the transactions contemplated by this Agreement will be or have been made with an actual intent to hinder, delay, or defraud any present or future creditors of Recipient. The Recipient is solvent and will not be rendered insolvent by the transactions contemplated by this Agreement. The Recipient is able to pay its debts as they become due. The Recipient maintains sufficient insurance coverage considering the scope of this Agreement, including, for example but not necessarily limited to, general liability, automobile liability, workers compensation and employer liability, professional liability.

(d) The Recipient is in compliance with all State Water Board funding agreements to which it is a party.

Project No.: 5410010-018C/ 5400655-001C Agreement No.: SWRCB000000000D2002017

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IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

STATE WATER RESOURCES CONTROL BOARD: CITY OF PORTERVILLE: Ву: _ Name: Leslie Laudon Name: Monte Reyes Deputy Director Title: Mayor Title: Division of Financial Assistance Date:

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EXHIBIT A - SCOPE OF WORK AND SCHEDULE

A.1. PROJECT PURPOSE AND DESCRIPTION.

The Project is for the benefit of the Recipient and has a Useful Life of at least 40 years. The funding under this Agreement shall be used to provide the residents of two small disadvantaged communities currently served by Akin Water Company (Akin WC) and Central Mutual Water Company (Central MWC) with a sustainable source of safe drinking water.

A.2. SCOPE OF WORK.

The Recipient agrees to do the following: consolidate with Akin WC and Central MWC. Recipient also agrees to construct a new production well, estimated to produce between 1,300 and 1,800 gallons per minute, to provide the needed source capacity for the consolidation of Akin WC, the consolidation of Central MWC, as well as satisfy the remainder of East Porterville residents' capacity needs.

The Recipient agrees to do the following for the Akin WC service area: construct approximately 1,500 feet of 8-inch waterline to provide water service to each customer currently served by Akin WC; install approximately three new fire hydrants and twenty-six new service laterals and meters; and destroy Akin WC's two existing wells.

The Recipient agrees to do the following for the Central MWC service area: construct approximately 1,400 feet of 6-inch waterline to provide water service to each customer currently served by Central MWC; install approximately four new fire hydrants and thirty-four new service laterals and meters; and destroy Central MWC's existing well.

Upon Completion of Construction, the Recipient must expeditiously initiate Project operations.

A.3 SIGNAGE

The Recipient must place a professionally prepared sign at least four feet tall by eight feet wide made of $\frac{3}{4}$ inch thick exterior grade plywood or other approved material in a prominent location on the Project site and must maintain the sign in good condition for the duration of Project implementation. The sign may include another agency's required information and must include, prominently displayed, the following disclosure statement and color logos (available from the Division):







"Funding for this project has been provided in full or in part under the Drinking Water State Revolving Fund, which may include capitalization funding from the United States Environmental Protection Agency through an agreement with the State Water Resources Control Board."

A.4 SCHEDULE.

Failure to provide items by the due dates indicated in the table below may constitute a material violation of this Agreement. The Project Manager may adjust the dates in the "Estimated Due Date" column of this table, but Critical Due Date adjustments will require an amendment to this Agreement. The Recipient

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must complete and submit all work in time to be approved by the Division prior to the Project Completion Date. As applicable for specific submittals, the Recipient must plan adequate time to solicit, receive, and address comments prior to submitting the final submittal. The Recipient must submit the final Reimbursement Request prior to the Final Reimbursement Request Date set forth on the Cover Page.

ITEM	DESCRIPTION OF SUBMITTAL	CRITICAL DUE DATE	ESTIMATED DUE DATE			
	EXHIBIT A – SCOPE OF WORK					
A.	ADDITIONAL SUBMITTAL(S) TO DIVISION					
1.	Final Plans and Specifications		September 1, 2021			
2.	Final Budget Approval Package		February 1, 2022			
3.	Completion of Construction	October 1, 2023				
B.	REPORTS					
1.	Progress Reports		Quarterly			
2.	Final Inspection and Certification		October 1, 2023			
3.	Project Completion Report		December 1, 2023			
4	As Needed Reports		TBD			
EXHIBIT B – REIMBURSEMENTS, BUDGET DETAIL, AND REPORTING PROVISIONS						
A.	REIMBURSEMENTS					
1.	Reimbursement Requests		Quarterly			
2.	Final Reimbursement Request	April 1, 2024				

The Recipient must award the prime construction contract and begin construction timely. The Recipient must deliver any request for extension of the Completion of Construction Date no less than 90 days prior to the Completion of Construction Date.

A.5 PROGRESS REPORTS.

The Recipient must provide a progress report to the Division each quarter, beginning no later than 90 days after execution of this Agreement. The Recipient must provide a progress report with each Reimbursement Request. Failure to provide a complete and accurate progress report may result in the withholding of Project Funds, as set forth in Exhibit B. A progress report must contain the following information:

- A summary of progress to date including a description of progress since the last report, percent construction complete, percent contractor invoiced, and percent schedule elapsed:
- 2) A description of compliance with environmental requirements;
- 3) A listing of change orders including amount, description of work, and change in contract amount and schedule: and
- 4) Any problems encountered, proposed resolution, schedule for resolution, and status of previous problem resolutions.

Project No.: 5410010-018C/ 5400655-001C Agreement No.: SWRCB000000000D2002017

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A.6 SPECIAL REPORTS.

(a) The Recipient must submit a Project Completion Report to the Division with a copy to the appropriate District Office on or before the due date established by the Division and the Recipient at the time of final project inspection. The Project Completion Report must include the following:

- i. Description of the Project,
- ii. Description of the water quality problem the Project sought to address,
- iii. Discussion of the Project's likelihood of successfully addressing that water quality problem in the future, and
- iv. Summary of compliance with applicable environmental conditions.
- (b) If the Recipient fails to submit a timely Project Completion Report, the State Water Board may stop processing pending or future applications for new financial assistance, withhold reimbursements under this Agreement or other agreements, and begin administrative proceedings.
- (c) The Recipient must report Disadvantaged Business Enterprise (DBE) utilization to the Division on the DBE Utilization Report, State Water Board Form DBE UR334. The Recipient must submit such reports to the Division annually within ten (10) calendar days following October 1 until such time as the "Notice of Completion" is issued. The Recipient must comply with 40 CFR § 33.301 and require its contractors and subcontractors on the Project to comply.

A.7 FINAL PROJECT INSPECTION AND CERTIFICATION.

Upon completion of the Project, the Recipient must provide for a final inspection and must certify that the Project has been completed in accordance with this Agreement, any final plans and specifications submitted to the State Water Board, and any amendments or modifications thereto. If the Project involves the planning, investigation, evaluation, design, or other work requiring interpretation and proper application of engineering, or other professionals, the final inspection and certification must be conducted by a California Registered Civil Engineer or other appropriate California registered professional. The results of the final inspection and certification must be submitted to the Project Manager.

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EXHIBIT B - FUNDING AMOUNTS

B.1 ESTIMATED REASONABLE COST AND PROJECT FUNDS.

The estimated reasonable cost of the total Project is set forth on the Cover Page of this Agreement and is greater than or equal to the funding anticipated to be provided by the State Water Board under this Agreement. Subject to the terms of this Agreement, the State Water Board agrees to provide Project Funds not to exceed the amount of the Project Funding Amount set forth on the Cover Page of this Agreement.

B.2 RECIPIENT CONTRIBUTIONS.

- (a) The loan component of this Agreement is forgiven. The estimated amount of principal that will be due to the State Water Board from the Recipient under this Agreement is Zero dollars and no cents (\$0.00).
- (b) The Recipient must pay any and all costs connected with the Project including, without limitation, any and all Project Costs. If the Project Funds are not sufficient to pay the Project Costs in full, the Recipient must nonetheless complete the Project and pay that portion of the Project Costs in excess of available Project Funds, and shall not be entitled to any reimbursement therefor from the State Water Board.
- (c) If the Recipient recovers funds from any responsible parties, the Recipient shall immediately notify the Division. The amount of this Agreement may be reduced to reflect the recovered funds.

B.3 VERIFIABLE DATA.

Upon request by the Division, the Recipient must submit verifiable data to support deliverables specified in the Scope of Work. The Recipient's failure to comply with this requirement may be construed as a material breach of this Agreement.

B.4 BUDGET COSTS

Budget costs are contained in the Summary Project Cost Table below:

LINE ITEM	TOTAL ESTIMATED COST	PROJECT FUNDING AMOUNT
Construction	\$3,194,720	\$3,194,720
Pre-Purchased Material/Equipment	\$0	\$0
Purchase of Land	\$0	\$0
Contingency	\$638,944	\$638,944
Allowances (Soft Costs)	\$954,000	\$954,000
TOTAL	\$4,787,664	\$4,787,664

The Division's Final Budget Approval and related Form 259 and Form 260 will document a more detailed budget of eligible Project Costs and Project funding amounts.

The Recipient is prohibited from requesting disbursement amounts that represent Recipient's mark-ups to costs invoiced or otherwise requested by consultants or contractors.

Reasonable indirect costs may be allowable upon approval by the Division.

B.5 LINE ITEM ADJUSTMENTS.

Upon written request by the Recipient, the Division may adjust the line items of the Summary Project Cost Table at the time of Division's Final Budget Approval. Upon written request by the Recipient, the Division may also adjust the line items of the Summary Project Cost Table as well as the detailed budget at the time of Recipient's submittal of its final claim. Any line item adjustments to the Summary Project Cost Table that are due to a change in scope of work will require an Agreement amendment. The sum of adjusted line items in both the Summary

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Project Cost Table and the detailed budget must not exceed the Project Funding Amount. The Division may also propose budget adjustments.

Under no circumstances may the sum of line items in the budget approved through the Final Budget Approval process exceed the Project Funding Amount. Any increase in the Project Funding Amount will require an Agreement amendment.

B.6 REIMBURSEMENT PROCEDURE.

- (a) Except as may be otherwise provided in this Agreement, reimbursements will be made as follows:
 - 1. Upon execution and delivery of this Agreement by both parties, the Recipient may request immediate reimbursement of any eligible incurred costs as specified below through submission to the State Water Board of the Reimbursement Request Form 260 and Form 261, or any amendment thereto, duly completed and executed.
 - 2. The Recipient must submit a Reimbursement Request for costs incurred prior to the date this Agreement is executed by the State Water Board no later than ninety (90) days after this Agreement is executed by the State Water Board. Late Reimbursement Requests may not be honored.
 - 3. Additional Project Funds will be promptly disbursed to the Recipient upon receipt of Reimbursement Request Form 260 and Form 261, or any amendment thereto, duly completed and executed by the Recipient for incurred costs consistent with this Agreement, along with receipt of progress reports due under Exhibit A.
 - 4. The Recipient must not request reimbursement for any Project Cost until such cost has been incurred and is currently due and payable by the Recipient, although the actual payment of such cost by the Recipient is not required as a condition of reimbursement. Supporting documentation (e.g., receipts) must be submitted with each Reimbursement Request. The amount requested for Recipient's administration costs must include a calculation formula (i.e., hours or days worked times the hourly or daily rate = total amount claimed). Reimbursement of Project Funds will be made only after receipt of a complete, adequately supported, properly documented, and accurately addressed Reimbursement Request. Upon request by the Division, supporting documents for professional and administrative services must include the employees' names, classifications, labor rates, hours worked, and descriptions of the tasks performed. Reimbursement Requests submitted without supporting documents may be wholly or partially withheld at the discretion of the Division.
 - 5. The Recipient must spend Project Funds within 30 days of receipt. If the Recipient earns interest earned on Project Funds, it must report that interest immediately to the State Water Board. The State Water Board may deduct earned interest from future reimbursements.
 - 6. The Recipient shall not request a reimbursement unless that Project Cost is allowable, reasonable, and allocable.
 - 7. Notwithstanding any other provision of this Agreement, no reimbursement shall be required at any time or in any manner which is in violation of or in conflict with federal or state laws, policies, or regulations.
- (b) Notwithstanding any other provision of this Agreement, the Recipient agrees that the State Water Board may retain an amount equal to ten percent (10%) of the Project Funding Amount until Project Completion. Any retained amounts due to the Recipient will be promptly disbursed to the Recipient, without interest, upon Project Completion.
- (c) Except as follows, construction costs and disbursements are not available until after the Division has approved the final budget form submitted by the Recipient. The Deputy Director of the Division may authorize the disbursement of up to ten percent (10%) of Project Funds for the reimbursement of eligible construction costs and pre-purchased materials prior to Division approval of the final budget form submitted by the Recipient. All other construction costs are not eligible for reimbursement until after this the Division has approved the final budget form submitted by the Recipient. Construction costs incurred prior to the Eligible Construction Start Date are not eligible for reimbursement.

