

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

The City of Porterville is allowing for and encouraging electronic participation at City Council Meetings. 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 – Amended City Council Meeting of March 21, 2023

Please use the following link below to join the webinar:

https://us06web.zoom.us/j/88167877382?pwd=Y29qOG9MS0kzOUZXYnhPS1lGYzIvZz09

Or via Telephone: 1-669-900-6833 Webinar ID: 881 6787 7382 Passcode: 466698

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.

<u>CITY COUNCIL CLOSED SESSION:</u>

A. Closed Session Pursuant to:

1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 252-193-008. Agency Negotiator: John Lollis and Jason Ridenour. Negotiating Parties: City of Porterville and CA Medical Imaging. Under Negotiation: Terms and Price.

2 - Government Code Section 54956.95 – Liability Claim: Claimants: Bertha Ruiz, Charlie David Montoya, Karen Marlene Montoya, and Jonathan Salvador Montoya. Agency claimed against: City of Porterville.

3 - Government Code Section 54956.95 – Liability Claim: Claimant: Donald Sweeney. Agency claimed against: City of Porterville.

4 - Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Three (3) cases in which facts are not yet known to potential plaintiff.

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

City Council Agenda

6 - Government Code Section 54957 - Threat to Public Services or Facilities: Consultation with Jake Castellow, Porterville EOC Incident Commander.

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

Pledge of Allegiance Led by Vice Mayor Carrillo Invocation

PRESENTATIONS

Legacy Award - The Press Shop Tulare County Economic Development Corporation

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; and subcommittee reports.

- I. City Commission and Committee Meetings
 - 1. Parks & Leisure Services Commission March 02, 2023
 - 2. Library & Literacy Commission March 14, 2023
 - 3. Arts Commission
 - 4. Animal Control Commission
 - 5. Youth Commission
 - 6. Transactions and Use Tax Oversight Committee (TUTOC)

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 December 20, 2022, and March 7, 2023

Re: Considering approval of the City Council Meeting draft Minutes of December 20, 2022, and March 7, 2023.

 Purchase of Firefighter Ballistics Protective Equipment Re: Consideration to authorize the purchase of seven sets of Firefighter Ballistic Equipment from Bullitproof IT, LLC at a cost of \$16,578.68 plus a ten percent (10%) contingency for a total of \$18,236.55.

3. Authorization to Purchase Specialized Repair Equipment - Screw Press

City Council Agenda

Re: Consideration to authorize the purchase of specialized equipment from HUBER Technology, Inc. for a not-to-exceed amount of \$30,045 which includes freight, taxes and a ten percent (10%) contingency.

- Authorization to Distribute Request for Proposals for the Third Year of the Five-Year Permanent Local Housing Allocation (PLHA) Plan
 Re: Consideration to authorize staff to distribute a Request for Proposals for \$586,270 for the third year of the five-year Permanent Local Housing Allocation (PLHA) Plan.
- 5. Authorization to Distribute a Request for Qualifications for Consultant Services ADA Self-Evaluation and Transition Plan Re: Consideration to authorize staff to distribute a Request for Qualifications for the ADA Self-Evaluation and Transition Plan.
- 6. Community Civic Event Sequoia Family Medical Center Sequoia Arbor Day 5k Run/Walk and Health Fair - April 29, 2023 Re: Consideration to approve the Community Civic Event application from Sequoia Family Medical Center to hold the Sequoia Arbor Day 5k Run/Walk and Health Fair on April 29, 2023, from 6:30 a.m. to 12:00 p.m. along the Tule River Parkway.
- 7. Community Civic Event Parenting Network Calling All Superheroes April 5, 2023 Re: Consideration to approve the Community Civic Event application from the Parenting Network to hold the "Calling All Superheroes" event on Wednesday, April 5, 2023 at Zalud Park from 2:00 p.m. to 4:00 p.m.
- 8. Community Civic Event Tule River Economic Development Corporation Autism Awareness Car Show - April 1, 2023

Re: Consideration to approve the Community Civic Event application from the Tule River Economic Development Corporation to hold the Autism Awareness Car Show event on Saturday, April 1, 2023, from 9:00 a.m. to 4:00 p.m. at the City parking lot adjacent to Landing 13 at 152 N. Hockett Street.

- 9. Community Civic Event Summit Charter Academy Fun Run March 24, 2023 Re: Consideration to approve the Community Civic Event application from Summit Charter Academy to hold the "Fun Run" event on March 24, 2023, from 9:00 a.m. to 10:00 a.m.; and request the closure of Lombardi Street at the intersection of Lombardi and the access road south of Summit Charter Academy, Lombardi campus, and the use of the sidewalk along the school to the said intersection for the Fun Run.
- 10. Community Civic Event Comision Honorifica Mexicana Americana Inc Annual Cinco de Mayo Celebration Parade and Fiesta May 6-7, 2023 Re: Consideration to approve the Community Civic Event application from the Comision Honorifica Mexicana Americana, Inc. to hold the Annual Cinco de Mayo Celebration on Main Street on Saturday, May 6, 2023, from 10:00 a.m. to 12:00 p.m. as well as a fiesta at Veterans Park on Sunday, May 7, 2023, from 10:00 a.m. to 7:00 p.m.
- **11. Review of City Participation in the Tulare County Regional Transit Agency** Re: Review and consideration of the City's continued participation in the Tulare County Regional Transportation Agency.

12. Authorization of Out-of-State Travel

City Council Agenda

Re: Consideration of authorization for out-of-state travel and per diem expenses for three Fire Department personnel to the Pierce Manufacturing Facility, located in Wisconsin, for the evaluation and planning of Ladder Truck and Fire Engine design.

13. City Council Member Requested Agenda Item - Consider Authorization to Distribute a Request for Qualifications to Add to the List of Qualified Material Testing Firms and Annual Review by City Council

Re: Consider Council Member Meister's request to consider authorization to distribute a Request for Qualifications to add to the list of qualified material testing firms and annual review by Council.

14. Status and Review of Local Drought Emergency Re: Considering approval of the continuance of the Declaration of Local Emergency.

A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible

PUBLIC HEARINGS

15. Modification to Conditional Use Permit 10-88 and Classification of Nonconforming Use for Krayola Korner

Re: Consideration to find the proposed project exempt from CEQA under CEQA Guidelines Section 15301; classify the existing Daycare as a Class I Nonconforming Use; and adopt the draft Resolution approving the modification to Conditional Use Permit 10-88 for Krayola Korner, subject to conditions of approval.

SCHEDULED MATTERS

16. 2022 Housing Element Annual Performance Report

Re: Consideration to review the 2022 Annual Housing Element Progress Report and direct the Community Development Department to submit the report to the California Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR).

17. Porterville Development Ordinance Comprehensive Update

Re: Consideration of the Council to provide input on the development of the update to the Development Ordinance

AB 1234 REPORTS

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

- 1. Ribbon Cutting Ceremony: EECU March 8, 2023
- 2. CalVans Board March 9, 2023 Canceled
- 3. Wall of Fame Ceremony March 10, 2023
- 4. Tulare County Water Commission March 13, 2023

5. Tulare County Regional Transit Authority (TCRTA) Study Session - March 14, 2023

6. Tulare County Task Force on Homelessness - March 15, 2023 - Canceled

- 7. City Selection Committee March 15, 2023 Canceled
- 8. Council of Cities March 15, 2023 Canceled
- 9. Police Officer Swearing-In Ceremony March 16, 2023 Canceled
- 10. TCAG Board Retreat March 16, 2023 Canceled
- 11. City/Tribe Casino MOU Meeting March 16, 2023 Canceled
- 12. PADA Board- March 17, 2023 Canceled
- 13. Tulare County Association of Governments (TCAG) March 20, 2023
- 14. Tulare County Regional Transit Authority (TCRTA) March 20, 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 April 4, 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 – MARCH 21, 2023

SUBJECT:	City Council Minutes of December 20, 2022, and March 7, 2023			
SOURCE:	Administrative Services			
COMMENT:	Staff has prepared the draft Minutes of December 20, 2022, and March 7, 2023, for the Council's consideration.			
RECOMMENDA	ATION:		he Council approve the draft Minutes of December 20, and March 7, 2023.	
ATTACHMENTS:		1. 2.	2022_12_20 DraftMinutes 2023_03_07 DraftMinutes	
Appropriated/Fur	nded:			

Review By:

Department Director: Patrice Hildreth, Deputy City Manager

Final Approver: Fernando Gabriel-Moraga, Deputy City Clerk

CITY COUNCIL MINUTES CITY HALL, 291 N. MAIN STREET PORTERVILLE, CALIFORNIA DECEMBER 20, 2022, 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.

<u>CITY COUNCIL CLOSED SESSION</u>:

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: CEI - Dentsply Sirona Inc., / Erin Wood. Agency Claimed Against: City of Porterville.

3 - Government Code Section 54856.95 - Liability Claim: Application for leave to present a late claim. Applicant/Claimant: Chessie Allen. Agency Claimed Against: City of Porterville.

4 - 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.

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

<u>6:36 P.M. RECONVENE OPEN SESSION AND REPORT ON REPORTABLE ACTION</u> TAKEN IN CLOSED SESSION

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

A-3. On a MOTION made by Council Member Meister, and SECONDED by Council Member Beltran the City Council unanimously denied the Application for Leave to Present a Late Claim filed by Chessie Allen.

Documentation: M.O. 01-122022 Disposition: Claim Rejected. The Pledge of Allegiance was led by Vice Mayor Carrillo.

Invocation – a moment of silence was observed.

PRESENTATIONS

Employee of the Month - Karina Galindo Porterville Fire Department - Emergency Incident Recognition

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, spoke of his experience using the Uber app and the TransPort Vans within the city and stated that a representative should reach out to UBER to fix their mapping issues; and welcomed the two new council members.
- Richard Eckhoff, Porterville, stated the Buck Shaffer Spectacular at the Porterville Memorial Auditorium will be back, after a two-year hiatus due to Covid and gave history of the how the Buck Shaffer Spectacular began.
- Kristy Martin, Porterville Chamber of Commerce; welcomed the new council members, spoke of the recent Porterville Christmas Parade and Float Winners; spoke of a ribbon cutting at the Palace Kitchen and Bar; and spoke of the cancellation of the Government Affairs Committee meeting for December.
- Milt Stowe, Porterville, spoke of a recent donation of a little library that was given by the Brewster to him, and asked if the council would consider his request in placing the Little Library on the porch area of the IT building next to the fire department; and wished everyone a Merry Christmas.
- Marco Galina, Porterville, welcomed the new council members, and wanted to follow up with his concerns regarding Giovanni's Pizzerias award being rescinded.

AB 1234 REPORTS

Mayor Flores moved all AB1234 reports to after Scheduled Matters.

REPORTS

I. City Commission and Committee Meetings

1. Parks & Leisure Services Commission - December 1, 2022

Commissioner Janet Uresti reported on the Youth Basketball League, Adult Flag Football League, Zalud House Candlelight Tours, Senior Christmas Luncheon, Christmas Decorating Contest, New Years Eve Gala, Military Banner Program Deadline, and the Virtual Bingo.

2. Library & Literacy Commission - December 13, 2022

Commissioner Edith La Vonne reported on three videos that were provided by the Porterville High School Multimedia and Technology Academy; and several meetings that have been held at the facility such as a free Medicare class and pie event, tule river youth wellness resource center, and virtual story time event.

- 3. Arts Commission no report.
- 4. Animal Control Commission no report.
- 5. Youth Commission December 13, 2022 no report was provided.
- 6. Transactions And Use Tax Oversight Committee (TUTOC) no report.
- II. Staff Informational Reports
 - 1. Water Conservation Phase IV Status Update November 2022
 - 2. Appointment of City Council Members to Various Committees and Boards

CONSENT CALENDAR

Council Member Donald Weyhrauch requested that Item No. 4 be removed for further discussion.

<u>COUNCIL ACTION</u>: MOVED by Vice Mayor Kellie Carrillo, SECONDED by Council Member Greg Meister that the City Council approve Items Nos. 1-3, and 5-13. The motion carried unanimously.

1.AUTHORIZATION TO PURCHASE DOWNTOWN TRASH RECEPTACLESRecommendation:That the City Council authorize the purchase of Downtown trash
receptacles from Zoom Recreation utilizing ARPA funds to address public
health in the amount of \$22,416.89.

Documentation: M.O. 02-122022 Disposition: Approved.

2. AUTHORIZATION TO REPAIR TRACTOR

Recommendation:

- That the City Council:
 1. Authorize the clutch replacement and repair of a Parks Division tractor by Farmer's Tractor & Equipment Co. at a cost not to exceed \$9,327
 - (inclusive of all parts, taxes, labor, including a 10% contingency); and
- 2. Authorize payment of said repair upon satisfactory completion.

Documentation: M.O. 03-122022 Disposition: Approved.