B.7 REVERTING FUNDS AND DISENCUMBRANCE.

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In the event the Recipient does not submit Reimbursement Requests for all funds encumbered under this Agreement by the Final Reimbursement Request Date, any remaining funds revert to the State. The State Water Board may notify the Recipient that the project file is closed, and any remaining balance will be disencumbered and unavailable for further use under the Agreement.

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EXHIBIT C - GENERAL TERMS AND CONDITIONS 2019-NOV

GENERAL TERMS AND CONDITIONS 2019-NOV is incorporated by reference and is posted at https://www.waterboards.ca.gov/water-issues/programs/grants-loans/general-terms.html

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EXHIBIT D - SPECIAL CONDITIONS

- 1. Notwithstanding Exhibit C, the following terms have no meaning for the purposes of this Agreement:
 - Work Completion
 - Work Completion Date
- 2. Each capitalized term used in this Agreement has the following meaning:
- "Allowance" means an amount based on a percentage of the accepted bid for an eligible project to help defray the planning, design, and construction engineering and administration costs of the Project.
- "Authorized Representative" means the duly appointed representative of the Recipient as set forth in the
 certified original of the Recipient's authorizing resolution that designates the authorized representative by
 title.
- "Completion of Construction" means the date, as determined by the Division after consultation with the
 Recipient, that the work of building and erection of the Project is substantially complete, and is established on
 the Cover Page of this Agreement.
- "District Office" means District Office of the Division of Drinking Water of the State Water Board.
- "Division of Drinking Water" means the Division of Drinking Water of the State Water Board.
- "Eligible Construction Start Date" means the date set forth on the Cover Page of this Agreement, establishing the date on or after which construction costs may be incurred and eligible for reimbursement hereunder.
- "Eligible Work Start Date" means the date set forth on the Cover Page of this Agreement, establishing the
 date on or after which any non-construction costs may be incurred and eligible for reimbursement
 hereunder.
- "Enterprise Fund" means the enterprise fund of the Recipient in which Revenues are deposited.
- "Event of Default" means, in addition to the meanings set forth in Exhibit C, the occurrence of any of the following events:
 - a) A material adverse change in the condition of the Recipient, the Revenues, or the System, which the Division reasonably determines would materially impair the Recipient's ability to satisfy its obligations under this Agreement.
 - b) Failure to operate the System or the Project without the Division's approval;
- "Final Budget Approval" means the Division-approved final budget for the Project, as set forth in Exhibit B.
- "Indirect Costs" means those costs that are incurred for a common or joint purpose benefiting more than one cost objective and are not readily assignable to the Project (i.e., costs that are not directly related to the Project). Examples of Indirect Costs include, but are not limited to: central service costs; general administration of the Recipient; non-project-specific accounting and personnel services performed within the Recipient organization; depreciation or use allowances on buildings and equipment; the costs of operating and maintaining non-project-specific facilities; tuition and conference fees; generic overhead or markup; and taxes.
- "Initiation of Construction" means the date that notice to proceed with work is issued for the Project, or, if notice to proceed is not required, the date of commencement of building and erection of the Project.
- "Net Revenues" means, for any Fiscal Year, all Revenues received by the Recipient less the Operations and Maintenance Costs for such Fiscal Year.
- "Operations and Maintenance Costs" means the reasonable and necessary costs paid or incurred by the Recipient for maintaining and operating the System, determined in accordance with GAAP, including all

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reasonable expenses of management and repair and all other expenses necessary to maintain and preserve the System in good repair and working order, and including all reasonable and necessary administrative costs of the Recipient that are charged directly or apportioned to the operation of the System, such as salaries and wages of employees, overhead, taxes (if any), the cost of permits, licenses, and charges to operate the System and insurance premiums; but excluding, in all cases depreciation, replacement, and obsolescence charges or reserves therefor and amortization of intangibles.

- "Reimbursement Request" means the Recipient's request for Project Funds from the State Water Board as set forth in Exhibit B.
- "Revenues" means, for each Fiscal Year, all gross income and revenue received or receivable by the Recipient from the ownership or operation of the System, determined in accordance with GAAP, including all rates, fees, and charges (including connection fees and charges) as received by the Recipient for the services of the System, and all other income and revenue howsoever derived by the Recipient from the ownership or operation of the System or arising from the System, including all income from the deposit or investment of any money in the Enterprise Fund or any rate stabilization fund of the Recipient or held on the Recipient's behalf, and any refundable deposits made to establish credit, and advances or contributions in aid of construction.
- "System" means all drinking water collection, transport, treatment, storage, and delivery facilities, including land and easements thereof, owned by the City of Porterville, or its successor agency, and all other properties, structures, or works hereafter acquired and constructed by the Recipient and determined to be a part of the System, together with all additions, betterments, extensions, or improvements to such facilities, properties, structures, or works, or any part thereof hereafter acquired and constructed.
- "Useful Life" means the economically useful life of the Project beginning at Project Completion and is set forth in Exhibit A.
- 3. Acknowledgements.

The Recipient must include the following acknowledgement in any document, written report, or brochure to be shared with the general public prepared in whole or in part pursuant to this Agreement:

"Funding for this project has been provided in full or in part under the Drinking Water State Revolving Fund, which may include capitalization funding from the United States Environmental Protection Agency through an agreement with the State Water Resources Control Board. The contents of this document do not necessarily reflect the views and policies of the foregoing, nor does mention of trade names or commercial products constitute endorsement or recommendation for use."

- 4. Rates and Charges. The Recipient must, to the extent permitted by law, fix, prescribe and collect rates, fees and charges for the System during each Fiscal Year which are reasonable, fair, and nondiscriminatory and which will be sufficient to generate Revenues in the amounts necessary to cover Operations and Maintenance Costs, and must ensure that Net Revenues are in an amount necessary to meet its obligations under this Agreement. The Recipient may make adjustments from time to time in such fees and charges and may make such classification thereof as it deems necessary, but shall not reduce the rates, fees and charges then in effect unless the Net Revenues from such reduced rates, fees, and charges will at all times be sufficient to meet the requirements of this section.
- 5. [RESERVED]
- 6. [RESERVED].

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7. Environmental/Technical Special Conditions

Technical:

- 1. The Recipient shall submit its professional engineering services contract to the Division prior to disbursement of funds for costs incurred under such contract.
- 2. The Recipient shall not solicit bids, award a contract, or commence construction activities until final plans and specifications are approved by the Division of Drinking Water Tulare District Office Engineer and the Project Manager.
- 3. The Recipient must submit final consolidation agreements with Akin WC and Central MWC, in a form satisfactory to the Division, and receive written approval from the Project Manager to proceed before Project Funds may be disbursed for any Project Costs under the Agreement.
- 4. Upon completion of the Project the Recipient shall submit a water supply permit amendment request for review to the Division of Drinking Water Tulare District Office.

Environmental:

- 1. The documents identified below are incorporated by reference and the Recipient shall comply with the conditions and recommendations therein:
 - a. The Mitigation Monitoring and Reporting Program adopted by the State Water Board on June 16, 2016 for the Project. The Recipient shall implement all mitigation measures therein.
 - b. The letter dated February 12, 2020, from Patricia Cole of the United States Fish and Wildlife Service, San Joaquin Valley Division to Douglas E. Eberhardt of the United States Environmental Protection Agency, including, but not limited to, the following:
 - Implement Avoidance and Minimization Measures and Best Management Practices prior to and during construction activities to minimize and avoid effects to the San Joaquin kit fox.
 - c. The Mitigation Monitoring and Reporting Program adopted by the City of Porterville on April 21, 2020 for the Central Mutual Water Company Consolidation Project. The Recipient shall implement all mitigation measures therein.
- 2. In the Recipient's Quarterly Reports submitted pursuant to this Agreement, the Recipient shall include a discussion of the status of its compliance with environmental measures identified in this Exhibit D, with separate sections clearly labeled and titled, discussing the status of Recipient's compliance.
- 3. In the Recipient's Project Completion Report submitted pursuant to this Agreement, the Recipient shall include a discussion of its compliance with environmental measures identified in this Exhibit D, with separate sections clearly labeled and titled, discussing the status of Recipient's compliance.
- 8. [RESERVED].
- 9. Appointment of Receiver/Custodian. Upon the filing of a suit or other commencement of judicial proceedings to enforce the rights of the State Water Board under this Agreement, the State Water Board may make application for the appointment of a receiver or custodian of the Revenues, pending such proceeding, with such power as the court making such appointment may confer.

10. [RESERVED].

11. Damages for Breach of Federal Conditions. In the event that any breach of any of the provisions of this Agreement by the Recipient results in the failure of Project Funds to be used pursuant to the provisions of this Agreement, or if such breach results in an obligation on the part of the State or any subdivision or agency thereof to reimburse the federal government, the Recipient must immediately reimburse the State or any subdivision or agency thereof in an amount equal to any damages paid by or loss incurred by the State or any subdivision or agency thereof due to such breach.

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12. [RESERVED].

- 13. Operation and Maintenance. The Recipient shall sufficiently and properly staff, operate, and maintain the facility and structures constructed or improved as part of the project throughout the term of this Agreement, consistent with the purposes of this Agreement. The Recipient assumes all operations and maintenance costs of the facilities and structures; the State Water Board shall not be liable for any cost of such maintenance, management or operation.
- 14. Insurance. The Recipient will procure and maintain or cause to be maintained insurance on the System and Project with responsible insurers, or as part of a reasonable system of self-insurance, in such amounts and against such risks (including damage to or destruction of the System or Project) as are usually covered in connection with systems similar to the System or Project. Such insurance may be maintained by a self-insurance plan so long as such plan provides for (i) the establishment by the Recipient of a separate segregated self-insurance fund in an amount determined (initially and on at least an annual basis) by an independent insurance consultant experienced in the field of risk management employing accepted actuarial techniques and (ii) the establishment and maintenance of a claims processing and risk management program. In the event of any damage to or destruction of the System or Project caused by the perils covered by such insurance, the net proceeds thereof shall be applied to the reconstruction, repair or replacement of the damaged or destroyed portion of the System or Project. The Recipient must begin such reconstruction, repair or replacement as expeditiously as possible, and must pay out of such net proceeds all costs and expenses in connection with such reconstruction, repair or replacement so that the same must be completed and the System and Project must be free and clear of all claims and liens. Recipient agrees that for any policy of insurance concerning or covering the construction of the Project, it will cause, and will require its contractors and subcontractors to cause, a certificate of insurance to be issued showing the State Water Board, its officers, agents, employees, and servants as additional insured; and must provide the Division with a copy of all such certificates prior to the commencement of construction of the Project.
- 15. Notice Events. Upon the occurrence of any of the following events, the Recipient must notify the Division's Deputy Director and Party Contacts by phone and email within the time specified below:
 - a. The Recipient must notify the Division within 24 hours by phone at (916) 327-9978 and by email to <u>DrinkingWaterSRF@waterboards.ca.gov</u> of any discovery of any potential tribal cultural resource and/or archaeological or historical resource. Should a potential tribal cultural resource and/or archaeological or historical resource be discovered during construction or Project implementation, the Recipient must ensure that all work in the area of the find will cease until a qualified archaeologist has evaluated the situation and made recommendations regarding preservation of the resource, and the Division has determined what actions should be taken to protect and preserve the resource. The Recipient must implement appropriate actions as directed by the Division.
 - b. The Recipient must notify the Division promptly of the occurrence of any of the following events:
 - i. Bankruptcy, insolvency, receivership or similar event of the Recipient, or actions taken in anticipation of any of the foregoing;
 - ii. Change of ownership of the Project (no change of ownership may occur without written consent of the Division);
 - iii. Loss, theft, damage, or impairment to Project;
 - iv. Events of Default, except as otherwise set forth in this section;

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v. A proceeding or action by a public entity to acquire the Project by power of eminent domain.

- vi. Any litigation pending or threatened with respect to the Project or the Recipient's technical, managerial or financial capacity or the Recipient's continued existence;
- vii. Consideration of dissolution, or disincorporation;
- Enforcement actions by or brought on behalf of the State Water Board or Regional Water Board.
- ix. The discovery of a false statement of fact or representation made in this Agreement or in the application to the Division for this funding, or in any certification, report, or request for reimbursement made pursuant to this Agreement, by the Recipient, its employees, agents, or contractors;
- x. Any substantial change in scope of the Project. The Recipient must undertake no substantial change in the scope of the Project until prompt written notice of the proposed change has been provided to the Division and the Division has given written approval for the change;
- xi. Any circumstance, combination of circumstances, or condition, which is expected to or does delay Completion of Construction for a period of ninety (90) days or more;
- xii. Any Project monitoring, demonstration, or other implementation activities required in this Agreement;
- xiii. Any public or media event publicizing the accomplishments and/or results of this Agreement and provide the opportunity for attendance and participation by state representatives with at least ten (10) working days' notice to the Division;
- xiv. Any event requiring notice to the Division pursuant to any other provision of this Agreement.
- xv. Completion of work on the Project.
- xvi. The Recipient must promptly notify the Division and Party Contacts of cessation of all major construction work on the Project where such cessation of work is expected to or does extend for a period of thirty (30) days or more;
- xvii. The Recipient must promptly notify the Division and Party Contacts of the discovery of any unexpected endangered or threatened species, as defined in the federal Endangered Species Act. Should a federally protected species be unexpectedly encountered during implementation of the Project, the Recipient agrees to promptly notify the Division. This notification is in addition to the Recipient's obligations under the federal Endangered Species Act;
- xviii. The Recipient must promptly notify the Division and Party Contacts of Completion of Construction, and Project Completion;
- xix. The Recipient must promptly notify the Division and Party Contacts of the award of the prime construction contract for the Project; and the Recipient must promptly notify the Division and Party Contacts of Initiation of construction of the Project.

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xx. The occurrence of a material breach or event of default under any Recipient obligation that results in the acceleration of principal or interest or otherwise requires immediate prepayment, repurchase or redemption.

xxi. [RESERVED].

- 16. Continuous Use of Project; No Lease, Sale, Transfer of Ownership, or Disposal of Project. The Recipient agrees that, except as provided in this Agreement, it will not abandon, substantially discontinue use of, lease, sell, transfer ownership of, or dispose of all or a significant part or portion of the Project during the Useful Life of the Project without prior written approval of the Division. Such approval may be conditioned as determined to be appropriate by the Division, including a condition requiring repayment of all disbursed Project Funds or all or any portion of all remaining funds covered by this Agreement together with accrued interest and any penalty assessments that may be due.
- 17. State Cross-Cutters. Recipient represents that, as applicable, it complies and covenants to maintain compliance with the following for the term of the Agreement:
 - a) The California Environmental Quality Act (CEQA), as set forth in Public Resources Code 21000 et seq. and in the CEQA Guidelines at Title 14, Division 6, Chapter 3, Section 15000 et seq.
 - b) Water Conservation requirements, including regulations in Division 3 of Title 23 of the California Code of Regulations.
 - Monthly Water Diversion Reporting requirements, including requirements set forth in Water Code section 5103.
 - d) Public Works Contractor Registration with Department of Industrial Relations requirements, including requirements set forth in Sections 1725.5 and 1771.1 of the Labor Code.
 - e) Volumetric Pricing & Water Meters requirements, including the requirements of Water Code sections 526 and 527.
 - f) Urban Water Management Plan requirements, including the Urban Water Management Planning Act (Water Code, § 10610 et seq.).
 - g) Urban Water Demand Management requirements, including the requirements of Section 10608.56 of the Water Code.
 - h) Delta Plan Consistency Findings requirements, including the requirements of Water Code section 85225 and California Code of Regulations, title 23, section 5002.
 - i) Agricultural Water Management Plan Consistency requirements, including the requirements of Water Code section 10852.
 - Charter City Project Labor Requirements, including the requirements of Labor Code section 1782 and Public Contract Code section 2503.
 - k) The Recipient agrees that it will, at all times, comply with and require its contractors and subcontractors to comply with directives or orders issued pursuant to Division 7 of the Water Code.
- 18. Financial Management Systems. The Recipient must comply with federal standards for financial management systems. The Recipient agrees that, at a minimum, its fiscal control and accounting procedures will be sufficient to permit preparation of reports required by the federal government and tracking of Project funds to a level of expenditure adequate to establish that such funds have not been

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used in violation of federal or state law or the terms of this Agreement. To the extent applicable, the Recipient is bound by, and must comply with, the provisions and requirements of the federal Single Audit Act of 1984 and 2 CFR Part 200, subpart F, and updates or revisions, thereto.

- 19. Access and Inspection. In addition to the obligations set forth in section 2 of the General Terms and Conditions incorporated in Exhibit C of this Agreement, the Recipient must ensure that the United States Environmental Protection Agency, the Office of Inspector General, any member of Congress, or any authorized representative of the foregoing, will have safe and suitable access to the Project site at all reasonable times during the term of the Agreement.
- 20. Fraud, Waste, and Abuse. The Recipient shall prevent fraud, waste, and the abuse of Project Funds, and shall cooperate in any investigation of such activities that are suspected in connection with this Agreement. The Recipient understands that discovery of any evidence of misrepresentation or fraud related to reimbursement requests, invoices, proof of payment of invoices, or other supporting information, including but not limited to double or multiple billing for time, services, or any other eligible cost, may result in referral to the Attorney General's Office or the applicable District Attorney's Office for appropriate action. The Recipient further understands that any suspected occurrences of false claims, misrepresentation, fraud, forgery, theft or any other misuse of Project Funds may result in withholding of reimbursements and/or the termination of this Agreement requiring the immediate repayment of all funds disbursed hereunder.
- 21. Disputes. The Recipient must continue with the responsibilities under this Agreement during any dispute. The Recipient may, in writing, appeal a staff decision within 30 days to the Deputy Director of the Division or designee, for a final Division decision. The Recipient may appeal a final Division decision to the State Water Board within 30 days. The Office of the Chief Counsel of the State Water Board will prepare a summary of the dispute and make recommendations relative to its final resolution, which will be provided to the State Water Board's Executive Director and each State Water Board Member. Upon the motion of any State Water Board Member, the State Water Board will review and resolve the dispute in the manner determined by the State Water Board. Should the State Water Board determine not to review the final Division decision, this decision will represent a final agency action on the dispute. This provision does not preclude consideration of legal questions, provided that nothing herein shall be construed to make final the decision of the State Water Board, or any official or representative thereof, on any question of law. This section relating to disputes does not establish an exclusive procedure for resolving claims within the meaning of Government Code sections 930 and 930.4.
- 22. Additional Representations and Warranties. The Recipient makes the following representations and warranties:
 - a. [RESERVED].
 - b. The Recipient has not made any untrue statement of a material fact in its application for this financial assistance, or omitted to state in its application, a material fact that makes the statements in its application not misleading.
 - c. The Recipient agrees to fulfill all assurances, declarations, representations, and commitments in its application, accompanying documents, and communications filed in support of its request for funding under this Agreement.
 - d. The execution, delivery, and performance by Recipient of this Agreement, including all incorporated documents, do not violate any provision of any law or regulation in effect as of the date set forth on the first page hereof, or result in any breach or default under any contract, obligation, indenture, or other instrument to which Recipient is a party or by which Recipient is bound as of the date set forth on the Cover Page.

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e. Except as set forth in this paragraph, there are, as of the date of execution of this Agreement by the Recipient, no pending or, to Recipient's knowledge, threatened actions, claims, investigations, suits, or proceedings before any governmental authority, court, or administrative agency which materially affect the financial condition or operations of the Recipient, the Revenues, and/or the Project.

- f. There are no proceedings, actions, or offers by a public entity to acquire by purchase or the power of eminent domain any of the real or personal property related to or necessary for the Project.
- g. The Recipient is duly organized and existing and in good standing under the laws of the State of California. Recipient must at all times maintain its current legal existence and preserve and keep in full force and effect its legal rights and authority. Within the preceding ten years, the Recipient has not failed to demonstrate compliance with state or federal audit disallowances.
- h. Any financial statements or other financial documentation of Recipient previously delivered to the State Water Board as of the date(s) set forth in such financial statements or other financial documentation: (a) are materially complete and correct; (b) present fairly the financial condition of the Recipient; and (c) have been prepared in accordance with GAAP. Since the date(s) of such financial statements or other financial documentation, there has been no material adverse change in the financial condition of the Recipient, nor have any assets or properties reflected on such financial statements or other financial documentation been sold, transferred, assigned, mortgaged, pledged or encumbered, except as previously disclosed in writing by Recipient and approved in writing by the State Water Board.
- i. The Recipient is current in its continuing disclosure obligations associated with its material debt, if any.
- j. The Recipient has no conflicting or material obligations, except as set forth in this paragraph.
- k. The Recipient legally possesses all real property rights necessary for the purposes of this Agreement, not subject to third party revocation, which rights extend at least to the Records Retention End Date of this Agreement, except as set forth in this paragraph.
- I. The Recipient and its principals, to the best of the Recipient's knowledge and belief, are not presently debarred, suspended, proposed for debarment, declared ineligible, or otherwise excluded from participation in any work overseen, directed, funded, or administered by the State Water Board program for which this grant funding is authorized; nor have they engaged or permitted the performance of services covered by this Agreement from parties that are debarred or suspended or otherwise excluded from or ineligible for participation in any work overseen, directed, funded, or administered by the State Water Board program for which this grant funding is authorized.
- m. The Recipient possesses all water rights necessary for this Project.
- 23. Federal SRF Requirements. The Recipient acknowledges, warrants compliance with, and covenants to continuing compliance with the following federal terms and conditions for the Useful Life of the Project:
 - a. Unless the Recipient has obtained a waiver from USEPA on file with the State Water Board or unless this Project is not a project for the construction, alteration, maintenance or repair of a public water system or treatment work, the Recipient shall not purchase "iron and steel products" produced outside of the United States on this Project. Unless the Recipient has obtained a waiver from USEPA on file with the State Water Board or unless this Project is not a project for the construction, alteration, maintenance or repair of a public water system or treatment work, the

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Recipient hereby certifies that all "iron and steel products" used in the Project were or will be produced in the United States. For purposes of this section, the term "iron and steel products" means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials. "Steel" means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements.