> 3. EAST PORTERVILLE WATER CONNECTION SECOND DWELLING UNIT: APN 262-034-010

Recommendation: That the City Council adopt the draft Resolution approving the second water service connection.

Documentation:Resolution No. 115-2022Disposition:Approved.

5. ACCEPTANCE OF DONATION OF REAL PROPERTY: APN 260-300-030

Recommendation:

That the City Council:

- 1. Adopt the draft Resolution for the acceptance of the donation of real property; and
- 2. Authorize the Mayor and City Manager to sign all necessary documents to complete the transfer of the property.

Documentation: Resolution No. 117-2022

Disposition: Approved.

- 6. AUTHORIZING THE ACCEPTANCE AND EXECUTION OF THE CALIFORNIA STATE LIBRARY BUILDING FORWARD LIBRARY INFRASTRUCTURE PROGRAM GRANT
- Recommendation: That the City Council adopt the draft Resolution for the California State Library Building Forward Grant.

Documentation: Resolution No. 118-2022 Disposition: Approved.

- 7. RENEWAL OF AIRPORT LEASE AGREEMENT LOT NO. 44B
- Recommendation: That the City Council approve the renewal of the Lease Agreement between the City and Michael Quatacker and Debbie Quatacker for Lot No. 44B at the Porterville Municipal Airport for a term of ten (10) years.

Documentation	: 1	M.O. 04-122022
Disposition:	Approved	

8. AMENDMENT TO THE PAY RATE SCHEDULE FOR SEASONAL AND PART-TIME EMPLOYEES

Recommendation: That the City Council:
1. Adopt the draft Resolutions amending the City's Employee Pay and Benefit Plan; and
2. Authorize the Mayor to execute these and other documents necessary to implement the provisions hereof.

Documentation: Resolution No. 119-2022, Resolution No. 120-2022 Disposition: Approved.

9. ESTABLISHING AN INFORMATION TECHNOLOGY TECHNICIAN CLASSIFICATION WITHIN THE FINANCE DEPARTMENT

Recommendation:

That the City Council:

- 1. Authorize the establishment of a new classification of Information Technology Technician within the Finance Department; and
- 2. Direct Human Resources staff to prepare all necessary documentation to establish said classification.

Documentation: M.O. 05-122022 Disposition: Approved.

10. AUTHORIZATION OF CHRISTMAS EVE LIBRARY CLOSURE

Recommendation: That the City Council authorize the closure of the temporary library on Saturday, December 24, 2022.

Documentation: M.O. 06-122022 Disposition: Approved.

11. CANCELLATION OF JANUARY 3, 2023, CITY COUNCIL MEETING

Recommendation: That the City Council cancel the January 3, 2023, City Council Meeting.

Documentation: M.O. 07-1220222

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. 121-2022 Disposition: Approved.

13. 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.

Documentation: M.O. 08-122022 Disposition: Approved.

SCHEDULED MATTERS

14. CONSIDERATION OF STATUS REPORT ON CONDITIONAL USE PERMIT CONCERNING 180 SOUTH "E" STREET

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

City Manager Lollis introduced the item and Assistant City Manager Jason Ridenour presented the staff report and noted that Staff met with the applicant and the applicant's agent on December 1, 2022, to discuss questions that the applicant had pertaining to the comments and corrections provided in response to the applicant's building permit application. The applicant noted during the meeting that his agent would be resubmitting plans shortly. Ridenour stated the applicant had not submitted updated plans to be reviewed for the issuance of the required building permits outlined in Resolution 40-2022.

Documentation:NoneDisposition:Informational only. Update was given to council.

15. CONSIDERATION OF THE CITY COUNCIL PROCEDURAL HANDBOOK

Recommendation: That the City Council consider its Procedural Handbook and provide direction to staff as determined.

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

Mayor Flores recommended that the Order of Business for Council meetings be modified by the moving the Council AB 1234 from prior to the Consent Calendar to after Scheduled Matters. In addition, with inquiries from the Council and new legal requirements, City Attorney Lew was directed to prepare a draft policy concerning use of social media to be considered for inclusion in the Handbook.

Council continued its consideration of amendments to the handbook until its meeting of January 17, 2023, and members of Council could submit additional recommended modifications.

Documentation:None.Disposition:Direction given.

4. IRREVOCABLE OFFER OF DEDICATION FROM BURTON SCHOOL DISTRICT, A CALIFORNIA PUBLIC SCHOOL DISTRICT

Recommendation:	That City Council:
-----------------	--------------------

- 1. Approve the draft resolution accepting the Irrevocable Offer of Dedication from Burton School District, a California Public School District; and
- 2. Direct the City Clerk to record the Irrevocable Offer of Dedication in the office of the Tulare County Recorder upon the City receiving the final subdivision map for the Brookside Subdivision.

City Manager Lollis introduced the item and noted a real property conflict on pertaining to the item and excused himself from the chambers.

Engineering and Project Management Director Javier Sanchez presented the staff report.

Members of Council voiced their concerns regarding the impacted traffic as a result of the proposed development, to which staff noted that the development itself would help mitigate some traffic concerns, but ultimately, it would not fix them as there will always be traffic in that area.

Staff noted that the sewer lift station that is in the area would need to be moved to better serve the area when the development of the subdivision is under way.

Staff stated under the Subdivision Map Act, they are limited with regard to what can be considered when looking at tentative maps and final maps, but we do have legal obligations to the map.

Staff noted that the intent of the item is to catch up on what should have been done years ago, so that when the final map is near completion, we will have ownership of the area to do improvements.

After a long discussion between the council regarding the traffic issue, sewer impact, and access points, a direction was made to continue this item to a later meeting so that staff can gather more information and answers to Councils concerns on the project.

Documentation:None.Disposition:Direction given, item to be continued to a future meeting.

Adjourned at 8:22 p.m. to a joint meeting of the Porterville City Council and Successor Agency to the Porterville Redevelopment Agency.

JOINT CITY COUNCIL / SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY AGENDA 291 NORTH MAIN STREET, PORTERVILLE, CA 93257 DECEMBER 20, 2022

Roll Call: Council/Agency Member Meister, Council/Agency Member Beltran, Council/Agency Member Weyhrauch, Vice Mayor/Vice Chair Carrillo, Mayor/Chair Flores

WRITTEN COMMUNICATION

None.

ORAL COMMUNICATIONS

None.

JOINT CITY COUNCIL/SUCCESSOR AGENCY SCHEDULED MATTERS

16. APPROVAL OF ADMINISTRATIVE BUDGET AND RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR FISCAL YEAR 2023-2024

Recommendation:

That the Board of the Successor Agency:

- 1. Adopt the draft Resolution approving the Administrative Budget and the Recognized Obligation Payment Schedule for the period July 1, 2023 through June 30,2024, provided that should any modification be required to the ROPS 2023-24, the Finance Director shall be authorized to make such modification;
- 2. Direct Successor Agency staff to submit ROPS 2023-24 to the Countywide Oversight Board for approval; and
- 3. Direct Successor Agency staff to submit the Oversight Board approved ROPS 2023-24 to the County Auditor-Controller, the State Controller's Office and the California Department of Finance by February 1, 2023.

City Manager Lollis introduced the item and Finance Director Maria Bemis presented the staff report.

<u>COUNCIL ACTION</u>: MOVED by Mayor Martha A. Flores, SECONDED by Council Member Donald Weyhrauch that the City Council adopt the draft resolution approving the Administrative Budget and the Recognized Obligation Payment Schedule for the period of July 1, 2023 through June 30, 2024, provided that should any modification be required to the ROPS 2023-24, the Finance Director shall be authorized to make such modification; and direct Successor Agency staff to submit ROPS 2023-24 to the Countywide Oversight Board for approval; and direct Successor Agency staff to submit the Oversight Board approved ROPS 2023-24 to the County Auditor-Controller, the State Controller's Office and the California Department of Finance by February 1, 2023.

Documentation: SA Resolution No. 2022-01 Disposition: Approved. 17. APPROVAL OF LAST AND FINAL RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR FISCAL YEAR 2024-2025 THROUGH FISCAL YEAR 2040-2041

Recommendation: That the Board of the Successor Agency:

- 1. Adopt the draft Resolution approving the Last and Final Recognized Obligation Payment Schedule (ROPS), provided that should any modification be required, the Finance Director shall be authorized to make such modification;
- 2. Direct staff to submit the Last and Final ROPS to the Countywide Oversight Board for review and approval; and
- 3. Direct staff to transmit the Oversight Board approved Last and Final ROPS and Oversight Board Resolution to the California Department of Finance for review and approval.

City Manager Lollis introduced the item and Finance Director Maria Bemis presented the staff report.

<u>COUNCIL ACTION</u>: MOVED by Vice Mayor Kellie Carrillo, SECONDED by Council Member Donald Weyhrauch that the City Council adopt the draft resolution approving the Last and Final Recognized Obligation Payment Schedule (ROPS), provided that should any modification be required, the Finance Director shall be authorized to make such modification; direct staff to submit the Last and Final ROPS to the Countywide Oversight Board for review and approval; and Direct staff to transmit the Oversight Board approved Last and Final ROPS and Oversight Board Resolution to the California Department of Finance for review and approval. The motion carried unanimously.

Documentation: SA Resolution No. 2022-02 Disposition: Approved.

The Council adjourned at 8:32 p.m. to a meeting to a meeting of the Porterville City Council.

AB 1234 REPORTS

1. Tulare County Economic Development Corporation (TCEDC) Board - December 7, 2022

City Manager Lollis stated the meeting was brief, and topics of discussion was a review of current financials for the organization and prospect activity.

2. Local Initiatives Navigation Center (LINC) Committee Meeting - December 7, 2022 Assistant City Manager Jason Ridenour reported the nomination and vote of a new Chair, and a commute to assist the Kings-Tulare Homeless Alliance in their PIT survey.

3. Leadership Porterville "Local Government Day" - December 8, 2022

Vice Mayor Carrillo stated they met with the Leadership Porterville Members and were asked about their backgrounds and reasons for seeking office, and stated she really enjoyed attending.

Mayor Flores stated it was good to be involved and engaged with the class and a brief history of her involvement in the community over the years and shared with the class of Councils responsibilities.

4. Calvans Board - December 8, 2022

Vice Mayor Carrillo reported on the approval of minutes, approval of the 2023 calendar, fleet activity updates, and informational items.

5. Porterville Area Development Authority (PADA) Board - December 8, 2022 - Cancelled

6. Tulare County Regional Transit Agency - December 8, 2022 Council Member Weyhrauch presented the toll-free call-in number to participate in the meetings, presentations on the Mobility-as-a-service study and Rideco, informational items, approval of minutes, and adoption of resolutions to continue remote attendance.

7. Children's Christmas Parade - December 8, 2022

Mayor Flores spoke of her participation to the event which was well attended and expressed her thanks to Terry Romero and other departments in their support and assistance in the event.

8. Tulare County Association of Governments (TCAG)/Tulare County Transportation Authority - December 12, 2022

Mayor Flores reported on those in attendance, the transportation workshop that included several presentations; and adoptions of resolutions to reaffirm AB 361 and a approving the LTF Claims, informational items regarding the 2022 Amendments to the Brown Act and SB1.

Flores also reported on the Association Consent Calendar which included the approval of minutes, approval of the meeting calendar and adoption of resolutions.

9. Tulare County Water Commission - December 12, 2022 - Cancelled

10. City Employee Holiday Luncheon - December 14, 2022

Mayor Flores stated she looks forward to this event each year and stated it was nice to see all the employees.

Council Member Beltran stated he remembers attending the luncheons as a kid, and was glad to be able to participate at the event.

Council Member Weyhrauch stated it was fun to see the many workers that were in attendance and was able to meet a good number of employees, who expressed their appreciation of the Luncheon.

11. Transit Forum - December 14, 2022 - Cancelled

12. Police Department Badge Pinning Ceremony - December 19, 2022 Vice Mayor Carrillo she was grateful in being able to attend the ceremony and stated it was nice to see all the support form family, friends and coworkers of the new and returning officers.

13. LINC Committee "Point-In-Time" - December 19, 2022

Council Member Beltran reported on those in attendance, recognition of a new chair, approval of minutes with amendments, a report on the budget, and stated the main topic of the meeting was the Point-In-Time Survey.

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, challenged those who are concerned with traffic flow on Lombardi Street, to drive on Newcomb in front of Monache during school pick up times, and recommended that the LINC Committee consider working with the school district and do a survey of the unstably housed students.
- Richard Eckoff, Springville, spoke of the mural repair to the mural at Centennial Park.

OTHER MATTERS

- Council Member Weyhrauch spoke of the General Plan Subcommittee that could be made in the future to review the plan; spoke of the process of the Outstanding Business Award; and gave Kudos to the Redevelopment Agency.
- Council Member Meister spoke of Milt Stowes request of the little library placement; thanked city staff for assisting him as a new Council Member; and said the city does not sleep and thanked the people working during the holidays.
- Vice Mayor Carrillo thanked all city staff and gave prayers to everyone during the holiday season.
- Mayor Flores gave thanks to City Attorney Julia Lew for her efforts in assisting both city staff and Council and is grateful for her; and stated she will be attending the Elks Lodge Dinner honoring the Veterans, will try to attend a CHMA event, and a potential interview by a Porterville College Student.
- City Manager Lollis appreciated the sentiments of council regarding the Christmas Luncheon and thanked the departments involved who made the event happen; and wished everyone a Merry Christmas and New Years.
- Deputy City Clerk Fernando Gabriel-Moraga wished everyone a Merry Christmas and Happy New Years.

CLOSED SESSION

None.

ADJOURNMENT

The Council adjourned at 9:21 p.m. to the meeting of January 17, 2023, at 5:30 p.m.

Fernando Gabriel-Moraga, Deputy City Clerk

SEAL

Martha A. Flores, Mayor

CITY COUNCIL MINUTES CITY HALL, 291 N. MAIN STREET PORTERVILLE, CALIFORNIA MARCH 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.

<u>CITY COUNCIL CLOSED SESSION</u>:

A. Closed Session Pursuant to:

1 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Patrice Hildreth. Employee Organization: Porterville City Employees Association and Management & Confidential Series.

2 - Government Code Section 54956.95 – Liability Claim: Claimant: Anaberta Champion. Agency claimed against: City of Porterville.

3 - Government Code Section 54956.95 – Liability Claim: Claimant: Blanca Dewitt Lopez. Agency claimed against: City of Porterville.

4 - Government Code Section 54956.95 – Liability Claim: Claimant: Elyssa Garcia. Agency claimed against: City of Porterville.

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>6:32 P.M. RECONVENE OPEN SESSION AND REPORT ON REPORTABLE ACTION</u> TAKEN IN CLOSED SESSION

City Attorney Lew reported action pertaining to A-2, A-3, and A-4, as follows:

A-2. On a MOTION made by Council Member Raymond Beltran, and SECONDED by Council Member Greg Meister the City Council unanimously rejected the claim filed by Anaberta Champion.

Documentation:	M.O. 01-030723
Disposition:	Claim Rejected

A-3. On a MOTION made by Council Member Raymond Beltran, and SECONDED by Council Member Greg Meister the City Council unanimously rejected the claim filed by Blanca Dewitt Lopez.

Documentation:	M.O. 02-030723
Disposition:	Claim Rejected

A-4. On a MOTION made by Council Member Raymond Beltran, and SECONDED by Council Member Greg Meister the City Council unanimously rejected the claim filed by Elyssa Garcia.

Documentation:	M.O. 03-030723
Disposition:	Claim Rejected

The Pledge of Allegiance was led by Council Member Meister

Invocation – a member of the public came forward to give an invocation.

PRESENTATIONS

Employee of the Month – Isiah Fajardo Tulare County Regional Transit Agency - Rich Tree

ORAL COMMUNICATIONS

- Edith Lavone, Porterville, thanked council members for their support on her reporting of the Library and Literacy Commission; spoke of her support of Item No. 6; spoke of the Ponderosa Evacuation; and her record keeping of rainfall through the years.
- Brock Neeley, Porterville, presented Council Member Meister with documentation of the government code that pertains to declarations of local emergency.
- Kerry Decker, Porterville, voiced her concerns on homelessness and trash within the city and asked how the city will be addressing these issues.
- Elizabeth Boothe, Porterville, stated her concerns with the homelessness and trash in the area of Main Street, and stated what can concerned citizens do to help.
- Stephanie Torres, Porterville Chamber of Commerce, reported to the council on new ambassadors (Naomi Torres-CSET, Sabrina Breedlove– Legacy Real Estate, Rubina Soto – Galaxy Theaters), welcomed four new Board Members (Dr. Larriann Torres – Porterville Adult School, Ador Cardenas – Eagle Mountain Casino, Taha Saleh – Local Business, Daren Griswold – Insurica), and invited everyone to upcoming events and grand openings.
- Josh Flowers, Strathmore, spoke of response times of public safety that are needing to be addressed by the council, and stated that homelessness encampments is a real emergency that is also needing to be addressed.

REPORTS

- I. Staff Informational Reports
 - 1. Update Regarding Reported Bicycle Incidents

CONSENT CALENDAR

There were no items pulled from the Consent Calendar for discussion.

- <u>COUNCIL ACTION</u>: MOVED by Vice Mayor Kellie Carrillo, SECONDED by Council Member Donald Weyhrauch that the City Council approve Items Nos. 1-17. The motion carried unanimously.
 - 1. CITY COUNCIL MINUTES OF FEBRUARY 21, 2023

Recommendation: That the Council approve the draft Minutes of February 21, 2023

Documentation: M.O. 04-030723 Disposition: Approved.

- 2. AUTHORIZATION TO PURCHASE PLAYGROUND ENGINEERED WOOD FIBER
- Recommendation: That the City Council authorize the purchase of playground engineered wood fiber from Park Planet in an amount not to exceed \$25,000 from the General Fund Facility Deferred Maintenance/Equipment Replacement Designated Fund.

Documentation: M.O. 05-030723

Disposition: Approved.

- 3. AUTHORIZATION TO PURCHASE MONITOR NOZZLE FOR AERIAL FIRE LADDER TRUCK
- Recommendation: That the City Council:
 - 1. Authorize the purchase of a monitor nozzle for an aerial fire ladder truck from Burton's Fire, Inc. at a cost not to exceed \$9,329 (inclusive of all parts, taxes, freight, including a 10% contingency); and
 - 2. Authorize payment of up to one hundred percent (100%) of the authorized amount upon receipt of invoice approved by the Public Works Director.

Documentation: M.O. 06-030723

Disposition: Approved.

- 4. AUTHORIZATION TO ADVERTISE FOR BIDS VILLA STREET RECONSTRUCTION PROJECT
- Recommendation: That the City Council: 1. Approve staff's recommended Plans and Project Manual;

2. Authorize staff to advertise for bids on the project;

- 3. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #04-041922;
- 4. Authorize the Finance Director to appropriate an additional \$2,900,045.94 from Measure I Funds to fully fund this project; and
- 5. Authorize the Finance Director to appropriate an additional \$534,504 from Water Replacement Funds to fully fund this project.

Documentation: M.O. 07-030723 Disposition: Approved.

5. AUTHORIZATION TO DISTRIBUTE A REQUEST FOR QUALIFICATIONS FOR GOLF COURSE DRIVING RANGE NETTING

Recommendation: That the City Council authorize the distribution of a Request for Qualifications for golf course driving range netting.

Documentation: M.O. 08-030723

Disposition: Approved.

- 6. AUTHORIZATION TO DISTRIBUTE A REQUEST FOR QUALIFICATIONS FOR DESIGN SERVICES - PORTERVILLE PUBLIC LIBRARY PROJECT
- Recommendation: That the City Council authorize staff to distribute a Design Services Request for Qualifications for the Porterville Public Library Project.

Documentation: M.O. 09-030723

Disposition: Approved.

7. AWARD OF CONTRACT - REHABILITATE PARALLEL AND CONNECTING TAXIWAYS PROJECT

Recommendation:

That the City Council:

- 1. Award the contract for the parallel and connecting taxiways rehabilitation project to Teichert Construction in the amount of \$4,675,270;
- 2. Authorize a construction contingency of ten percent (10%) or \$467,527;
- 3. Authorize Tartaglia Engineering to provide construction administration at an estimated cost of \$708,300;
- 4. Authorize the purchase of two lighted closure crosses through the informal bidding process, at an estimated cost of \$90,000; and
- 5. Authorize staff to submit a grant amendment to the FAA to correct the project scope and description and to request additional funds.

Documentation: M.O. 10-030723 Disposition: Approved.

8. INTENT TO ABANDON AND CLOSE TO PUBLIC USE AN UNIMPROVED ALLEY BOUNDED BY MORTON AVENUE AND THE EAST 7.5 FEET OF THE WILLIAM DUNCAN SUBDIVISION

Recommendation: That City Council:

- 1. Approve the draft Resolution of intent to abandon an alley bounded by Morton Avenue to the south, and the east 7.5 feet of the William Duncan Subdivision; and
- 2. Set the City Council meeting of April 4, 2023, as the time and place for the Public Hearing for consideration.

Documentation: Resolution No. 10-2023 Disposition: Approved.

9. ACCEPTANCE OF SUBDIVISION IMPROVEMENTS - ROYAL OAKS, PHASE 2 (GREENVINE, LLC)

Recommendation: That

That the City Council:

- 1. Accept the public improvements, including those related to the Landscape & Lighting Maintenance District of the Royal Oaks, Phase 2 Subdivision for maintenance;
- 2. Authorize the City Clerk to file the Notice of Completion; and
- 3. Release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

Documentation: M.O. 11-030723 Disposition: Approved.

10. AMENDMENT NO. 1 TO 4CREEKS, INC. SANTA FE BYWAY TRAIL SERVICE AGREEMENT

Recommendation: That the city Council:

- 1. Authorize the Engineering & Project Management Director to execute Addendum No. 1 to the 4Creeks, Inc. Service Agreement at an agreed upon fee of \$38,320 for the services described herein; and
- 2. Authorize progress payments up to one hundred percent (100%) of the fee amount and authorize a ten percent (10%) contingency to cover unforeseen costs.

Documentation: M.O. 12-030723

Disposition: Approved.

11. AMENDMENT NO. 2 TO 4CREEKS, INC. BUTTERFIELD STAGE CORRIDOR SERVICE AGREEMENT

Recommendation:	That the City Council:
	1. Authorize the Engineering & Project Management Director to execute
	Addendum No. 2 to the 4Creeks, Inc. Service Agreement at an agreed
	upon fee of \$116,670 for the services described herein; and
	2. Authorize progress payments up to one hundred percent (100%) of the
	fee amount and authorize a ten percent (10%) contingency to cover
	unforeseen costs.

Documentation: M.O. 13-030723 Disposition: Approved.

12. ACCEPTANCE OF BOARD OF STATE COMMUNITY AND CORRECTIONS OFFICER WELLNESS AND MENTAL HEALTH GRANT

Recommendation: That the City Council: 1. Authorize City Staff to sign all necessary grant documents; and 2. Authorize a budget adjustment upon receipt and acceptance of the funds.

Documentation: M.O. 14-030723 Disposition: Approved.

13. COMMUNITY CIVIC EVENT - BOYS & GIRLS CLUB OF THE SEQUOIAS - 2023 LOVE OUR KIDS FUN RUN - APRIL 15, 2023

Recommendation: That the City Council approve the Community Civic Event application from Boys & Girls Club of the Sequoias to hold the "2023 Love Our Kids Fun Run" on April 15, 2023, subject to the requirements and restrictions contained in the Application and Agreement, Exhibit A, Exhibit B, and Exhibit C.

Documentation: M.O. 15-030723 Disposition: Approved.

14. COMMUNITY CIVIC EVENT - PINK HEALS TULARE COUNTY CHAPTER -ROLLIN' RELICS CAR SHOW - MAY 13, 2023

Recommendation: That the City Council approve the Community Civic Event application from Pink Heals Tulare County Chapter to hold the Rollin' Relics Car Show on May 13, 2023 at Veterans Park, subject to the requirements and restrictions contained in the Application and Agreement, Exhibit A, Exhibit B, and Exhibit C.

Documentation: M.O. 16-030723 Disposition: Approved.

- 15. COMMUNITY CIVIC EVENT OPTIMIST CLUB OF PORTERVILLE / PORTERVILLE UNIFIED SCHOOL DISTRICT / BURTON SCHOOL DISTRICT - PORTERVILLE CELEBRATES READING - APRIL 1, 2023
- Recommendation: That the City Council approve the Community Civic Event application from the Optimist Club, PUSD, and BSD to hold the "Porterville Celebrates Reading" event on April 1, 2023, subject to the requirements and restrictions contained in the Application and Agreement, Exhibit A, Exhibit B, and Exhibit C.

Documentation: M.O. 17-030723 Disposition: Approved.

- 16. TRAVEL TO WASHINGTON D.C. FOR TULARE COUNTY ASSOCIATION OF GOVERNMENTS "ONE VOICE TRIP" MAY 9-12, 2023
- Recommendation: That the City Council: 1. Authorize the travel of Mayor Flores and the City Manager to Washington D.C. as part of the TCAG "One Voice Trip"; and 2. Authorize the expenditure of City monies in support of the trip.

Documentation: M.O. 18-030723

Disposition: Approved.

- 17. STATUS AND REVIEW OF LOCAL DROUGHT EMERGENCY
- 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.

Documentation: M.O. 19-030723 Disposition: Approved.

SCHEDULED MATTERS

- 18. TULARE COUNTY REGIONAL MULTI-JURISDICTION HOUSING ELEMENT UPDATE
- Recommendation: That the City Council review and provide input on the development of the 2023-2031 Draft Housing Element Update.