- b. The Recipient must include in full the Wage Rate Requirements (Davis-Bacon) language incorporated by reference in Section 2 of this Agreement in all construction contracts and subcontracts.
- c. The Recipient shall notify the State Water Board and the USEPA contact of public or media events publicizing the accomplishment of significant events related to this Project and provide the opportunity for attendance and participation by federal representatives with at least ten (10) working days' notice.
- d. The Recipient shall comply with applicable EPA general terms and conditions found at http://www.epa.gov/ogd.
- e. No Recipient may receive funding under this Agreement unless it has provided its DUNS number to the State Water Board.
- f. [RESERVED]
- g. The Recipient represents and warrants that it and its principals are not excluded or disqualified from participating in this transaction as such terms are defined in Parts 180 and 1532 of Title 2 of the Code of Federal Regulations (2 CFR). If the Recipient is excluded after execution of this Agreement, the Recipient shall notify the Division within ten (10) days and shall inform the Division of the Recipient's exclusion in any request for amendment of this Agreement. The Recipient shall comply with Subpart C of Part 180 of 2 CFR, as supplemented by Subpart C of Part 1532 of 2 CFR. Such compliance is a condition precedent to the State Water Board's performance of its obligations under this Agreement. When entering into a covered transaction as defined in Parts 180 and 1532 of 2 CFR, the Recipient shall require the other party to the covered transaction to comply with Subpart C of Part 180 of 2 CFR, as supplemented by Subpart C of Part 1532 of 2 CFR.
- h. To the extent applicable, the Recipient shall disclose to the State Water Board any potential conflict of interest consistent with USEPA's Final Financial Assistance Conflict of Interest Policy at https://www.epa.gov/grants/epas-final-financial-assistance-conflict-interest-policy. A conflict of interest may result in disallowance of costs.
- i. USEPA and the State Water Board have the right to reproduce, publish, use and authorize others to reproduce, publish and use copyrighted works or other data developed under this assistance agreement.
- j. Where an invention is made with Project Funds, USEPA and the State Water Board retain the right to a worldwide, nonexclusive, nontransferable, irrevocable, paid-up license to practice the invention owned by the Recipient. The Recipient must utilize the Interagency Edison extramural invention reporting system at http://iEdison.gov and shall notify the Division when an invention report, patent report, or utilization report is filed.

Project No.: 5410010-018C/ 5400655-001C Agreement No.: SWRCB000000000D2002017

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k. The Recipient agrees that any reports, documents, publications or other materials developed for public distribution supported by this Agreement shall contain the Disclosure statement set forth in Exhibit A.

- The Recipient acknowledges that it is encouraged to follow guidelines established under Section 508 of the Rehabilitation Act, codified at 36 CFR Part 1194, with respect to enabling individuals with disabilities to participate in its programs supported by this Project.
- m. The Recipient, its employees, contractors and subcontractors and their employees warrants that it will not engage in severe forms of trafficking in persons, procure a commercial sex act during the term of this Agreement, or use forced labor in the performance of this Agreement. The Recipient must include this provision in its contracts and subcontracts under this Agreement. The Recipient must inform the State Water Board immediately of any information regarding a violation of the foregoing. The Recipient understands that failure to comply with this provision may subject the State Water Board to loss of federal funds. The Recipient agrees to compensate the State Water Board for any such funds lost due to its failure to comply with this condition, or the failure of its contractors or subcontractors to comply with this condition. The State Water Board may unilaterally terminate this Agreement if the Recipient that is a private entity is determined to have violated the foregoing.
- n. The Recipient certifies to the best of its knowledge and belief that:
 - i. No federal appropriated funds have been paid or will be paid, by or on behalf of the Recipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
 - ii. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with this Agreement, the Recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions, and notify the State Water Board.
 - iii. The Recipient shall require this certification from all parties to any contract or agreement that the Recipient enters into and under which the Recipient incurs costs for which it seeks disbursements under this Agreement.
- o. The Recipient must comply with the following federal non-discrimination requirements:
 - i. Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, and national origin, including limited English proficiency (LEP).
 - ii. Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against persons with disabilities.
 - iii. The Age Discrimination Act of 1975, which prohibits age discrimination.
 - iv. Section 13 of the Federal Water Pollution Control Act Amendments of 1972, which prohibits discrimination on the basis of sex.
 - v. 40 CFR Part 7, as it relates to the foregoing.
 - vi. Executive Order 13798, including, to the greatest extent practicable and to the extent permitted by law, the requirement to respect and protect the freedom of persons and organizations to engage in political and religious speech
 - vii. All applicable federal civil rights regulations, including statutory and national policy requirements (2 CFR section 200.300).

p. Executive Order No. 11246. The Recipient shall include in its contracts and subcontracts related to the Project the following provisions:

"During the performance of this contract, the contractor agrees as follows:"(a) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

- "(b) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.
- "(c) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- "(d) The contractor will comply with all provisions of Executive Order No. 11246 of Sept. 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- "(e) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- "(f) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of Sept 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- "(g) The contractor will include the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of Sept. 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

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q. The Recipient agrees to comply with the requirements of USEPA's Program for Utilization of Small, Minority and Women's Business Enterprises as set forth in this Agreement.

- r. Procurement Prohibitions under Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, including Executive Order 11738, Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans; 42 USC § 7606; 33 USC § 1368. Except where the purpose of this Agreement is to remedy the cause of the violation, the Recipient may not procure goods, services, or materials from suppliers excluded under the federal System for Award Management: http://www.sam.gov/.
- s. Uniform Relocation and Real Property Acquisition Policies Act, Pub. L. 91-646, as amended; 42 USC §§4601-4655. The Recipient must comply with the Act's implementing regulations at 49 CFR 24.101 through 24.105.
- t. The Recipient agrees that if its network or information system is connected to USEPA networks to transfer data using systems other than the Environmental Information Exchange Network or USEPA's Central Data Exchange, it will ensure that any connections are secure.
- u. All geospatial data created pursuant to this Agreement that is submitted to the State Water Board for use by USEPA or that is submitted directly to USEPA must be consistent with Federal Geographic Data Committee endorsed standards. Information on these standards may be found at www.fgdc.gov.
- v. If the Recipient is a water system that serves 500 or fewer persons, the Recipient represents that it has considered publicly-owned wells as an alternative drinking water supply.
- w. The Recipient represents that it is not a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and it is not a corporation that was convicted of a felony criminal violation under a Federal law within the preceding 24 months.
- x. The Recipient agrees to immediately notify the Project Manager in writing about any allegation of research misconduct involving research activities that are supported in whole or in part with EPA funds under this Project, including fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results, or ordering, advising, or suggesting that subordinates engage in research misconduct.
- y. The Recipient agrees to comply with, and require all contractors and subcontractors to comply with, EPA's Scientific Integrity Policy, available at https://www.epa.gov/osa/policy-epa-scientific-integrity, when conducting, supervising, and communicating science and when using or applying the results of science. For purposes of this condition scientific activities include, but are not limited to, computer modelling, economic analysis, field sampling, laboratory experimentation, demonstrating new technology, statistical analysis, and writing a review article on a scientific issue.
- z. The Recipient shall not suppress, alter, or otherwise impede the timely release of scientific findings or conclusions; intimidate or coerce scientists to alter scientific data, findings, or professional opinions or exert non-scientific influence on scientific advisory boards; knowingly misrepresent, exaggerate, or downplay areas of scientific uncertainty; or otherwise violate the EPA's Scientific Integrity Policy. The Recipient must refrain from acts of research misconduct, including publication or reporting, as described in EPA's Policy and Procedures for Addressing Research Misconduct, Section 9.C, and must ensure scientific findings are generated and

Project No.: 5410010-018C/ 5400655-001C Agreement No.: SWRCB000000000D2002017

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disseminated in a timely and transparent manner, including scientific research performed by contractors and subcontractors.

- aa. The Recipient agrees to comply with the Animal Welfare Act of 1966 (7 USC 2131-2156).

 Recipient also agrees to abide by the "U.S. Government Principles for the Utilization and Care of Vertebrate Animals used in Testing, Research, and Training," available at http://grants.nih.gov/grants/olaw/references/phspol.htm#USGovPrinciples.
- bb. The Recipient certifies that no Project Funds will be used on:
 - Video surveillance or telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities), telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);
 - ii. Telecommunications or video surveillance services produced by such entities;
 - iii. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country; or
 - iv. Other telecommunications or video surveillance services or equipment in violation of <u>2</u> CFR 200.216.



CITY COUNCIL AGENDA – FEBRUARY 21, 2023

SUBJECT: Consideration of Foothill Presbyterian Church Sewer Extension

SOURCE: Engineering and Project Management

COMMENT:

The City was recently contacted by the Foothill Presbyterian Church in regard to connecting to the City's sewer system by way of the construction improvements for Sewer Utility District 474B, located north of North Grand Avenue between Newcomb Street and Douglas Street. Due to the church property not being part of an annexation area where sewer improvements were being performed, the church was not included in the original construction plans. There have been similar cases to this where property owners on the opposite side of the street of a project have requested connection to City sewer and they were made part of the sewer utility district and assessed the cost of their sewer lateral and connection fees.

This instance is being brought before the City Council since the situation for the Foothill Presbyterian Church is unique given in 2001, the church extended 1,575 feet of sewer main at its cost from the intersection of North Grand Avenue and Douglas Street, north along Douglas Street to Merrill Avenue, and west along Merrill Avenue to the east corner of their property. A developer payback agreement was set up so that other properties that fronted the sewer main would pay their fair share at the time of a building permit exceeding the public improvements threshold. What complicated this is that the street right of way was within City limits, but the properties were part of the County and any permits processed would not have been before the City, which meant fees would have been difficult to collect. A developer payback agreement lapses after ten (10) years, with this one expiring on June 5, 2011. Only one out of the nineteen (19) properties paid fees to the church as part of this agreement.

When the City was funded sewer bond proceeds to install sewer mains and laterals in the area, staff was able to incorporate into its design the sewer main that was installed by the church. What the church has requested of the City is to take the costs that they spent into account, since it now has provided a savings to the City's sewer project, and apply this towards an extension of the sewer main and lateral to serve the church property. Sewer connection fees have been calculated for the church at a total of \$7,179.64, which the church may pay up front or choose to pay them through the sewer utility district formation and spread the cost out over thirty (30) years by way of their property tax bill. The City's contract with its contractor has sufficient contingency funds remaining to provide the sewer line extension to serve the church now before the area is paved.

RECOMMENDATION:

That the City Council:

- 1. Consider the cost of sewer main improvements performed by the Foothill Presbyterian Church along Douglas Street and Merrill Avenue in 2001 as acceptable compensation for sewer main
- extension and lateral to the property;
- 2. Authorize the use of contingency funds in the current construction agreement for Sewer Utility District 474B with Todd Companies for the installation of approximately 200 feet of sewer main and new sewer lateral to the Church; and
- 3. Assess the church's sewer connection fees of \$7,179.64 through the formation of Sewer Utility District 474B.

ATTACHMENTS:

- 1. Foothill Presbyterian Church Letter dated January 13, 2023
- 2. Locator Map Foothill Presbyterian Church
- 3. Locator Map Sewer Utility District 474B Project

Appropriated/Funded:

Review By:

Department Director:

Javier Sanchez, Engineering & Project Management Director

Final Approver: John Lollis, City Manager

Richard Dunn
Acting Clerk of Session
Foothill Presbyterian Church
PO Box 50
Porterville, CA 93258
January 13, 2023

Greg Meister
City Councilman, District 2
City of Porterville California

Dear Councilman Meister:

Thank you for meeting with me and allowing me to outline the situation facing Foothill Presbyterian Church currently located at 1162 W Merrill Avenue, Porterville, CA which is located within your District.

I became a member of Porterville Presbyterian Church almost 30 years ago when it was meeting in Monache Center, and I've witnessed the church relocate three times and finally settle in the current location which it purchased in 2004*. As the Acting Clerk of Session and am speaking on behalf of the Church Session (board of ruling elders). The following facts are true to the best of my knowledge and some dates are approximate (marked with an *). I am providing you copies of some pertinent documentation, you require more I will search our records more thoroughly.