City Manager Lollis introduced the item and City Contracted City Planner Jeff Oneal presented the staff report and gave a power point presentation on the Tulare County Regional Multi-Jurisdictional Housing Element.

Staff reported that the California Department of Housing and Community Development (HCD) has 90 days to review the housing element document and give the city any comments that they may have, but if everything meets all requirements and preliminary approval is given by HCD, than Council can action to formally adopt the housing element, and send it back to HCD for certification.

Staff stated that they will be working with a consultant to prepare a draft of the housing element, which will be brought forth to the Council for consideration of approval and submittal to the California Department of Housing and Community Development (HCD) and the Governors Office of Planning and Research.

Documentation:None.Disposition:Direction given.

AB 1234 REPORTS

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

1. Calvans Board Meeting - February 9, 2023 Vice Mayor Carrillo reported on those in attendance; discussions on the leasing of a new facility in Lemoore, CA; and spoke of the current fleet of vans that are active.

2. Social Services Transportation Advisory Council - February 14, 2023 Vice Mayor Flores reported on a discussion of Unmet Needs Hearing scheduled for March; and discussions between City of Visalia and staff on the north side route

3. Tulare County Task Force On Homelessness - February 15, 2023 Mayor Flores spoke of a presentation that was given at the meeting that is to be presented to City Council at the next meeting.

4. Tulare County Economic Development Corporation Board Meeting - February 22, 2023 City Manager Lollis reported on the brief meeting and stated the most substantial part of the meeting was a presentation by Kaweah Delta Medical Center talking about the financial impacts and challenges that all hospitals have been experiencing.

5. Internal City Audit Committee Meeting - February 22, 2023 Mayor Flores reported on those in attendance, approval of minutes, review and update of the Porterville Kiwanis Club Agreement, Review of the Tulare County Junior Livestock Show

and Community Fair Agreement, and a review of City Property Use Agreements.

6. Tulare County Regional Transit Agency - February 22, 2023

Council Member Weyhrauch wished to carry the report to the next meeting.

7. City/Tribe Casino MOU Meeting - February 23, 2023

Mayor Flores reported on those in attendance, and discussions regarding MOU amendments, public safety cost, water use and road improvements. Flores stated all information was informational only and any action taken will be taken back to each parties respective council for formal approval.

8. San Joaquin Valley Regional Early Action Planning (REAP) Committee Meeting - February 24, 2023

Mayor Flores reported on those in attendance, the adoption of a resolution to allow teleconference meetings, the election of Chair and Vice Chair, approval of minutes, and informational updates on recent REAP activities.

9. Tulare County Association of Governments (TCAG)/City/Tribe Active Transportation Program (ATP) Project Meeting - February 24, 2023 Mayor Flores reported on those in attendance and said the meeting was focused on the

updates of the recommended street and pedestrian bridge projects by TCAG, on the Tule River Tribe.

10. Tule River Tribal Council Swearing-In Ceremony - February 27, 2023 Vice Mayor Carrillo reported on those in attendance and spoke of the various members who were also in attendance such as tribal elders, tribal staff and members, and the swearing in which was done by audience of elders, tribal staff, tribal members, and the swearing in which was done by Alec Garfield.

11. TCAG/Tulare County Transportation Authority (TCTA) Board - February 27, 2023 Mayor Flores reported on those in attendance, approval of routine items, approval of the 2023 Active Transportation Program and Metropolitan Planning Organization Component Fund Recommendation, the approval of agreement for the exchange of \$1.311 million in Tulare County Association of Governments (TCAG) Regional State Transportation Improvement Program (STIP) shares for \$1.311 million of Shasta Regional Transit Agency (SRTA) COVID-STIP shares, approval of minutes, adoptions of resolutions, and appointments of members at large.

12. Tulare County Board of Supervisors Meeting - February 28, 2023 Mayor Flores stated she was in attendance and was invited to do the welcome and shortly after.

Council Member Beltran reported on those in attendance, stated they were recognized for being newly elected to city council and said it was great experience.

Council Member Weyhrauch stated he impressed on the way the board handled their business that evening and spoke of a report on the financial condition of the Kaweah Delta Medical Center and the challenges they currently face. Weyhrauch stated he unfortunately had to leave during the break, but was pleased to see the Board in the chambers.

Council Member Meister also spoke of the challenges that Kaweah Delta Medical Center faces and stated it was an honor to have our County Supervisors in the Council Chambers to conduct business.

13. Local Initiatives Navigation Center (LINC) Committee - March 1, 2023 Council Member Beltran reported on the welcoming and introductions of meeting participants, approval of minutes, a budget report that was given, and Porterville Welcome Center events and updates.

14. TCAG Board Training - March 2, 2023 Vice Mayor Carrillo reported on Measure R Part 2, which focused on financing and funding examples, and different City Manager Perspectives

Council Member Meister stated the meeting was very educational and filled with a lot of information and looks forward to continue to learn going forward.

15. Eastern Tule Groundwater Sustainability Agency (ETGSA) - March 2, 2023 Council Member Weyhrauch reported on those in attendance and stated that due to technical difficulties, he was unable to hear much of the presentation that was provided and invited Public Works Director Michael Knight to give a report on the presentation as he was also in attendance.

ORAL COMMUNICATIONS

None.

OTHER MATTERS

- Council Member Beltran stated it was great to present the Employee of the Month; thanked the Tulare County Regional Transit Agency for its presentation earlier in the evening; and spoke of Council Member Weyhrauchs participation to a conference in Lake Tahoe and wished him safe travels to the conference.
- Council Member Weyhrauch lauded the efforts done by city staff who were working on the streets on North Plano; spoke of a conversation regarding the Cannabis Ad Hoc Committee meeting soon, with Council Member Beltran; spoke of a conversation regarding the General Plan Ad Hoc Committee, with City Manager Lollis; and stated he received a call regarding bicyclists and distracted drivers that may be impacting the public.
- Council Member Meister stated the council backs public safety; stated city staff are making efforts to address homelessness within the city; and stated the city should develop an ordinance to take back its local control.
- Vice Mayor Carrillo thanked Council Member Beltran for his comments on TCRTA; stated there are a lot of efforts that is currently going on to address homelessness and trash within the city; mentioned the upcoming storm and wished everyone to be safe and prepared; and spoke of a mural that was done by a local artist and tribal member named Poyomi MdDarment.

- Mayor Martha A. Flores spoke of the Homeless presentation that will be conducted by Claudia Calderon at the next council meeting; stated she is looking forward to the upcoming Wall of Fame Ceremony; and stated that she and City Manager Lollis were invited to do a video that was part of the Eagle Mountain Casino 10 Day Countdown that will air 10 days before the casino opens. Flores also mentioned her invitation to the Public Safety Recognition Dinner, Porterville Colleges Celebration of Woman's History month, and Woman in Transportation.
- City Manager Lollis spoke of a Police Department Badge Pinning Ceremony in the upcoming week, and expressed his appreciation for the leadership of the council.

The Council reconvened into Closed Session at 8:47 p.m.

CLOSED SESSION

None.

ADJOURNMENT

The Council adjourned at 9:51 p.m. to the meeting of March 21, 2023 at 5:30 p.m.

Fernando Gabriel-Moraga, Deputy City Clerk

SEAL

Martha A. Flores, Mayor



CITY COUNCIL AGENDA - MARCH 21, 2023

SUBJECT: Purchase of Firefighter Ballistics Protective Equipment

SOURCE: Fire

- COMMENT: In 2019, the Porterville Fire Department received Ballistic Protection Equipment through a county-wide grant that enhanced the operational response to active shooter hostile events. This equipment was placed in service and is being used by the Department's engine companies. Through training, it was identified that the Command Staff and Training Captain that operate independently from the engine companies do not have ballistic protective equipment. In order to provide the advanced safety protection required during an active shooter hostile event response, the Department plans to purchase seven additional kits that include specifically coded helmets and vests that identify the firefighters as first responders. This personal protection equipment is a sole source acquisition, given Bulletproof IT, LLC is the only approved provider of the appropriate gear. Bulletproof IT, LLC is the brand that was provided by the county-wide grant and will be used for continuity of training, care, maintenance, and on-scene identification. The cost of the set of ballistic equipment is \$16,578.68 with a ten percent (10%) contingency allowance and will be funded by measure I from the Department's current budget.
- RECOMMENDATION: That the City Council authorize the purchase of seven sets of Firefighter Ballistic Equipment from Bullitproof IT, LLC at a cost of \$16,578.68 plus a ten percent (10%) contingency for a total of \$18,236.55.

ATTACHMENTS: 1.

. Bulletproof IT, LLC Quote

Appropriated/Funded:

Review By:

Department Director: Bryan Cogburn, Fire Chief

Final Approver: John Lollis, City Manager

BULLETPROOF IT, LLC

3104 NW 115th St Vancouver, WA 98685 sales@bulletproof-it.com 360-518-2464

QUOTE

QUOTE NUMBER: 03012023

TO: Shannon Skiles, Deputy Chief, Porterville City Fire Dept. SSkiles@ci.porterville.ca.us

P.O DATE		PO NU	MBER	SHIPPED VIA	F.O.B. POINT	TERMS
TBD	5	TBD		Lowest Cost	Destination	Pre pay
	Ag	11				
QTY	UNIT		DESCRI	PTION	UNIT PRICE	TOTAL
7	BPI-RTF- Kit-Black-		Vest-Includ inserts with (1)NAR me (2) FIRE Pa (2) Rescue (2) Level IV Plate10"X1 (1) Revisio NIJ IIIA lev includes 1 N Liner and H (1) AEGIS	edic pouch only 80-0169. Black atches Task Force Patch / Stand Alone Shooter Cut Torso	\$ 2,125.00	\$ 14,875.00
					SUB-TOTAL	\$14,875.00
					Shipping	\$300.00
				BON	Tax 9.25%	\$1,403.68
					Total	\$16,578.68



D-U-N-S NUMBER- 040434165

CAGE CODE- 6ZWA1

Armor Solutions Specialist



SUBJECT: Authorization to Purchase Specialized Repair Equipment - Screw Press

- SOURCE: Public Works
- COMMENT: The City's Wastewater Treatment Facility (WWTF) has received a quote from HUBER Technology, Inc. for parts to repair the HUBER screw press. The screw press dewaters digested sludge by mixing the sludge with polymers, then presses the water from the mixture. The dewatered sludge is then hauled to solar beds for further drying prior to land application.

The screw press is proprietary to HUBER Technology, Inc. and is the sole source for repair parts. Due to normal wear and tear of the internal parts, the unit is not operating efficiently, thus allowing excess solids to be returned to the treatment facility. Replacing the worn parts of the screw press will increase efficiency, reduce polymer usage, and eliminate excess solids loading to the treatment facility.

HUBER Technology, Inc. has submitted a quote in the amount of \$27,314 for the repair parts. Installation of parts will be performed by the WWTF staff. The expenditure for the repair, in the amount not to exceed \$30,045, which includes the repair parts, freight, taxes, and a ten percent (10%) contingency. Repairs will be funded from the 2022-2023 Wastewater Operating Budget.

RECOMMENDATION:	 That City Council: 1. Award the purchase of specialized equipment to HUBER Technology, Inc. for a not-to-exceed amount of \$30,045 which includes freight, taxes and a ten percent (10%) contingency; 2. Direct the Finance Director to initiate a Purchase Order to HUBER Technology, Inc. for a not-to-exceed amount of \$30,045 which includes freight, taxes and a ten percent (10%) contingency; and 3. Direct the Finance Director to make payment to HUBER Technology, Inc. upon receipt of invoice approved by the Public Works Director.
ATTACHMENTS:	1. HUBER Technology, Inc. Quote

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager



Billing Address City of Porterville 291 N Main St Porterville, CA 93257-3737 UNITED STATES

Delivery Address

City of Porterville 1333 West Grand Ave. Porterville, CA 92357 UNITED STATES

OFFER: Your Reference: 71012942 / V1 Porterville, CA 293587

Your Reference:

Date printed: Our Reference: Phone: Email: 2/22/23 Price Ozment +1-704-990-2409 Price.Ozment@hhusa.net

Customer No.:

114377

Pos	Quantity	Unit	Item Description	Price USD	Total USD Tax (%)
10/1	1.00	pcs	508625 sleeve 134H7/150h8x 85	1,271.64	1,271.64 8.25%
20/1	2.00	pcs	711159 grooved ring 150/174x12	402.46	804.92 8.25%
30/1	1.00	pcs	510975 sealing 802/938x4 BC895 12xbo18	251.00	251.00 8.25%
40/1	3.00	m	713831 strip sealing adhesive half-round 14/ 9	16.72	50.16 8.25%
50/1	1.00	pcs	714226 grooved ring 625/652x16	4,867.97	4,867.97 8.25%
60/1	9.00	wdg	714160 strip brush D 800 d 758 d0,60 W 8 h10 BL11 H21	253.33	2,279.97 8.25%
70/1	165.00	pcs	702502 set screw DIN 914 M 8x 8	1.58	260.70 8.25%
80/1	2.00	pcs	510971 ring segment 718/ 210x25	739.04	1,478.08 8.25%
90/1	8.00	pcs	510973	412.50	3,300.00

HUBER Technology, Inc.