Timeline of events:

- 1995-1999*...We purchased vacant property at 1100 W Merrill Ave with the intention of developing the site and building a large church there. That property was previously annexed to the City of Porterville.
- 2000 2001* We paid to install infrastructure including curb & gutter, pavement, and city water and sewer mains adjacent to the 1100 W Merrill address. In addition to the water and sewer mains immediately adjacent to our property we paid the entire cost of extending those mains up the center of Douglass Street from its intersection with North Grand Street, a distance of over 1,500 ft. These mains cost us \$48,000 and we were to be reimbursed over time within the next 10 years as the neighboring properties connected to those services. (Only a single neighbor connected within the required time frame).
- 2003* We purchased the adjacent home located at 1162 W Merrill and requested that it be
 annexed into the city in order to convert it into a temporary church facility. As part of that
 process we requested and received a lot line adjustment combining two parcels as required by
 the city. We subsequently conducted significant remodeling of the building constructed a

- parking lot and drainage basin meeting all permit conditions required to convert the single-family home into a church.
- We spent a great deal of time and money getting architectural plans drawn up for our new build in the open parcel east of our parking lot. On taking those plans to the city we were informed that the planned eventual northward extension of Douglas St would take precedent and we could not move ahead with the project.
- 2020* The City of Porterville annexed the entire neighborhood south of us bounded by North Grand Ave, Douglas St, Merrill Ave, and North Prospect St.
- 2022 The City began installing Sewer and Water mains along the length of Maston St. and North Prospect St. They are installing sewer laterals to every home in that neighborhood but not our church.
- On contacting the city I was told that we must connect our building to the sewer main/lateral
 installed at the old location in 2002 (then 1100 W Merrill Ave). Unfortunately, that location is
 approximately 200 ft east of the appropriate location (at 1162 W Merrill Ave) and due to that
 the cost of tying in is prohibitive, estimated \$16,000 in addition to the \$7,200 connection to the
 sewer district and unknown costs to restore inevitable damage to our facilities and landscaping
 caused by the construction.

Given our already significant financial contribution installing the water and sewer mains up Douglas St (with minimal reimbursement) we don't understand why, in fairness, our church was not included in the 2022 sewer project along with the newly annexed properties. Is there <u>any</u> possibility that the City of Porterville can extend the sewer main from North Prospect and run a lateral to the southwest corner of our lot at 1162 W Merrill Ave? That would allow us to connect at an affordable cost, equivalent to our neighbors in the new annexation.

Sincerely,

Richard Dunn

Acting Clerk of Session, Foothill Presbyterian Church, Porterville CA

\$/5/2001

PATEACK

RESOLUTION NO. 96-2001

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE FOR THE REIMBURSEMENT OF IMPROVEMENT COSTS FROM BENEFITTING PROPERTIES FOR THE INSTALLATION OF A WATER MAIN AND SEWER MAIN

WHEREAS, the Developer of Foothill Community Presbyterian Church, George Lockridge, President, hereinafter referred to as "Developer", has an interest in the property known as Foothill Community Presbyterian Church located at 1.100 W. Merrill Avenue, in the City of Porterville, County of Tulare, State of California, as indicated on Exhibit "A", which is attached hereto and hereby made a part hereof and has built, erected, installed, and completed 1,645 lineal feet of a ten (10) inch water main and 1,542 lineal feet of a eight (8) inch sewer main serving the properties indicated on Exhibit "A"; and

WHEREAS, the Developer has paid and discharged the entire cost for the installation, construction, and completion of said water and sewer mains; and

WHEREAS, said water and sewer mains have been erected, constructed, and completed in full conformity with all laws, regulations and ordinances of the City of Porterville and the same has been erected, constructed, and completed in such manner that the same will serve the present and future owners of the property adjacent to said water and sewer mains as indicated on Exhibit "A" in the County of Tulare, State of California; and

WHEREAS, the owners of the adjacent property have not paid, assumed or discharged any of the costs or expenses in connection with the installation, construction or completion of said water and sewer mains;

NOW, THEREFORE BE IT RESOLVED, that before any of the present owners or occupants, or the future owners or occupants of said adjacent property, shall be permitted or allowed to connect to said water and sewer mains, or to utilize, use or employ the same, that each present or future owner or occupant of said adjacent property shall be required, before making any connection to said water and sewer mains or making any use thereof, to pay or cause to be paid to the City of Porterville for the privilege of connecting with said water and sewer mains their proper and just allocation and proportion of the cost and expense paid or incurred by the aforesaid Developer in the installation, construction and completion of said water and sewer mains, which just allocation and proportion of the

expense aforesaid is determined by the City Engineer of the City of Porterville to be set forth by Exhibit "B" for properties adjacent to said water and sewer mains as shown in Exhibit "A".

AND, BE IT FURTHER RESOLVED that upon deposit with the City of Porterville of said connection charge per front foot by said property owners, that when said money is received and paid to the City of Porterville, the same be refunded to the Developer over and during a period of ten years from June 5, 2001, without interest.

BE IT FURTHER RESOLVED that the Director of Finance, on receipt of said monies or funds, is hereby authorized and instructed to reimburse the Developer in the amount of said deposits without interest.

Gordon T Woods, Mayor

ATTEST:

. G Huffaker City Clerk

Sewer Pay-back

WATER FRONT FOOTAGE CHARGE = \$11.26 L.F. (Ea. Lot) SEWER FRONT FOOTAGE CHARGE = \$11.58 L.F. (Ea. Lot)

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STATE OF CALIFORNIA) (SS COUNTY OF TULARE)

I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council regularly called and held on the 19th day of June, 2001.

THAT said resolution was duly passed adopted by the following vote:

Councilmen:	WEST	WILSON	GURROLA	McGUIRE	WOODS
AYES:	Х		X	Х	· X
NOES:					
ABSENT:		Х		<u>-</u>	
ABSTAIN:					

C. G. HUFFAKER, City Clerk

Georgia Hawley, Deputy City Cle

Exhibit "B"

DEVELOPMENT OF FOOTHILL COMMUNITY PRESBYTERIAN CHURCH OFFSITE WATER AND SEWER MAINS COSTS REIMBURSEMENTS (Total Front Footage=1635.96', Water=\$11.29/I.f. & Sewer=\$11.56/I.f.)

Address	APN	Water Main	Sewer Main
1114 E. North Grand Ave.	243-204-009	\$833.38	\$857.67
1825 N. Douglas St.	243-204-008	\$833.38	\$857.67
1831 N. Douglas St.	243-204-007	\$833.38	\$857.67
1843 N. Douglas St.	243-204-006	\$833.38	\$857.67
1853 N. Douglas St.	243-204-005	\$833.38	\$857.67
1867 N. Douglas St.	243-204-004	\$833.38	\$857.67
1875 N. Douglas St.	243-204-003	\$833.38	\$857.67
1887 N. Douglas St.	243-204-002	\$833.38	\$857.67
1113 E. Baker Ave.	243-204-001	\$833.38	\$857.67
1112 E. Baker Ave.	243-201-008	\$854.38	\$944.87
1921 N. Douglas St.	243-201-007	\$854.38	\$944.87
1931 N. Douglas St.	243-201-006	\$854.38	\$944.87
1943 N. Douglas St.	243-201-005	\$854.38	\$944.87
1955 N. Douglas St.	243-201-004	\$854.38	\$944.87
1963 N. Douglas St.	243-201-003	\$854.38	\$944.87
1975 N. Douglas St.	243-201-002	\$854.38 1335	\$944.87
1113 E. Merrill Ave.	243-201-001	\$1,846.78	\$1,900.60
1135 E. Merrill Ave.	243-201-016	\$1,846.78 3,633	\$1,900.60
NW Cor. of Highway 35 & North Grand Ave.	243-190-018	\$11,719.04 ডিয়ে ত্ৰুমণ্ট	\$12,060.57

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September 16, 2003

Baldo Rodriguez, Public Works Director

Foothill Presbyterian Church 1162 W. Merrill Avenue Porterville, CA 93257

Attention:

Bill Rogers

Subject:

Change Of Occupancy

1162 W. Merrill Avenue Porterville, California

Dear Jim:

After an on-site inspection conducted by myself on September 12, 2003, at the above mentioned address, the following requirements must be completed prior to occupancy change from a R-3 (single-family dwelling) to office use, B occupancy:

- 1. Ramp entrance, change main doors to a single door and lever hardware that complies with access laws.
- 2. Restrooms modified to provide access, as per State and Federal access laws.
- 3. All electrical circuit breakers must be identified.
- 4. All electrical plug covers, switch covers, etc. must be provided, as per code.
- 5. Properly abandon washing facilities, as per discussion.
- 6. Electrical service may require change-out, as per Southern California Edison requirements.
- 7. Remove recreational vehicle covered parking structure.
- 8. Remove and properly abandon in-ground spa.
- 9. Provide fire extinguishers, as per Fire Department.
- 10. Provide parking, as per City of Porterville requirements and State and Federal access laws.
- 11. Identify property by posting minimum 6" address numbers visible (readable) from public street.
- 12. Signs require separate permit.
- 13. All other storage buildings will not be used at this time but will be removed in the future.

Foothill Presbyterian Church September 16, 2003 Page 2

- 14. Pay plan check fee at time of building permit application.
- 15. Comply with all other requirements of project review committee and pay all other City fees at time of permit issuance.
- 16. If you connect to City water and keep a water well on-site, you must provide a backflow device, as per City requirements.

It is understood and agreed that total occupancy of said building will not exceed forty-nine (49) persons at any given time. Require plans submitted and permits secured prior to commencing any demolition or remodeling work.

Thank you for your cooperation in this change of use of said property. Understand permits can not be issued by the City until annexation is completed.

If I can be of any further assistance, please contact me at (559)782-7480.

Sincerely,

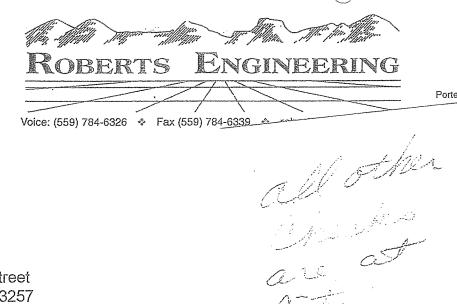
Robert Oates, C.B.O. Chief Building Official

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CHARLES W. (BILL) ROBERTS Professional Engineer California RCE 15287

June 2, 2004



342 N. Second St. Mail: P.O. Box 908 Porterville, California 93258-0908

Randy Rouda Planning Division City of Porterville 291 North Main Street Porterville, CA 93257

Re:

Use Permit Application, Lot Line Adjustment, and Annexation for Foothill Presbyterian Church

Dear Randy:

Enclosed are the following items with regard to the above referenced projects:

An annexation map;

A signed consent to annex;

A completed conditional use permit application;

A 300 foot radius map;

A property owners list;

A set of mailing labels;

Three (3) copies of the lot line adjustment map;

A copy of the proposed legal description;

A copy of the existing legal description;

An annexation fee in the amount of \$ 2,000.00;

A LAFCo annexation fee in the amount of \$3,410.00

A use permit fee in the amount of \$ 700.00;

A lot line adjustment fee in the amount of \$ 125.00;

A negative declaration fee in the amount of \$ 500.00; and

A Tulare County Clerk fee in the amount of \$ 45.00.

If you have any questions, please call.

onna Shamley

Very truly yours,

Donna Shamley

encl.