1009 Airlie Parkway • Denver, NC 28037

Phone (704) 949-1010 • Fax (704) 949-1020 • huber@hhusa.net • www.huber-technology.com

A member of the HUBER Group



			· • •	Offer: Date printe Page:	d:	7 1012942 2/22/23 2 (7)	·
Pos	Quantity	Unit	Item Description			Price USD	Total USD Tax (%)
			plate 305x 57x15 2xsh14x22				8.25%
100/1	8.00	pcs	510979 plate 305x 57x20 2xsh14x22			428.59	3,428.72 8.25%
110/1	1.00	pcs	713955 self-aligning ball bearing 22313EA W33 D140 d 6	5 W 48		336.87	336.87 8.25%
120/1	2.00	pcs	702333 Nilos sealing ring 22313 JV CrNi d77,5 D140			59.14	118.28 8.25%
130/1	1.00	pcs	50181000 ring 878/ 964x20			2,458.86	2,458.86 8.25%
140/1	1.00	pcs	50181013 ring 878/ 964x20			2,970.79	2,970.79 8.25%
150/1	10.00	m	703522 strip sealing adhesive 20/10			12.86	128.60 8.25%
160/1	25.00	m	703508 strip sealing adhesive 20/ 5			9.01	225.25 8.25%
170/1	1.00	pcs	1000002 Freight Estimate			1,000.00	1,000.00 8.25%
			Including	Total net Sales Tax	USD USD		25,231.81 2,081.64
				Fotal gross	USD		27,313.45

The quotation is subject to national or international export control regulations and embargoes or any other export restrictions.

Valid for:30 daysDelivery:prepaid and addPayment terms:Net 30 days

Best regards

Price Ozment Huber Technology, Inc.

,



- SUBJECT: Authorization to Distribute Request for Proposals for the Third Year of the Five-Year Permanent Local Housing Allocation (PLHA) Plan
- SOURCE: Community Development
- COMMENT: As presented to the City Council at its meeting on May 19, 2020, the California Department of Housing and Community Development (HCD) announced the availability of approximately \$195 million in funding for the Permanent Local Housing Allocation (PLHA) program Notice of Funding Allocation (NOFA). In order to access those funds the City had to adopt a Five-year PLHA Plan.

At its meeting on July 21, 2020, the Council adopted the Five-Year PLHA Plan. The plan allocates PLHA funding over the next five years, which is estimated to be approximately \$2,056,524.

On February 26, 2021, the City received the executed agreement for the Five-Year PLHA plan and Year 1 funding in the amount of \$342,754. An amendment to the 5-Year Plan was submitted with the Year 2 application and on December 10, 2021, the City was notified by HCD that the City's amendment to the 5-Year Plan and application for second year funding was approved. The City received \$532,745 for year 2. Funding for the first two years has been awarded via the Request for Proposals (RFP) process and programs are underway.

On February 23, 2023, the City received an executed agreement for the 2021 (third year) PLHA funding in the amount of \$586,270.00, totaling \$1,461,769 for the first 3 years.

Staff is requesting authorization to distribute a RFP for the PLHA Program, for the third year of the Five-Year PLHA Plan. The PLHA program proposes to: (1) Provide operating costs for navigation centers; (2) Provide operating costs for emergency shelters and/or bridge housing programs; and (3) Support Permanent Housing Programs by providing operating costs for permanent supportive housing programs.

The selected subrecipient will need to be a qualified, licensed and insured Affordable Housing Developers and/or Nonprofit organizations which can demonstrate institutional, managerial and financial capability to plan, manage and complete the program as described in the RFP.

The RFP will request fixed costs for the above-mentioned tasks and then a comprehensive fee schedule for all personnel, equipment and indirect costs

related to additional services that may be required.

RECOMMENDATION:	That City Council authorize staff to distribute a Request for Proposals for \$586,270 for the third year of the five-year Permanent Local Housing Allocation (PLHA) Plan
ATTACHMENTS:	1. Draft Request for Proposals

2. State of California Standard Agreement - Amendment

Appropriated/Funded:

Review By:

Department Director: Jason Ridenour, Assistant City Manager

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE, STATE OF CALIFORNIA REQUEST FOR PROPOSAL PERMANENT LOCAL HOUSING ALLOCATION (PLHA) THIRD YEAR FUNDING OF 2019-2023 FIVE YEAR PLAN **DRAFT** RFP # No.

The City of Porterville is seeking qualified nonprofit organizations and affordable housing developers to propose use of PLHA funds for projects that benefit individuals or families that are experiencing homelessness as described in eligible activities in this RFP.

All proposals must be submitted in PDF format electronically to the City of Porterville, via the Public Purchase website, <u>www.publicpurchase.com</u>, or via email to <u>housing@ci.porterville.ca.us</u> and titled "RFP # No. _____ Permanent Local Housing Allocation (PHLA) Third Year Funding of 2019-2023 Five Year Plan". Proposals must be received by **Wednesday, April 19**, **2023, by 5:00 pm.** The City assumes no liability for proposals not received by the time set forth above.

Proposal forms may be inspected and electronically downloaded at no cost, at the Public Purchase website, *www.publicpurchase.com.* No copies of said documents will be provided by the City. All addenda and correspondence during the bid process will be handled electronically through the Public Purchase website. Questions regarding this project are due no later than **Monday, April 17, 2023**.

The City hereby affirmatively ensures that Minority Business Enterprises and Disadvantaged Business Enterprise (DBE) will be afforded full opportunity to submit proposals in response to this notice and will not be discriminated against on the basis of race, color, national origin, ancestry, handicap, gender, religion or sexual orientation in any consideration leading to the award of contract.

No qualified disabled person shall, on the basis of disability, be excluded from participating in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity leading to the award of contract.

The right is reserved by the City of Porterville to reject any or all proposals, to waive any irregularities or informalities not affected by law, to evaluate the proposals submitted and to award the contract according to the proposal which best serves the interests of said City.

/s/Maria Bemis, Finance Director

Publication Dates: March 24, 2023



CITY OF PORTERVILLE

REQUEST FOR PROPOSALS FOR PERMANENT LOCAL HOUSING ALLOCATION (PLHA) THIRD YEAR FUNDING OF 2019-2023 FIVE YEAR PLAN RFP # No. _____

The City of Porterville is seeking qualified nonprofit organizations and affordable housing developers to propose use of PLHA funds for projects that benefit individuals or families that are experiencing homelessness as described in eligible activities in this RFP.

One PDF file must be received by:
Wednesday, April 19, 2023, by 5:00 pm.
Via the Public Purchase Website:
www.publicpurchase.com, or
housing@ci.porterville.ca.us
RFP No Permanent Local Housing Allocation (PHLA) Third
Year Funding of 2019-2023 Five Year Plan

Late proposals will not be accepted and will be automatically disqualified from further consideration. All proposals and any accompanying documentation become the property of the City of Porterville and will not be returned.

INQUIRIES:

Proposal forms may be inspected and electronically downloaded at no cost, at the Public Purchase website, *www.publicpurchase.com*. No copies of said documents will be provided by the City. All addenda and correspondence during the bid process will be handled electronically through the Public Purchase website. Questions regarding this project are due no later than Monday, April 17, 2023.

REQUEST FOR PROPOSALS (RFP) FOR FIVE YEAR PLHA PLAN

I. PROPOSED PROJECT

PROJECT TITLE: PLHA Five Year Plan (2019-2023) - Year 3 Funding

GRANTOR: California Department of Housing and Community Development (HCD)

PROPOSAL DUE DATE: February 3, 2023

AMOUNT AVAILABLE: Third year up to \$586,270 for single or multiple projects, with the possibility of additional funds to be available estimated at \$2,056,524 for the five-year plan.

Category Breakdown	2021
Allowable Administration (5%)	\$ 29,313.50
Navigation Center (25%)	\$ 146,567.50
Emergency Housing & Bridge Housing (50%)	\$ 293,135.00
Permanent – Permanent Supportive Housing Operations (20%)	\$ 117,254.00
	\$ 586,270.00

ADMINISTRATIVE ALLOWANCE: None. Activity Delivery time is allowed.

TIME PERIOD FOR CONTRACT: One-year grant term for operating or supportive service projects. Funding in 5yr Plan will be announced when received.

IMPORTANT DOCUMENTS:

Please read the following document located at: <u>https://www.hcd.ca.gov/grants-and-funding/programs-active/permanent-local-housing-allocation</u>

- Notice of Funding Announcement: Applicants must ensure that program design meets the 2022 HCD NOFA
- Permanent Local Housing Allocation Final Guidelines
- City of Porterville Permanent Local Housing Allocation Five-Year Plan (2019-2023): <u>https://www.ci.porterville.ca.us/departments/community_development/community_development_block_grant_program_(cdbg)/index.php</u>

OBJECTIVE: In 2017, Senate Bill 2 (the Building Homes and Jobs Act) created the Permanent Local Housing Allocation (PLHA) program. The California Department of Housing and Community Development (HCD) announced the availability of approximately \$195 million in funding for the PLHA program Entitlement and Non-entitlement Local government formula component Notice of Funding Availability (NOFA). This is the 3rd year NOFA funded from moneys deposited in the Building Homes and Jobs Trust Fund (Fund) in calendar year 2021, pursuant to Senate Bill (SB) 2 (Chapter 364, Statutes of 2017). SB 2 established the Fund and authorizes the Department to allocate 70 percent of moneys collected and deposited in the Fund, beginning in calendar year 2019, to Local governments for eligible housing and homelessness activities. The intent of the bill is to provide a permanent, ongoing source of funding to Local

governments for housing-related projects and programs that assist in addressing the unmet housing needs of their local communities.

The City of Porterville, as an Entitlement Local government, applied and received 2021 formula allocation of PLHA funds in the amount of \$586,270. The approximate PLHA five-year formula allocation amount is \$2,056,524. PLHA funds must be used to carry out one or more of the eligible activities.

The City of Porterville plans to use PLHA funds for three (3) priorities, distributed over three (3) possible activities that assist persons who are experiencing homelessness or at risk of homelessness. \$301(a)(6) Assisting persons who are experiencing or At-risk of homelessness, including, but not limited to, providing rapid re-housing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing.

The eligible activities in the City's five-year plan include:

- 1. Provide operating costs for navigation centers
- 2. Provide operating costs for emergency shelters and/or bridge housing programs.
- 3. Support Permanent Housing Programs:
 - a. Provide operating costs for permanent supportive housing programs.

II. ELIGIBLE APPLICANTS

Affordable Housing Developers and Nonprofit organizations are eligible to apply that can demonstrate institutional, managerial and financial capability to plan, manage and complete the program as described.

III. LOCAL CRITERIA

The recipient or sub-recipient must participate with local priority systems that are in place to include the following; HMIS for data collection, Coordinated Entry System (CES), and project must be financially feasible. Additionally, the activities funded must take place in the city limits of Porterville.

IV. ELIGIBLE ACTIVITIES

The applicant may apply for funding for one or more of the eligible activities.

OPERATING COSTS FOR NAVIGATION CENTERS

PLHA funds can be used for operation costs associated with a new or existing Navigation Center. The Navigation Center would serve as a central location for people who are experiencing homelessness to connect to services to help them obtain housing or overcome barriers in obtaining housing.

OPERATING COSTS FOR EMERGENCY SHELTERS AND/OR BRIDGE HOUSING PROGRAMS.

PLHA funds can be used for operating costs needed to run an emergency shelter and/or operating costs for a bridge housing beds, leading to permanent housing. This will assist in ensuring that low barrier beds for people who have been identified by the local Continuum of Care on Homelessness, the Kings/Tulare Homeless Alliance (KTHA) continue to be available.

PERMANENT HOUSING PROGRAMS: OPERATING COSTS FOR PERMANENT SUPPORTIVE HOUSING PROGRAMS (PSH)

Permanent housing is community-based housing, the purpose of which is to provide housing without a designated length of stay. PLHA funds may be used for operating costs. PSH can only provide assistance to individuals with disabilities and families in which one adult or child has a disability. Supportive services

designed to meet the needs of the program participants must be made available to the program participants. Placement or retention in housing must not be conditional upon participation in such services.

PSH Targets Chronically Homeless Individuals

To be eligible, proposed PSH projects must target chronically homeless individuals, as defined by HUD.

PSH is Low-barrier and Follows HUD Housing First Approach

To be eligible, proposed PSH projects must be low-barrier and follow the HUD Housing First Approach.

V. GENERAL ELIGIBILITY CRITERIA

Applicants must meet the minimum general eligibility criteria described below:

- Activities must take place in the City limits of Porterville
- Organizations must not discriminate on the basis of ethnicity, race, color, creed, religion, gender, national origin, age, disability, marital status, sexual orientation, gender identity, or Veteran's discharge status.
- Applicants must agree to use the CoC's CES as the sole referral source for each program component. The CES is the central access and referral point for all homeless individuals seeking housing in City of Porterville. This system will identify the most appropriate housing options while also prioritizing the most vulnerable individuals for placement into permanent housing. The system will then maintain a steady flow of referrals to all available housing options. To ensure these individuals have appropriate access to the program components, a project may need to modify its entrance criteria or use reasonable accommodation to admit tenants who would otherwise not be able to apply. By agreeing to use the coordinated entry system as the sole referral source, applicants agree to make reasonable accommodation to accept the referrals.
- Applicants must agree to operate projects under the "Housing First" model, meaning prospective tenants are not required to agree to participate in services prior to entering the housing nor can service participation be a requirement of tenancy. Tenants can be required to adhere to a standard market lease, and their tenancy should be supported by eviction prevention strategies, including the engagement of services as appropriate.
- Multiple organizations may apply as a collaborative or joint venture; however, a lead entity must be designated.
- Organizations must be able to demonstrate capacity to start operations within 90 days of contract award.
- Organizations must have adequate financial capacity to perform proposed operations on a reimbursement basis
- Organizations must submit reports and invoices in a timely manner.

VI. APPLICATION SUBMISSION REQUIREMENTS

APPLICATION PROCESS

Applications from this Request for Proposals (RFP) from Qualified Agencies will be accepted beginning Monday, March 27, 2023 through Wednesday, April 19, 2023. Agencies funded as a result of this RFP are expected to execute contracts with the City of Porterville by July 1, 2023 and begin program operations no later than 60 days from contract execution.

Respondents shall submit a complete RFP application, (including all attachments), to:

All proposals must be submitted in PDF format electronically to the City of Porterville, via the Public Purchase website, <u>www.publicpurchase.com</u>, or via email to <u>housing@ci.porterville.ca.us</u> and titled "RFP

No. ______ Permanent Local Housing Allocation (PHLA) Third Year Funding of 2019-2023 Five Year Plan".

The City will review and evaluate each qualification and proposal submission. The City reserves the right to obtain clarification or request additional information, including an interview. If an interview is required, they will be scheduled for April 20, 2023 to April 25, 2023 (excluding weekend). Proposals will be evaluated and ranked according to the following criteria:

Criteria	Points
Understanding of the project and scope of services	40
Experience in the disciples directly relevant to the	30
project and scope of services	
Proposed budget and fee structure	30

Following an evaluation of the proposals, it is expected that the selected agency(ies) will be recommended to the City Council for approval. If approved by the City Council, a subrecipient agreement will be executed between the City of Porterville and the selected agency(ies).

The City of Porterville, as a unit of local government, reserves the right to reject any and/or all proposals, reserve the right to waive any formalities or irregularities in the proposal or evaluation process, and reserve the right to award contract(s) in the best interest of the City of Porterville. In addition, the City will not reimburse costs associated with the preparation or presentation of the proposals.

APPLICATION FORMAT

The submitted proposals should contain the following components:

- Applicant Information Form (Attachment A)
- Project Narrative
 - Program Description and Design
 - $\circ \quad \text{Management of Program}$
 - Fiscal Management
 - Diversity and Multicultural Competency
- Estimated Spending Plan and Revenue Summary Form (Attachment B)

APPLICANT INFORMATION FORM

See form in Attachment A.

PROJECT NARRATIVE

- 1. Program Description and Design (Limit your response to 3 pages)
 - a. Program Description
 - i. Provide a short, one or two sentence explanation of the purpose of this program and what the funds will be used on.
 - ii. Explain why the program is needed.
 - b. Provide a detailed description of your entire proposal as below:
 - i. Describe the scope of the project, including the number of households that will be served annually, the program services and financial assistance that will be offered to address housing and supportive service needs. Detail the program activities under this service model and how each one will help to achieve one or more of the eligible activities listed in the City of Porterville's PLHA Five-Year Plan.

- ii. Describe annual outcomes the project expects to accomplish throughout the grant period.
- iii. Describe how program services and/or other resources within your agency will be used to quickly reduce housing barriers and quickly engage participants in successfully maintaining housing stability.
- iv. Describe how your project will achieve geographic dispersion and client choice in offering housing placements throughout the City of Porterville.
- v. Describe the project timeline for program start-up, hiring staff, and achieving fully operational status.
- vi. If the applicant is partnering with another organization to provide housing and/or services to project participants, list the names of the partners and provide information on the specific roles and responsibilities of each.
- vii. Describe how you intend to measure program effectiveness in terms of outcomes to be achieved.
- c. Participants

Describe your agency's experience in the past two years providing services to persons who are experiencing homelessness or at risk of homelessness.

- i. Describe how you determined the number of clients to be served with the funding requested in this application.
- ii. Describe the population(s) you intend to serve. Explain how the target population is identified, qualified and monitored. How will the project link populations to units of non-time limited housing?
- d. Personnel
 - i. Describe the overall staffing plan to accomplish activities in the proposed program, including project leadership, reporting responsibilities, and daily program operations.
- e. Collaboration/Coordination

Describe any formal or informal coordination, partnerships, or collaborations with other organizations proposed in this application.

- i. Will the proposed program use subrecipients and/or subcontractors? If yes, please list each partner agency, describe their role as either a subrecipient or contractor, describe what services and the frequency of services that will be offered by the partner agency, and provide a brief description of the partner agency's experience providing homelessness services.
- ii. Describe the organization's ability to collect data electronically and your agency's plan to participate in HMIS and/or Coordinated Entry.
- 2. Fiscal Management (Limit your response to one page)
 - a. Please outline the organization's initial program budget, including the availability of other revenue sources. Complete the Estimated Spending Plan and Revenue Summary Form (Attachment B). If the sections do not apply to your program type or you are not requesting funds please enter \$0 or N/A. Do not leave sections blank.
 - b. As part of the organization's initial program budget, please identify all personnel who will provide direct or indirect support of the organization's proposed services. Include each position title, the number of staff positions within each position title, and the number of Full Time Equivalents (FTEs) within each position title category. Identify additional fund source(s) that pays for each staff member's salary. These positions should be the same as those listed in the Personnel section of the proposal.
 - c. Describe how the organization will assure the proper use and safeguarding of public funds and experience using government funds. Does your organization have policies and

procedures regarding the financial operations of the organization? Have recent reviews or audits of the organization by a certified public accountant or other financial professional identified any weaknesses in the organization's financial internal controls? If so, please provide the written report identifying the weaknesses and describe how the organization has responded to correct weaknesses.

- d. Describe the organizations overall financial condition and the applicant's ability to fund potential cost overruns or other costs not anticipated in the project budget.
- e. Provide copies of the last single audit and 990 filed
- 3. Diversity and Multicultural Competency (Limit your response to one page)

Cultural Competency is defined as:

- Having a defined set of values and principles, and demonstrating behaviors, attitudes, policies and structures that enable the organization to work effectively in cross-cultural situations; and
- Having the capacity to 1.) value diversity, 2.) conduct self-assessment, 3.) manage the dynamics of difference, 4.) acquire institutional knowledge, and 5.) adapt to diversity and the cultural contexts of the communities being served; and
- Incorporating the above in all aspects of policy making, administration, practice, service delivery and involving consumers and key stakeholders.
- a. Explain your agency's philosophy and the specific efforts that are in place to assure that this project will be culturally competent and linguistically accessible for the population that will be served. Be sure to include the following information in your response:
 - i. Based on your understanding of the target population and subpopulation(s), describe how your project will be culturally relevant, sensitive, and linguistically accessible for the individuals or households that will be served, including efforts related to staffing, outreach and service design (i.e., how the project will help reduce barriers to housing and services for individuals of color and those households for whom English is not the primary language);
 - ii. Describe how the ethno-cultural backgrounds of your project staff and agency board reflect that of the identified population to be served and/or how your agency is working to broaden staff and board diversity and knowledge around cultural competency; and
 - iii. Describe any means or efforts that are in place to assess the cultural competency of your organization and make changes accordingly.

ESTIMATED SPENDING PLAN AND REVENUE SUMMARY FORM

See Attachment B.

VII. RESPONSIVENESS

All proposals will be reviewed to determine compliance with administrative requirements and instructions specified in this RFP. The Applicant is specifically notified that failure to comply with any part of the RFP may result in rejection of the proposal as non-responsive. The City of Porterville also reserves the right at its sole discretion to waive minor administrative irregularities.

ATTACHMENTS

A – Applicant Information Form

1. Project title:							
2. Project location:							
3. Number of households served on a given day: Number of households served annually:							
4. Number of individuals served on a given day: Number of Individuals served annually:							
5. a. This project is specifically designed to serve the following population:							
(Please be very specific and check only those that apply)							
Homeless single adults							
Homeless families with children							
Homeless young adults (ages 18 - 25)							
5. b. This project is specifically designed to serve the following subpopulation:							
(Please check all that apply)							
□ Homeless households living on the streets							
☐ Homeless households living in shelters							
Homeless households living in transitional housing							
Persons who are chronically homeless							
Persons with serious mental illness							
Persons with significant drug/alcohol addictions							
Persons with chronic medical condition(s)							
Persons exiting the foster care system							
Persons exiting criminal justice facilities							
Persons exiting mental health or psychiatric inpatient facilities							
Persons exiting residential chemical dependency treatment facilities							
6. DUNS Number: 7. Federal Tax ID Number:							
8. Contact Information for Project Applicant:							
Lead Applicant Agency:							
Agency Mailing Address:							

Total Annual Agency Operating Budget (for all activities of the applicant agency from all sources):

	Executive Director	Program Manager	HMIS Data	Finance/Bookkeeper
			Manager	
Name				
Title				
Address (if				
different mailing				
then above)				
Phone				
FAX				
Email				

9. Applicant Type

Nonprofit organization

Affordable Housing Developer

10. Provide the caption, cause number, Court, Counsel, and general summary of any litigation pending or judgment rendered within the past three (3) years against the applicant, as applicable.

11. Indicate the extent, if any, to which the firm, association or corporation or any person in a controlling capacity or any position involving the administration of federal, state or local funds; is currently under suspension, debarment, voluntary exclusion, or determination of eligibility by any agency; has been suspended, debarred, voluntarily excluded or determined ineligible by any agency within the past three (3) years; does have a proposed debarment pending; has been indicted, convicted or has a civil judgment rendered against said person, firm, association or corporation by a court of competent jurisdiction in any matter involving fraud or misconduct with the past three (3) years.

B- Estimated Spending Plan and Revenue Summary Form

EXPENSES				R	EVENU	JES		
				HUD	Program	Other	Total	Difference
roll and Personnel Expenses				Grants	Income	Revenue	Revenue	(Rev Exp
Salary and Wages	FTE's	Salary	Total Expenses					
Supervision								
Case Managers								
Navigators								
Support Staff	•							
Fringe Benefits (provide detail	I)							
FICA								
Workmans Comp								
Insurance								
Retirement	,							
Other								
Costs related to the provision	of services							
Space costs								
Utilities								
Telephone/Communications								
Postage/delivery								
Office Expenses								
Local Travel								
Equipment and Furniture								
Supplies and materials								
Sub-total Personnel Costs								
Other Than Personnel Costs								

Rental Assistance Expenses

	Penses						
Unit Type	FMR	# of units	Annu	nal cost			
0-BR							
1-BR							
2-BR							
3-BR	4						
4-BR							
5-BR							
Rental As	ssistance Total						

Other Financial Assistance

Assistance Type	FTE's	Salary	Total Expenses			
Rental application fees						
Utilities and Utility Deposits						
Moving Costs						
Security Deposits						
Other:	*					
Other:						
Other:						
Other:						
Sub-total Other Financial Assistance					 	
Sub-total expenses						

NOTE: Administrative Costs are not allowed, please make sure those costs are not included in your request.

TOTAL FUNDING REQUESTED

STATE OF CALIFORNIA - DEPARTMENT OF GENERAL SER' STANDARD AGREEMENT - AMENDMENT	VICES SCO ID:		
STD 213A (Rev 04/2020)		AMENDMENT NUMBER	Purchasing Authority Number
CHECK HERE IF ADDITIONAL PAGES ARE ATTACHED 9 PAGES	20-PLHA-15103	2	
1. This Agreement is entered into between the State Agency and the Co	ontractor named below:		
STATE AGENCY NAME DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT			
CONTRACTOR NAME City of Porterville			
2. The term of this Agreement is:			
START DATE 02/24/2021			
THROUGH END DATE 06/30/2030			

3. The maximum amount of this Agreement after this Amendment is:

\$1,461,769.00

4. The parties mutually agree to this amendment as follows. All actions noted below are by this reference made a part of the Agreement and incorporated herein:

Exhibit A, Authority, Purpose, and Scope of Work is hereby deleted in its entirety and replaced with new Exhibit A, Authority, Purpose and Scope of Work, Am. 2 (Rev. 12/2022) attached hereto and made a part hereof.