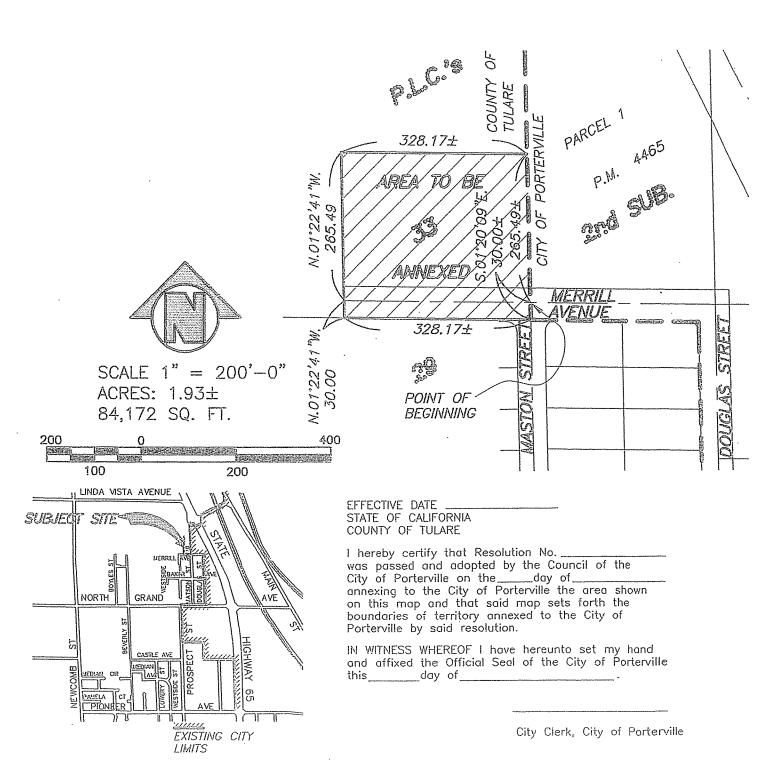
CONSENT TO ANNEXATION

The undersigned property owners, their heirs, successors, and assignees hereby consent to the annexation of their property to the City of Lindsay as provided in the Cortese-Knox Local Government Reorganization Act of 1985 and the Codes and Statutes of the State of California. The owners hereby affirm that all successive owners shall be notified in writing of the consent, and no successive owner shall have recourse against the City resulting from this annexation consent.

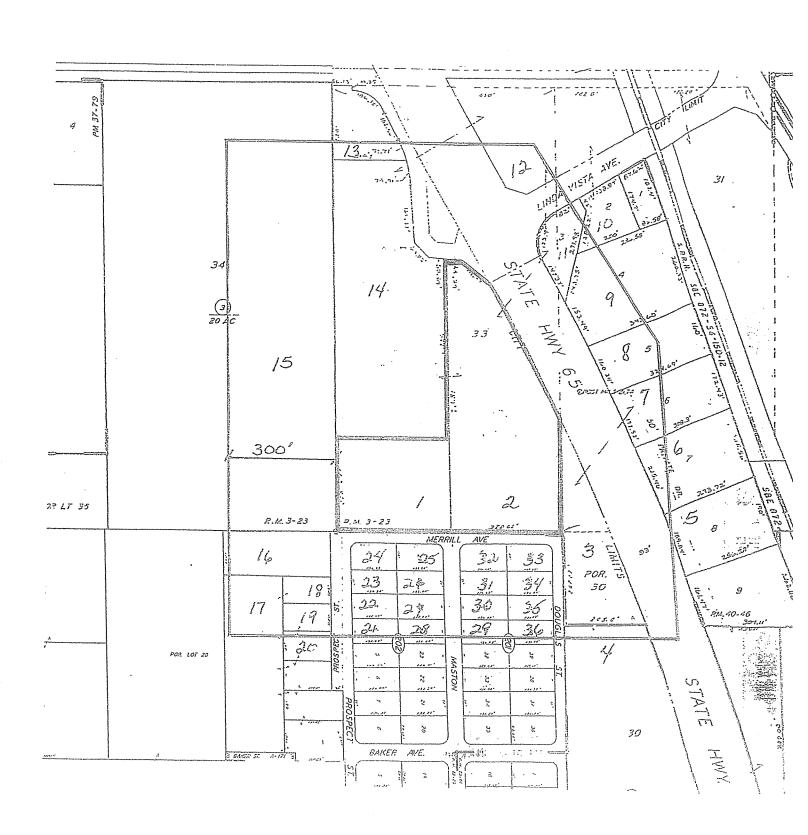
	APN of Property to be Annexed	Address	3
	243-180-014	West 1	Merrill Avenue
J. M.			
A. \			
	Name (type or print)	Sjgnature	Date
L	David Q. DUNGAN	- Alalungan	5/12/04
•	, 1		,
			•

ANNEXATION AREA NO.

CITY OF PORTERVILLE, IN A PORTION OF THE E 1/2 OF SECTION 15, T. 21 S., R. 27 E. M.B.D. & M., IN THE COUNTY OF TULARE, STATE OF CALIFORNIA.



300 FOOT RADIUS MAP FOOTHILL PRESBYTERIAN CHURCH



LOT LINE ADJUSTMENT

BETWEEN PARCEL 1 OF PARCEL MAP 4465° AND THE SOUTH 265.49' OF THE WEST HALF OF LOT 33 OF PIONEER LAND CO'S SECOND SUBDIVISION SITUATED IN A PORTION OF THE EAST HALF OF SECTION 15, TOWNSHIP 21 SOUTH, RANGE 27 EAST, MOUNT DIABLO BASE AND MERIDIAN, CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA.

EYISTING USES:

VACANT

PROPOSED USES: COMMERCIAL/OFFICE WATER SUPPLY: CITY OF PORTERVILLE SEWAGE DISPOSAL: CITY OF PORTERVILLE

ZONING:

CH

251-191-002 251-191-008

APN: DATE:

OCTOBER 27, 1999

APPLICANT: FOOTHILL COMMUNITY

PRESBYTERIAN CHURCH

P.O. BOX 50

PORTERVILLE, CA. 93258

ENGINEER:

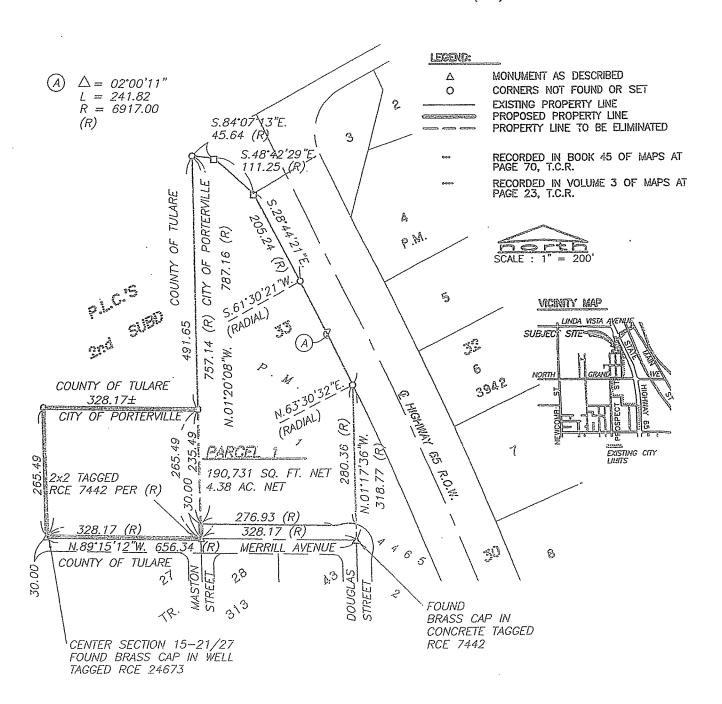
CHARLES W. ROBERTS

CONSULTING CIVIL ENGINEER, INC.

P.O. BOX 908

PORTERVILLE, CA. 93258

(559) 784-6326





Public Works Department

June 9, 2005

Rev. Jim Rogers, Pastor Foothill Presbyterian Church P.O. Box 50 Porterville, CA 93258

Subject: House Conversion to Assembly Use @ 1162 W. Merrill Street.

Dear Rev. Rogers:

As promised, the City is preparing this letter to clarify the Public Works conditions for Building Permit No. CIR-05-05-0186. A permit is being requested for the conversion of a single family residential unit to an assembly use (church), which consists of some interior remodeling and ADA concrete work. Evaluation for the permit is estimated to be \$22,000.

As you know, the Zoning Ordinance requires a minimum of 3 acres for an assembly use. The residential property is about 2 acres. The church also has title to a larger easterly parcel next to the subject residential property. Therefore, the church is currently processing a Lot Line Adjustment that will incorporate the residential structure within the larger easterly parcel. Once the Lot Line Adjustment is recorded, the structure and use will meet the Zoning Ordinance. It is our understanding that the church intends to move the lot line approximately 118 feet west of the current location, which will leave about a 1.42 acre vacant parcel to the west of the subject site for future development.

In the past, staff has reviewed plans for a new church building, parking lot, drainage facilities and other related improvements for said large easterly parcel. Those plans have not come to fruition. However, it is still the church's intention to build the new sanctuary and once that happens the converted residential structure will no longer function as the sanctuary. Several meetings have been held to determine the required public improvements for Building Permit No. CIR-05-05-0186. During the last meeting both parties have agreed to the following conditions:

- Provide improvement plans for a parking lot that could be incorporated into the church's future plans.
- Provide improvement plans that illustrate a pave-out (including excavation, grading, base material, asphalt concrete, etc.) along that portion to become part of the larger easterly parcel (118 feet). A pavement transition, along with flexible delineators is required at the westerly end of the pave-out. The lip of gutter alignment is the northerly limit of the pave-out. The plans shall reflect elevations at the existing pavement join line and along the new edge of pavement. Plans shall also provide a detailed cross section of pave-out structural section.

Page 2 June 9, 2005 Rev Ward - Building Permit No. CIR-05-05-0186

Since the evaluation is relatively low for the proposed remodel, the City is hereby waiving the requirement of extending sewer, water, curb, gutter and sidewalks along that portion to become part of the larger easterly parcel (118 feet). However, when the church requests a building permit for the new sanctuary church, the City will require the extension of these improvements to the westerly property line that exists at the time of request. These utilities and street improvements exist, as of this writing at the southwest corner of large easterly parcel.

If you have any questions, please do not hesitate to call Michael K. Reed at 782-7462.

Sincerely,

PUBLIC WORKS DEPARTMENT Baldomero S. Rodriguez, Director

Michael K. Reed City Engineer

mkr

cc: Baldo Rodriguez

Bob Oates

file

S:\WordPerfect\WORK\Land Development\Building Permit for Pres Church.wpd

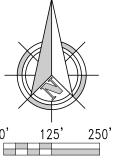


-s- SSMH

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SANITARY SEWER MANHOLE PROPOSED SANITARY SEWER EXISTING SANITARY SEWER



SCALE: 1" = 250'

SHEET

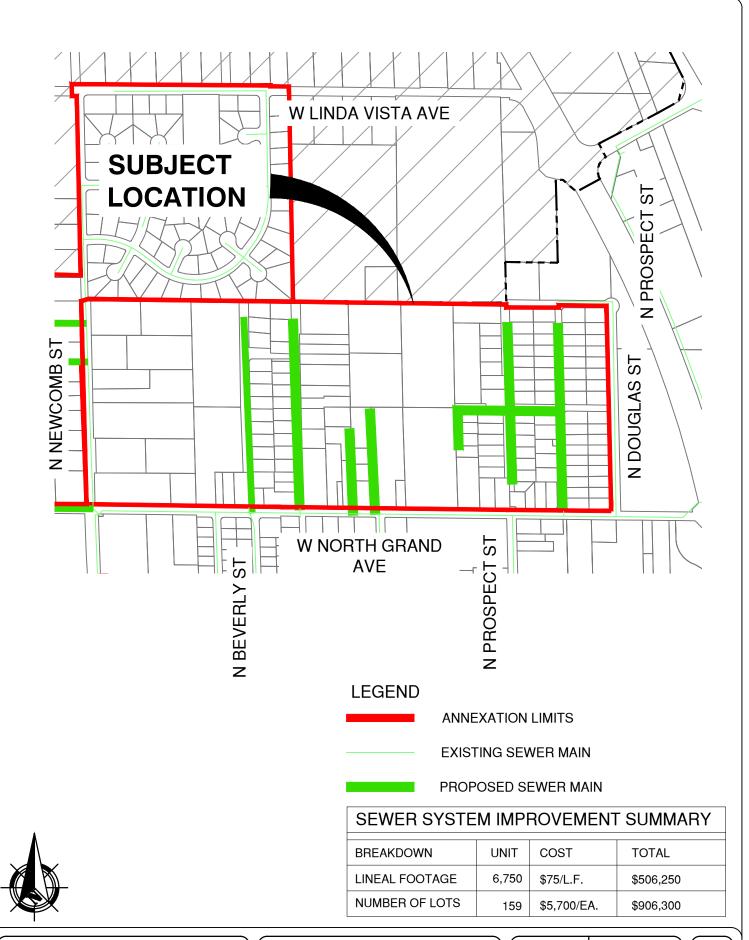
1

CITY OF PORTERVILLE

ENGINEERING DIVISION
291 NORTH MAIN STREET
PORTERVILLE, CA. 93257
(559) 782-7462

LOCATOR MAP

DRAWN BY	GG
CHECKED BY	DC
SCALE	1" = 250'
DATE	2/16/2023



CITY OF PORTERVILLE

ENGINEERING DIVISION

291 NORTH MAIN STREET PORTERVILLE, CA. 93257 (559) 782-7462 SEWER ANNEXATION NUMBER 474B

DRAWN BY	CAL
CHECKED BY	
SCALE	1" = 600'-0"
DATE	10/2/2019

SHEET

1

OF

1



CITY COUNCIL AGENDA – FEBRUARY 21, 2023

SUBJECT: New Porterville Rescue Mission update

SOURCE: Community Development

COMMENT:

At its meeting on June 18, 2019, the City Council adopted Resolution 43-2019, approving Conditional Use Permit (CUP) 2018-041-C for the New Porterville Rescue Mission (NPRM) to allow for a Social Services Facility located at 30 S. A Street. As outlined in Resolution 43-2019, Condition No. 1, and in compliance with Porterville Municipal Code Chapter 21, Section 301.09, "Social Services Facilities shall provide: adequate and accessible sanitary facilities, including lavatories, restrooms and refuse containers; sufficient patron seating facilities for dining; effective screening devices such as landscaping and masonry fences in conjunction with outdoor activity areas." To meet these requirements, NPRM was to continue to work on site improvements, and stay in communication with staff until all items had been completed. CUP 2018-041-C includes a requirement that staff provide a bi-annual update to the Council on the status of the project, which is the purpose of this report.

At its meeting on February 4, 2020, staff presented to Council the bi-annual update as required in the CUP to update the status of improvements. The item was continued as additional information was needed to be provided by NPRM in writing. At its meeting on March 3, 2020, staff provided to Council the proposed Plan of Action that staff considered quite aggressive and reported that a realistic timeline would be three to six months before there would be an issuance of a building permit. At its meeting on July 21, 2020, staff provided an update to Council regarding the progress of the NPRM's remodel project. NPRM was issued a building permit on July 7, 2020. The scope of the permit includes removing existing staff bedroom walls to open up to the existing open area to accommodate fourteen (14) beds total on the west end of the building, remodeling of two restrooms to meet accessibility standards, the installation of two new concrete door landings, one new door landing with stairs and handrails, as well as reversing the swing of an existing door. NPRM had anticipated that this phase of construction would take approximately three to four months to complete.

At its meeting on November 17, 2020, staff provided an update to Council regarding the progress of the NPRM's remodel project. The Council was informed that the NPRM's project had experienced delays due to the pandemic as well as encountering structural issues during the demolition process.

At its meeting on January 19, 2021, Council was provided an update that the NPRM had been issued a permit for the structural revision to correct the issues

encountered during the demolition process on November 25, 2020. Staff met with the NPRM on January 4, 2021, to discuss the progress of the project. The NPRM informed staff that the project timeline has been impacted by the ongoing COVID-19 pandemic, noting that they received a letter from one of their suppliers informing them that the delivery of their order had been delayed due to the pandemic. A framing inspection was provided by the City's Engineering Department-Building Division on January 5, 2021, and a second framing inspection on January 8, 2021, which NPRM passed.

At its meeting on August 17, 2021, staff provided an update to the Council regarding the progress of the NPRM's remodel project as well as information in regard to violations of the conditions outlined in Conditional Use Permit 2018-041-C and the Porterville Development Ordinance, which were observed on August 10, 2021. The violations included a recreational vehicle observed onsite that was being occupied as a residence with an electrical extension cord connected to the recreational vehicle. Chapter 304.11 of the Development Ordinance states that "Parking and storing of recreational vehicles, boats, campers, trailers and similar vehicles are prohibited from being stored for a period longer than seventy-two (72) hours in the front yard setback. They may be stored in the side or rear yard behind a minimum six-foot high, solid fence. At no time are recreational vehicles allowed to be occupied as residences. Connection to any combination of electrical, water, cable, or sewer facilities is considered prima facie evidence of occupation as a residence. At no time shall commercial vehicles greater than a one-ton rating be parked or stored on residentially zoned properties. Storage on the street is limited pursuant to Sections 17-10.4, 17-11.7, 17-11.8, and 17-11.9 of the Porterville Municipal Code." Tents were also observed to be erected on site outside of the approved season and timeframe outlined in Condition 10 of the CUP. Condition 10 states "The temporary use of tents for overflow of patrons may be permitted during the winter months, provided that the usage and assembling of the tents be opposite of office hours, erecting tents after 7 p.m. and removing them before 7 a.m." NPRM remedied the violations within seventy-two (72) hours.

At its meeting on October 19, 2021, staff provided an update to the Council regarding the progress of the NPRM's remodel project. The Council was informed that the NPRM had one inspection since the update provided to the City Council on August 17, 2021, which occurred on September 29, 2021. The inspection was for underground plumbing for the restroom remodel, which passed. During the inspection, the NPRM disclosed that while saw cutting the existing concrete slab for the restroom remodel, a four foot section of the exterior footing fell apart. The NPRM was requested to have the footing evaluated by an engineer to provide a design to correct the issue.

The Council was also informed that on September 24, 2021, the Porterville Police Department and Code Enforcement responded to the NPRM for the discharge of dangerous fireworks. The suspect was found to be in possession of additional fireworks and was administratively sited. While onsite, Code Enforcement observed conditions of the neighboring property (14 S. A Street), which is also operated by NPRM, that were not in compliance with the 1997

Uniform Housing Code. The conditions observed included the rear yard being utilized as a living space with an outdoor shower built in close proximity to an existing electrical panel. Food and other items have also been allowed to accumulate in the yard along with multiple tarp covered areas that have been erected, creating an attractive nuisance and possible fire hazard. The property owner was notified and required to remedy the conditions by November 1, 2021. CUP 2018-041-C does not include provisions for the property located at 14 S. A Street. Resolution 43-2019 included NPRM Site and Operations Plan as Attachment A, which outlines that 14 S. A Street provides for six long-term residential beds and two emergency shelter beds for women. City staff inspected the property located at 14 S. A Street on October 12, 2021, and found that the conditions that were out of compliance with the 1997 Uniform Housing Code had been remedied.

At its meeting on February 1, 2022, staff provided an update to the Council regarding the progress of the NPRM's remodel project. The Council was informed that the NPRM had four successful inspections since the update provided to the City Council at its meeting on October 19, 2021, including an inspection of foundation forms to address a foundation issue in accordance with an engineer's design on October 19, 2021, framing and wall insulation for the east restroom on January 7, 2022, sheetrock on January 18, 2022, and shower pan inspection on January 24, 2022.

At its meeting on August 16, 2022, staff provided an update to the Council that the NPRM received a final on the bathroom remodel on April 11, 2022, and that the Chief Building Inspector met with a NPRM representative to review the exterior ADA requirements to be completed with the next stage of the project.

Since the last update provided to Council, the NPRM has completed the concrete landing for the two east doors, which passed inspection on January 27, 2023. The remaining work to be completed in accordance with the NPRM's approved plans is the construction of stairs and handrailing at the center door and to bring the west ramp into compliance. The Code Enforcement Division has not issued any notices of violation to the NPRM since the last update was provided.

RECOMMENDATION: That the City Council consider the report and provide direction as deemed appropriate.

ATTACHMENTS: 1. Resolution No. 43-2019

Appropriated/Funded:

Review By:

Department Director: Jason Ridenour, Assistant City Manager Final Approver: John Lollis, City Manager

RESOLUTION NO. 43-2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE RESCINDING RESOLUTION 10-2019 AND PLANNING COMMISSION RESOLUTION 606, AND CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE PERMIT 2018-041-C TO ALLOW FOR A SOCIAL SERVICES FACILITY-

THE NEW PORTERVILLE RESCUE MISSION

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of June 18, 2019, conducted a continued public hearing to consider whether to modify or revoke Modification No. 1 to Conditional Use Permit 8-74 (PRC 2018-041-C) to allow for a Social Services Facility for the New Porterville Rescue Mission located at 30 S. A Street; and

WHEREAS: The City Council determined that the proposed change of occupancy eliminates the use of the project site as a church. This in turn deems moot the original Conditional Use Permit (CUP 8-74), which authorized the expansion of a church on the subject property; and

WHEREAS: To clearly record the appropriate and allowed uses and occupancy of the subject site and structures, the original approvals must be replaced with conditions of approval focused on the establishment and operation of a Social Services Facility; and

WHEREAS: On May 29, 2019, the Environmental Coordinator made a preliminary determination that the project is exempt from California Environmental Quality Act pursuant to §15301, Existing Facilities in that there is no proposed expansion to the existing building; and

WHEREAS: The City Council of the City of Porterville received testimony from all interested parties related to said Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

1. That the proposed project will advance the goals and objectives of, and is consistent with, the policies of the General Plan and any other applicable plan that the City has adopted:

The proposed project is consistent with the Housing Element's goal to provide a variety of housing types. Further, the subject site is consistent with the Zoning Standards for DRM-3 (Downtown High Density Residential) zone and the General Plan Land Use Designation of High Density Residential. The General Plan promotes a mix of residential neighborhoods to provide for a mix of housing types to serve the needs of all Porterville Residents. Additionally, it supports community facilities that are appropriate for a residential environment, including residential care and alcoholism or drug abuse recovery or treatment facilities.

2. That the proposed location of the project and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity:

Conditions of approval are included herein to ensure adequate operational standards are met. The project is located within an existing building and is conditioned so that proposed activities have been evaluated and conditions associated with them be mitigated.

Additionally, the project is conditioned to preserve the public safety, health and welfare to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations. In the event that any condition of approval is violated, the City Council may modify or revoke the conditional use permit.

3. This project is exempt from CEQA pursuant to §15301, Existing Facilities in that there is no proposed expansion to the existing building.

NOW, THEREFORE, BE IT RESOLVED:

- 1. Resolution 10-2019, which approved Modification No. 1 to Conditional Use Permit 8-74 to allow for a social services facility for the New Porterville Rescue Mission is hereby revoked.
- 2. Planning Commission Resolution 606, which approved Conditional Use Permit 8-74 to construct a social and Sunday school building as an addition to an existing church building at 30 South A Street is hereby revoked.

BE IT FURTHER RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 2018-041-C subject to the following conditions:

- 1. Social Service Facilities shall be located, developed and operated in compliance with the following minimum standards. All Social Services Facilities shall provide: adequate and accessible sanitary facilities, including lavatories, rest rooms and refuse containers; sufficient patron seating facilities for dining, whether indoor or outdoor; effective screening devices such as landscaping and masonry fences in conjunction with outdoor activity areas; a plan of operation, including but not limited to, patron access requirements, hours of operation, security measures, litter control, and noise attenuation.
- 2. Evidence of compliance with all Fire Safety regulations shall be provided within the timeframe established herein:
 - i. On or before June 21, 2019: Submit plans for sprinkler and smoke detection building permit
 - ii. On or before July 12, 2019: Pull the permit to begin construction
 - iii. On or before August 12, 2019: Final inspection of the sprinkler and smoke detection system, complete with testing
- 3. A plan for compliance with all applicable Building regulations, as well as improvements required pursuant to Section 301.09 of the Development Code (referenced above in Condition #1) shall be provided by August 13, 2019, including timeframes for completion of necessary improvements.