Exhibit E, Program-Specific Provisions and Special Conditions is hereby deleted in its entirety and replaced with new Exhibit E, Program-Specific Provisions and Special Conditions, Am. 2 (Rev. 12/2022) attached hereto and made a part hereof.

All other terms and conditions shall remain the same.

IN WITNESS WHEREOF, THIS AGREEMENT HAS BEEN EXECUTED BY THE PARTIES HERETO.

CONTRACTOR

CONTRACTOR NAME (if other than an individual, state whether a corporation, partnership, etc.) **City of Porterville**

CITY Porterville	STATE CA	ZIP 93257
TITLE Mayor		
DATE SIGNED	23	
	Porterville TITLE Mayor	Porterville CA TITLE Mayor DATE SIGNED 02/09/2023

STATE OF CALIFORNIA

EXEMPTION (If Applicable)

CONTRACTING AGENCY NAME Department of Housing and Community Development CONTRACTING AGENCY ADDRESS CITY STATE ZIP 2020 W. El Camino Ave., Suite 130 Sacramento CA 95833 PRINTED NAME OF PERSON SIGNING TITLE Manager, Contracts Services Section **Michael White** CONTRACTING AGENCY AUTHORIZED SIGNATURE DATE SIGNED 2/23/2023

Michael White

CALIFORNIA DEPARTMENT OF GENERAL SERVICE APPROVAL

City of Porterville 20-PLHA-15103, Am. 2 (Rev. 12/2022) Page 1 of 5

EXHIBIT A

AUTHORITY, PURPOSE AND SCOPE OF WORK

1. <u>Authority</u>

Pursuant to Part 2 Chapter 2.5 of Division 31 of the Health and Safety Code (commencing with Section 50470) Statutes of 2017 (SB 2, Atkins), which created the Building Homes and Jobs Trust Fund and the Permanent Local Housing Allocation ("PLHA") Program ("Program"), this Standard Agreement along with all its exhibits (the "Agreement") is entered under the authority of and in furtherance of the Program. Pursuant to Health and Safety Code, Section 50470 (b), the California Department of Housing and Community Development (referred to herein as "HCD" or "Department") has issued a Notice of Funding Availability (the "NOFA"), dated February 26, 2020, to govern administration of the fund and carry out the Program.

2. Purpose

In accordance with the authority cited above, an application was made to the State (the "Application") for assistance from the Program for the purpose of making funding available to eligible local governments in California for housing related projects and programs that assist in addressing the unmet housing needs of their local communities. By entering into this Agreement and thereby accepting the award of the PLHA grant funds (the "Grant"), the Contractor (sometimes referred to herein as the "Applicant") agrees to comply with the terms and conditions of the NOFA, this Agreement, the representations contained in the Application, and the requirements of the authorities cited above.

3. Definitions

Capitalized terms not otherwise defined herein shall have the meaning of the definitions set forth in Health and Safety Code Section 50470 and Section 101 of the Guidelines.

4. Scope of Work

- A. The scope of work ("Work") for this Agreement shall consist of one or more of the following eligible uses:
 - 1) The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low-, very low-, low-, or moderate-income households, including necessary Operating subsidies.

EXHIBIT A

- 2) The predevelopment, development, acquisition, rehabilitation, and preservation of Affordable rental and ownership housing, including Accessory dwelling units (ADUs), that meets the needs of a growing workforce earning up to 120 percent of AMI, or 150 percent of AMI in highcost areas. ADUs shall be available for a term of no less than thirty days.
- 3) Matching portions of funds placed into local or regional housing trust funds.
- Matching portions of funds available through the Low- and Moderate-4) Income Housing Asset Fund pursuant to subdivision (d) of HSC Section 34176.
- Capitalized Reserves for Services connected to the preservation and 5) creation of new Permanent supportive housing.
- 6) Assisting persons who are experiencing or at risk of homelessness, including, but not limited to, providing rapid rehousing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing.
 - a) This Activity may include subawards to Administrative Entities as defined in HSC Section 50490(a)(1-3) that were awarded California Emergency Solutions and Housing (CESH) program or Homeless Emergency Aid Program (HEAP) funds for rental assistance to continue assistance to these households.
 - b) Applicants must provide rapid rehousing, rental assistance, navigation centers, emergency shelter, and transitional housing activities in a manner consistent with the Housing First practices described in 25 CCR, Section 8409, subdivision (b)(1)-(6) and in compliance with WIC Section 8255(b)(8). An Applicant allocated funds for the new construction, rehabilitation, and preservation of Permanent supportive housing shall incorporate the core components of Housing First, as provided in WIC Section 8255, subdivision (b).

7)

Accessibility modifications in Lower-income Owner-occupied housing.

EXHIBIT A

- 8) Efforts to acquire and rehabilitate foreclosed or vacant homes and apartments.
- 9) Homeownership opportunities, including, but not limited to, down payment assistance.
- 10) Fiscal incentives made by a county to a city within the county to incentivize approval of one or more Affordable housing Projects, or matching funds invested by a county in an Affordable housing development Project in a city within the county, provided that the city has made an equal or greater investment in the project. The county fiscal incentives shall be in the form of a grant or low-interest loan to an Affordable housing Project. Matching funds investments by both the county and the city also shall be a grant or low interest deferred loan to the Affordable housing Project.
- B. A Local government that receives an allocation shall use no more than five percent of the allocation for costs related to the administration of the Activity(ies) for which the allocation was made. Staff and overhead costs directly related to carrying out the eligible activities described in Section 301 are "activity costs" and not subject to the cap on "administrative costs." A Local government may share any funds available for administrative costs with entities that are administering its allocation.
- C. Two or more local governments that receive PLHA allocations may expend those moneys on an eligible jointly funded project as provided in Section 50470 (b)(2)(B)(ii)(IV). An eligible jointly funded project must be an eligible Activity pursuant to Section 301(a) and be located within the boundaries of one of the Local governments.
- D. Entitlement Local governments may use the flow of PLHA funds to incentivize private lender loans and to guarantee payments for some or all public agency bond financings for activities consistent with the uses identified in Section 301 "Eligible Activities". This loan guarantee Activity must be identified and fully explained in the Applicant's "Plan".

City of Porterville 20-PLHA-15103, Am. 2 (Rev. 12/2022) Page 4 of 5

EXHIBIT A

5. Department Contract Coordinator

The Department's Contract Coordinator for this Agreement is the Division of Financial Assistance, Grant Management Section PLHA Manager or their designee. Unless otherwise informed, any notice, report, or other communication required by this Agreement shall be mailed by first class to the Department Contract Coordinator at the following address:

California Department of Housing and Community Development <u>Attention</u>: Permanent Local Housing Allocation (PLHA) Grant Management Section, Suite 400 2020 West El Camino Avenue, CA 95833 P. O. Box 952050 Sacramento, CA 94252-2050

6. Contractor Contract Coordinator

The Contractor's contract coordinator for this Agreement is the Authorized Representative listed below. Unless otherwise informed, any notice, report, or other communication required by this Agreement may be mailed by first class mail, or sent through a commercial courier to the Authorized Representative at the following address:

Authorized Representative Name:	Martha A. Flores
Authorized Representative Title:	Mayor of Porterville
Agency Name:	City of Porterville
Address:	291 North Main Street Porterville, CA 93257
Phone No.:	(559) 782-7466
Email Address:	mflores@portervilleca.gov

7. Effective Date, Term of Agreement, and Deadlines

- A. This Agreement is effective upon approval by the Department, which is the date executed by all parties (such date, the "Effective Date").
- B. This Agreement shall terminate on June 30, 2030.

City of Porterville 20-PLHA-15103, Am. 2 (Rev. 12/2022) Page 5 of 5

EXHIBIT A

- C. Except for predevelopment expenses for construction projects funded by PLHA and costs to develop and prepare the Plan and the PLHA application, no costs incurred more than one year prior to commitment by the Local government may be paid from PLHA funds. Reimbursement of expenses to prepare the Plan and the PLHA application are subject to the cap on administrative fees.
- D. Any Grant funds which have not been expended by the expenditure deadline shall be disencumbered and revert to the Department. The expenditure deadline is fifty-eight months from the date of the budget appropriation for each year of funds included in this Agreement.

City of Porterville 20-PLHA-15103, Am. 2 (Rev. 12/2022) Page 1 of 4

EXHIBIT E

PROGRAM-SPECIFIC PROVISIONS AND SPECIAL CONDITIONS

1. Program-Specific Provisions

The following are project-specific terms and conditions (referred to as enumerated provision(s) for ease of reference in prior exhibits) and shall inform the references made to project-specific information not contained in those prior exhibits.

Budget Detail:

Contractor has been awarded the following grant activity amounts for 2019: \$342,754

Contractor has been awarded the following grant activity amounts for 2020: \$532,745

Contractor has been awarded the following grant activity amounts for 2021: \$586,270

Estimated five-year allocation may not exceed: \$2,056,524

Payees:

A. The authorized Payee(s) is/are as specified below:

Name: City of Porterville

Total Amount: \$1,461,769

Plan:

Provide a description of how allocated funds will be used for the proposed activity.

- A. Priority 1: Navigation Center
 - Operating costs for a Navigation Center: PLHA funds would be used for operation costs associated with a new or existing Navigation Center. The Navigation Center would serve as a central location for people who are experiencing homelessness to connect to services to help them obtain housing or overcome barriers in obtaining housing.

City of Porterville 20-PLHA-15103, Am. 2 (Rev. 12/2022) Page 2 of 4

EXHIBIT E

B. <u>Priority 2: Emergency Shelter</u>

- 1) Operating costs for an Emergency Shelter: PLHA funds would be used for operating costs needed to run an emergency shelter. This will assist in ensuring that low barrier beds for people who have been identified by the local Continuum of Care on Homelessness, the Kings/Tulare Homeless Alliance (KTHA) continue to be available. KTHA currently uses a vulnerability index to prioritize housing for people experiencing homelessness. Additionally, using a coordinated entry system, KTHA, is able to make referrals form one database, in order to have a streamlined application and referral system between agencies who serve people experiencing homelessness.
- 2) The City would consider Operating costs for a bridge housing beds, leading to permanent housing: The City plans on working with eligible nonprofits who provide bridge housing programs to help cover some gaps in operational financing, allowing them to continue providing housing to program participants that are currently working on permanent housing solutions.

C. <u>Priority 3: Permanent Housing</u>

1) The City would consider Operating costs for Permanent Supportive Housing (PSH) Programs: The City plans on working with eligible nonprofits and/or affordable housing developers who provide services to existing PSH programs to help cover some gaps in operational financing/or provide required match for funding, allowing them to continue providing housing to program participants that are currently receiving PSH housing vouchers. This would include increasing the percentage of PLHA funds in years 4 and 5 to include operating expenses for Multi-family housing with units dedicated to people experiencing homelessness. This will assist in ensuring that PSH units created for people experiencing homelessness, have the necessary case management to provide PSH units with a connection to supportive services.

City of Porterville 20-PLHA-15103, Am. 2 (Rev. 12/2022) Page 3 of 4

EXHIBIT E

Funding Allocation Year	2019	2019	2019
Type of Activity	Emergency Shelters	Navigation Centers	Permanent
Percentage of Funds Allocated for each Activity	60%	25%	10%
Area Median Income Level Served	30%	30%	30%
Administrative Cost		5%	

Funding Allocation Year	2020	2020	2020
Type of Activity	Emergency Shelters	Navigation Centers	Permanent
Percentage of Funds Allocated for each Activity	60%	25%	10%
Area Median Income Level Served	30%	30%	30%
Administrative Cost		5%	

Funding Allocation Year	2021	2021	2021
Type of Activity	Emergency Shelters	Navigation Centers	Permanent
Percentage of Funds Allocated for each Activity	50%	25%	20%
Area Median Income Level Served	30%	30%	30%
Administrative Cost		5%	

City of Porterville 20-PLHA-15103, Am. 2 (Rev. 12/2022) Page 4 of 4

EXHIBIT E

Funding Allocation Year	2022	2022	2022
Type of Activity	Emergency Shelters	Navigation Centers	Permanent
Percentage of Funds Allocated for each Activity	50%	25%	20%
Area Median Income Level Served	30%	30%	30%
Administrative Cost		5%	

Funding Allocation Year	2023	2023
Type of Activity	Navigation Centers	Permanent
Percentage of Funds Allocated for each Activity	75%	20%
Area Median Income Level Served	30%	30%
Administrative Cost	59	%

2. Special Conditions

The following Special Conditions are applicable to this Standard Agreement:

None.