- 4. Upon approval of this permit, any future change in operation which substantially alters the conditions or nature of the subject business as identified in the Operations Plan (Exhibit A), will require approval by the City Council.
- 5. Unless an extension of time is granted by the City Council, the conditional use permit shall expire two years after the date of approval if the activity is not active or actively pursued. The City Council may approve a one year extension of any permit or approval granted under this ordinance upon receipt of a written application with the required fee before the permit expires.
- 6. The applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Section 601.10 of the Porterville Development Ordinance.
- 7. Pursuant to Section 601.10(d) the City Council may revoke the permit if it makes any of the following findings:
 - a. That approval was obtained by means of fraud or misrepresentation of a material fact;
 - b. That the use in question has ceased to exist or has been suspended for one year or more;
 - c. That there is or has been a violation of or failure to observe the terms or conditions of the permit or variance, or the use has been conducted in violation of the provisions of this ordinance, law or regulation; or
 - d. That the use to which the permit or variance applies has been conducted in a manner detrimental to the public safety, health and welfare or so as to be a nuisance.
- 8. Pursuant to Porterville Development Ordinance 300.09, Outdoor Storage is not permitted within the DRM-3 zone (all storage shall be within an enclosed building). Additionally, Resolution 14-2014 does not allow the use of cargo containers in residential zone districts. The two cargo containers present on site must be removed. Both of the existing storage sheds will be required to be relocated outside of the setbacks and would count towards the permitted two accessory structures.
- 9. The applicant proposes the sale of goods and merchandise as a means of financial support. Retail sales are not permitted in the DRM-3 zone. Section 301.21 allows for temporary uses to include non-profit fund raising. Fund raising sales by a non-profit organization are limited to seven consecutive days, twelve times a year. Merchandise must be stored appropriately on non-sale days. Outdoor Retail Sales must be done in accordance with Section 301.12 of the Porterville Development ordinance and in compliance with the California State Board of Equalization.
- 10. The temporary use of tents for overflow of patrons may be permitted during the winter months, provided that the usage and assembling of tents be opposite of office hours, erecting tents after 7 p.m. and removing them before 7 a.m.

- 11. At all times, the facility shall be operated and maintained to comply with State Laws, the City of Porterville Development Ordinance, adopted Building and Fire Codes and all other applicable laws and ordinances.
- 12. The entire site shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times and in an otherwise neat and attractive manner.
- 13. Beginning with the final inspection on or before August 12, 2019, and every August thereafter, the facility will be subject to an annual inspection by the Porterville Fire Department.
- 14. Beginning with the meeting of August 20, 2019, and every February and August thereafter until further ordered by the Council, the applicant's compliance with this Conditional Use Permit will be reviewed by the City Council.

PASSED, APPROVED AND ADOPTED this 18th day of June, 2019.

Martha A. Flores, Mayor

ATTEST:

John D. Lollis, City Clerk

Patrice Hildreth, Chief Deputy City Clerk

RECEIVED

MAY 2019

10/12/2018

-The New Porterville Rescue Mission

Community Development Department

MAY 2 0 2019

30 S. A St. Porterville Ca 93257

()Y

The primary role of this business is to provide temporary shelter or housing for families as well as individuals who currently are not in a position to lease or inherent their own residence.

1. Please see attachment PRM #1 for site and floor plans and detailed dimensions of building and spaces.

uses

are as

- a. edifice located at 30 S. A
 - 1. Dining area/Multipurpose room, interactive bible study and support groups. Accommodates Community Resource Presentations and Guest Speakers.
 - 2. The purposes and functions of Headquarters and main office include but are not limited to; Answering any or all questions regarding services provided, client intake, one on one sessions with staff, case management, recommendation and referrals. Answering inquiries regarding donations, meeting with local contributors, volunteers, Probation, Parole, PPD, and any social services or city officials.
 - 3. The Men's dormitory is also attached to the primary housing structure and currently holds 12 long term residential beds and 6 emergency shelter beds.
 - b. edifice located at 14 S. A St., Porterville
 - 1. The allocated Women's home, both long term residential and emergency shelter facility currently holds 6 long term residential beds and 2 emergency shelter beds.
 - 2. Women's substance and domestic violence abuse support groups, NA/AA meetings women of faith Bible studies.

The shelter provides approximately 75-100 meals per day we accommodate special dietary such as heart healthy diets, allergies, etc. to the community which we serve. Please see attachment PRM #2 for shelter feeding schedule and meals prepared.

- 4. Our men's long-term facility currently holds 18 total occupants. That includes our long term residential and emergency shelter beds. Our women's facility holds 8 total occupants. Which also includes long term residential and emergency shelter beds.
- 5. For housing dormitory layout for the bed arrangements please see attachment PRM#1
- 6. Our Long-term residency program is a 6 month to 1 yr housing facility. Our emergency shelter provides emergency services for up to 72 hours.
- 7. The Porterville Rescue Mission has taken a "Housing First" approach. We offer safety and protection from the hardships of homelessness. We believe that once the immediate burden of homelessness is lifted, it allows for participants to focus, and initiate a plan of action towards self-sufficiency.
- a. We welcome our community by providing 72 hours of emergency food and shelter services. The Porterville Rescue Mission also facilitates a 6 month to 1 yr residency Program.
- b. We offer meals to the homeless and needy, but we welcome our entire community, please see attachment PRM#2 for a more details on the food services provided.
- c. We offer showers to the public during regular business hours. Long term residential participants have access to onsite laundry facilities. We provide essential hygiene products, and participants are allowed laundry detergent
- d. We provide onsite Resume building workshops, on the job training and employment plugs. For those participants that may not be eligible for employment due to current circumstance we offer referrals to the qualifying organizations. Which may include but are not limited to; SSI Social security, Mental Health, Tulare works, Family crisis center
- e. . . We continue our support towards the participants personal goals, by allocating individual case managers. It allows us to advocate and address the specific needs of each participant.
- f. We assist with transportation to and from scheduled legal/doctor/ and or personal appointments, AA/NA/ other meetings and court proceedings.
- **8.** Hours of operation are as follows
- a. Office hours 7am-7pm
- b. 24-hour onsite staff
- c. 24-hour emergency telephone services
- d. 7pm to 7am overnight staff
- **9.** Staffing needs are as follows;
- a. CEO/Director
- b. Human and community resource specialist
- c. Finance and accounting specialist
- d. Intake specialist
- e. Volunteer service coordinator
- f. Maintenance in house
- g. Grounds and lawn service maintenance/mechanic
- h. Case manager for men's facility
- i. manager for women's facility
- j. lead

- Housing program manager for women's facility Housing program manager for men's facility Kitchen lead staff and meal planner Kitchen cook k.
- I.
- m.
- n.
- Kitchen assistant 1 0.
- Kitchen assistant 2 p.

STATE OF CALIFORNIA)	
CITY OF PORTERVILLE)	SS
COUNTY OF TULARE)	

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a meeting of the Porterville City Council duly called and held on the 18th day of June, 2019.

Said resolution was duly passed, approved, and adopted by the following vote:

Council:	PEÑALOZA	WARD	FLORES	STOWE	REYES
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk

By: Fernando Gabriel-Moraga, Acting Deputy City Clerk



CITY COUNCIL AGENDA – FEBRUARY 21, 2023

SUBJECT: 2023 KJUG Free Summer Concert Series

SOURCE: City Manager's Office

COMMENT: The City has served as the major sponsor of the KJUG Free Summer Concert

series for the past two years, including City staff coordinating the concert preparations at Centennial Park. Momentum Broadcasting (who operates FM 106.7 KJUG) has approached the City to again sponsor and staff coordinate this year's KJUG Free Summer Concert Series at Centennial Park, with proposed concert dates yet to be determined. The cost of sponsorship for the 2023 KJUG Free Summer Concert Series is \$7,000, which funds are available in the Council's Community Promotions account for funding. Should the Council again support sponsorship of the KJUG Free Summer Concert Series, once concert dates are determined, City staff will schedule an Agenda item for

Council authorization for street closures and use of facilities.

RECOMMENDATION: That the City Council:

1. Consider sponsorship of the 2023 KJUG Free Summer Concert

Series for concert dates to be determined; and

2. Authorize the expenditure of \$7,000 as the concert events

sponsor from the Community Promotions fund.

ATTACHMENTS: 1. 2023 KJUG Free Summer Concert Series City Sponsorship

Agreement

Appropriated/Funded:

Review By:

Department Director: John Lollis, City Manager

Final Approver: John Lollis, City Manager



2023 KJUG SUMMER CONCERT SERIES

- Porterville -

We are back and ready to kick off the 2023 season with our full line up of shows. The Free Summer Concert Series attracts Country Music Fans from all over the South Valley. It's an opportunity to see your favorite new country artist in an up-close concert venue. There is a total of 9 concerts for the Summer with 3 in Porterville at the Centennial Park, 3 in Hanford at the Civic Park, and 3 in Exeter at the one of its beautiful parks. Some of the past featured artists have been Lady Antebellum, Justin Moore, Cole Swindle, Scotty McCreery, & Brett Eldredge.

As a City Sponsor of KJUG's Annual Summer Concert Series, you will receive the following for your city: **NAME ASSOCIATION:**

- Affiliation with this highly successful radio promotion
- Affiliation with KJUG, one of the most recognized Country Stations in the US.

ADVERTISING:

Radio

Minimum of 300 mentions directing listeners to Porterville for shows (100 per concert)

Print

- Logo displayed on posters
- Logo on side stage banners

Online

- Logo on event Landing Page
- Name recognition in a minimum of 150 Shared Live and Recorded streaming promotional announcements per show as sponsor, 50 per Series
- 60X M-Sun 6a-12m :60 commercials per series streaming (schedule to mirror radio flight)
- Minimum of 300 mentions directing listeners to Porterville for shows (100 per concert)

Social Media Exposure- 50,000 followers

Summer Concert Series Net Investment: \$7,000*

*Payable 6 weeks prior to start of series First option to sponsor the 2024 Summer Concert Series (guaranteed until 02/01/2024).

Agreed to by:	Date:		
,			

Series: Porterville



CITY COUNCIL AGENDA – FEBRUARY 21, 2023

SUBJECT: Consideration of Scheduling City Council Goal and Priority Setting Session

SOURCE: City Manager's Office

COMMENT: Section 51 of the City Charter requires the submission, not later than thirty (30)

days before the end of the fiscal year, of an estimate of the expenditures and revenues of the City's Departments for the ensuing fiscal year. For City Council's consideration, please find attached the proposed budget calendar for the preparation and submission of the City's Annual Budget for the upcoming

fiscal year 2023-2024.

In conjunction with the preparation of the budget, staff proposes that Council schedule its annual Goal Setting and Priority Projects Study Session for

Tuesday, April 11, 2023, beginning at 6:00 P.M., in Council Chambers.

RECOMMENDATION: That the City Council approve the scheduling of its annual Goal

Setting and Priority Projects Study Session for Tuesday, April 11,

2023, beginning at 6:00 P.M., in Council Chambers.

ATTACHMENTS: 1. Draft Fiscal Year 2023-2024 Budget Calendar

Appropriated/Funded:

Review By:

Department Director: John Lollis, City Manager

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE BUDGET CALENDAR FY 2023-2024

<u>Date</u>	<u>Task</u>	Responsibility
March 22 - 23	10-Year Capital Projects update	CM/Directors
March 31	Budget worksheets to Departments	Finance
April 11	City Council study session (priority projects)	Council
April 21	Preliminary revenue estimates completed	Finance
April 21	Completed budget worksheets to Finance	Directors
April 28	Budget planning session	CM/Directors
May 10	Preliminary budget completed	Finance
May 15	Preliminary budget approved by City Manager	СМ
May 18	TUTOC review of Measure H & Measure I proposed budget	СМ
June 6	Preliminary budget presented to Council	Council
June 20	Final budget public hearing and approval by Council	Council