SUBJECT: Authorization to Distribute a Request for Qualifications for Consultant Services - ADA Self-Evaluation and Transition Plan

- SOURCE: Engineering and Project Management
- COMMENT: Public rights of way and facilities are required to be accessible to persons with disabilities pursuant to the following statutes: Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. §794) and Title II of the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. §12131-12164). The laws work together to achieve this goal. These statutes prohibit public agencies from discriminating against persons with disabilities by excluding them from services, programs, or activities. The City is required to have an ADA Self-Evaluation and Transition Plan that will:

-Identify existing obstacles limiting accessibility;

-Describe steps that are to be taken to ensure that facilities within the public right of way are made accessible to all individuals;

-Specify a schedule for achieving compliance; and

-Identify the officials who will be responsible for the implementation of the plan.

The ADA Self-Evaluation and Transition Plan will provide recommendations for complying with accessibility requirements as mandated by State and Federal codes and guidelines. It will also provide the basis for prioritizing, budgeting, implementing, and monitoring barrier removal.

Staff has prepared a Request for Qualifications for consultant services for this project. The qualified consultants/firms interested in the project shall submit a statement of qualifications that will be reviewed and rated by a selection panel. The highest ranking firms, typically two or three firms, may be asked to participate in an interview panel and ranked again.

Staff will then present the results of the ranking to the City Council for approval and to direct staff to negotiate a fee with the highest ranking firm. The chosen firm will meet with staff to fine tune the scope and deliver a fee. If the fee is acceptable, staff will then seek Council's approval to execute a Service Agreement so that the firm can commence with the needed design work for the ADA Self-Evaluation and Transition Plan.

RECOMMENDATION:	That the City Council authorize staff to distribute a Request for
	Qualifications for the ADA Self-Evaluation and Transition Plan

ATTACHMENTS: 1. Draft Request for Qualifications

Appropriated/Funded:

Review By:

Department Director: Javier Sanchez, Engineering & Project Management Director

Final Approver: John Lollis, City Manager



REQUEST FOR QUALIFICATIONS

ADA Self-Evaluation & Transition Plan

PREPARED BY: ENGINEERING & PROJECT MANAGEMENT DEPARTMENT March 2023

I INTRODUCTION AND OBJECTIVES:

The City of Porterville (hereinafter referred to as "CITY") is requesting statements of qualifications (SOQs) from qualified consultants/firms (hereinafter referred to as "CONSULTANT") to compile and implement a comprehensive Americans with Disabilities Act (ADA) Self-Evaluation & Transition Plan for City programs, policies, facilities, parks, parking lots, streets, intersections and sidewalks.

This document identifies the general project scope and procedures for Consultant involvement in this process. Responding consultants must have relevant experience and the ability to provide the requisite professional services.

II EXAMINATION OF SOQ DOCUMENTS:

By submitting an SOQ, each CONSULTANT represents that it has thoroughly examined and become familiar with the work required under this RFQ and that it is capable of performing quality work to achieve the objectives of CITY.

III ADDENDA/CLARIFICATIONS:

Any CITY changes to this RFQ will be made via written addendum. No verbal modification shall be binding.

IV SOQ REQUIREMENTS:

SOQs for this project will be accepted at this office until 4:00 p.m., on Wednesday, May 10, 2023. Three (3) copies of the SOQ shall be submitted in a sealed envelope, plainly marked "Statement of Qualifications for ADA Self-Evaluation & Transition Plan Consulting Services." Cost proposals shall not be submitted until requested by the CITY. SOQs shall be addressed to:

Marcia Garcia, Assistant Project Manager Engineering & Project Management Department City of Porterville 291 N. Main Street Porterville, CA 93257

The City reserves the right to reject any and all SOQs, which do not meet the requirements of this RFQ and/or any portion of the requirements of this project.

V PRE-CONTRACTUAL EXPENSES:

Pre-contractual expenses are defined as expenses incurred by the CONSULTANT in: 1) Preparing and reproducing its SOQ in response to this RFQ; 2) submitting its SOQ to CITY; 3) negotiating with CITY any matter related to this RFQ and CONSULTANT's SOQ; 4) other matters prior to the date of award of a Contract. CITY shall not be liable for any pre-contractual expenses incurred by CONSULTANT in the preparation of SOQs. Pre-contractual expenses shall not be included in the cost proposal.

VI <u>EXCEPTIONS/DEVIATIONS</u>:

Any exceptions to the requirements of this RFQ must be included in the CONSULTANT's SOQ. Such exceptions must be included as a separate element of the SOQ entitled "Exceptions and Deviations."

VII <u>CONSULTANT REPRESENTATIVE</u>:

The CONSULTANT shall assign a responsible representative and an alternate, both of whom shall be identified in the SOQ. The CONSULTANT's representative shall remain in responsible charge for the duration of the project. Should the CONSULTANT's primary representative be unable to continue with the project, the CONSULTANT's alternate representative shall become the primary representative. No personnel changes will be acceptable without prior approval by CITY. CITY reserves the right to reject any changes in personnel at any time during the course of this project. CITY also reserves the right to terminate the contract if, in the opinion of CITY, substantial changes in project management may jeopardize the successful completion of this project to the satisfaction of CITY.

VIII LOCAL AGENCY REPRESENTATIVE:

Marcia Garcia, Assistant Project Manager, shall be the Contract Administrator and contact person for all communications with CITY.

IX INSURANCE REQUIREMENTS:

The CONSULTANT shall maintain and provide current copies to CITY of the following minimum insurance coverage for the duration of this project:

- Full liability under Worker's Compensation laws of the State of California
- General comprehensive liability (bodily injury and property damage)*
- Professional liability insurance (errors and omissions)*
- Automotive liability Insurance*

*All must provide a combined single limit (CSL) of not less than \$2 million per occurrence.

X INDEMNIFICATION:

The CONSULTANT shall indemnify, defend, and hold harmless CITY, its elected and appointed officers, employees agents from and against any and all claims, including attorney's fees and reasonable expenses for litigation or settlement, for any loss, damages, bodily injuries, and loss of property caused by negligent acts, omissions, or willful misconduct by the successful

CONSULTANT and its subconsultants arising out of performance requirements of the Contract.

XI <u>SUBCONTRACTING</u>:

Only those firms identified in the Contract as subcontractors or subconsultants shall be allowed to perform work for this project. Any amendments to this requirement shall be made in writing by prime CONSULTANT to CITY. CITY has the right to reject any requested amendments at any time during the course of this project.

XII FEDERAL, STATE, AND LOCAL LAWS:

The CONSULTANT shall comply with all federal, state, and local laws, rules, regulations, ordinances, and statutes.

XIII SOQ EVALUATION CRITERIA:

Evaluation criteria used to select the CONSULTANT shall include, but not be limited to, the following:

- A. Transmittal Letter;
- B. Firm(s) experience with similar projects and references;
- C. Firm(s) key personnel qualifications/certifications and experience, especially the project manager and individuals performing services;
- D. Firm(s) understanding of the project requirements;
- E. Project schedule. Firm(s) must detail ability to provide the required services in a timely and cost-effective manner to meet the required schedule;
- F. Firm(s) policy in providing Equal Employment Opportunity; and
- G. Firm(s) approach to provide the best product for CITY.

The attached CITY'S Consultant Selection Rating Form shall be used to rate each firm.

XIV CONSULTANT SELECTION AND INTERVIEWS:

CITY selection committee, consisting of the Contract Administrator and at least two additional staff members familiar with the project requirements, will review all SOQs and rank CONSULTANTs according to their demonstrated competence and professional qualifications as assessed by their response to this RFQ and the evaluation criteria contained in the CITY'S Consultant Selection Rating Form. The top three (3) highest ranked CONSULTANT(s) may be invited for oral interviews with CITY team to determine the top rated firm. However, in the event one proposal is clearly superior to all other proposals, The City of Porterville reserves the right to eliminate the oral interview process and present their recommendation to the City Council based solely on the proposals. The Engineering & Project Management Director shall make a recommendation to the City Council to award a contract to the top rated firm.

The City Council, at its sole discretion, may choose to accept staff's recommendation, or may

choose to award a contract to another consulting firm, or may choose not to award a contract as this time. The Contract will be a written Service Agreement between the Consultant and the City setting forth the scope of work, responsibilities, deliverables, schedule, ownership of work, insurance requirements, compensation, method of payment, and other points. A sample Service Agreement is included in this RFQ package. Please indicate on the transmittal letter the firm's ability to comply with the Service Agreement provisions, including insurance coverage.

Interviews are tentatively scheduled for June 7, 2023. Each participating firm will be contacted via telephone for verification of interview date and time. Failure to be available at the time of a scheduled interview shall be considered non-responsive and shall be cause for elimination from any further consideration. CITY reserves the right to begin negotiations and enter into a Contract without interviews or further discussion.

XV <u>COST PROPOSAL</u>:

The cost proposal shall not be submitted until requested by the CITY. Negotiations with the topranked candidate(s) may begin immediately. If an agreement cannot be reached within ten (10) working days, CITY may begin negotiations with the next selected candidate(s) and proceed. If necessary, this process will continue until either an agreement is reached or CITY elects to readvertise for new SOQs. CITY reserves the right to reject any and all proposals prior to award of a Contract. All cost proposals not opened shall be returned to their respective firms.

XVI <u>CONTRACTS/AGREEMENTS</u>:

The successful CONSULTANT shall enter into upcoming Contracts with CITY that are based on the contents of this RFQ, the CONSULTANT'S SOQ and cost proposal, and CITY Contract. Where two or more CONSULTANTs desire to submit a SOQ (joint venture), only one CONSULTANT shall be listed as prime CONSULTANT. All others shall be listed as subconsultants. The chosen CONSULTANT is expected to be presented at the City Council meeting scheduled for Tuesday, June 20, 2023. Issuance of this RFQ and receipt of SOQs does not commit CITY to award a Contract. CITY reserves the right to postpone award of a Contract for its own convenience, accept or reject any or all SOQs received in response to this RFQ, and cancel any or all portions of this RFQ and resulting Contract.

XVII <u>COMPENSATION</u>:

A. All items of work required for completion of the project/s to result from this RFQ shall be paid for following the cost proposal format specified in each task order request. Costs for any and all items not specifically listed, but required to complete the work for projects (including all exceptions and deviations stated included in CONSULTANT's SOQ), shall be included as part of the total cost proposed. No additional compensation shall be paid for such items. No additional compensation shall be given for any reproduction costs, except those in excess of the requirements stated in this RFQ. Only a change in scope or any significant task addition or increase shall receive consideration for additional compensation.

- B. If the CONSULTANT feels that any work it has been directed to perform is beyond the scope of the Contract and constitutes extra work, it shall notify CITY in writing within ten (10) days. CITY will review such notice and, if justified, authorize additional compensation to the CONSULTANT on a fair and equitable basis.
- C. Monthly progress payments will be made to the CONSULTANT only upon submittal of invoices to CITY. Said invoice shall indicate the percentage completion of each task, as well as the overall percentage completion of the entire project. In addition, an updated schedule showing tasks and their degree of completion shall be provided.

XVIII OWNERSHIP OF REPORTS AND DOCUMENTS:

Originals of all documents, letters, drawings, design calculations, estimates, specifications, and other documents and data produced under the terms of the Contract shall become the property of CITY. CITY shall retain all rights in copyright. Copies may be made and retained by the CONSULTANT for its records, but shall not be furnished to others without the written consent of CITY for a period of three (3) years from the date of acceptance, by CITY, of all requirements of this project.

XIX SOQ FORMAT AND CONTENT:

SOQs shall be brief and include a concise address of the following information:

A. <u>Firm Experience</u>:

- 1. Provide a list of at least three (3) prior projects completed in the last five (5) years, in which the firm provided relevant services similar to this assignment, indicate the specific relationship if other than principal and each firm's responsibilities. Descriptions of pertinent experience should include a summary of work performed, adherence to schedules, the duration of each project, and the name, title, and phone number of clients that may be contacted for reference.
- 2. Other information that might aid CITY in ascertaining proposing firm's qualifications.

B. <u>Consultant Team</u>:

Name of prime consulting firm, subconsultant(s), names of principals, associates, project manager, and key personnel, their proposed level and areas of responsibility, and their qualifications/certifications in those areas. The CONSULTANT's Project Manager and key personnel will be an important factor considered by CITY.

1. Any changes to personnel assigned to this project shall be made in writing to

CITY. CITY reserves the right to reject any proposal for modified personnel.

- 2. If subconsultants are used, names of subconsultant's key personnel for the project, their professional experience, qualifications/certifications, and training, which are applicable to this project, and the scope of services that will be provided by each subconsultant.
- 3. The office location from which the CONSULTANT(s) shall operate along with telephone and/or cell number of the project manager.

C. <u>SOQ Format</u>:

- SOQs shall contain no more than twenty (20) pages, excluding cover sheet, table of contents, index sheets, and resumes, double-sided, font size no less than 10 pt., and single or double-spaced. Cover letters will be counted as part of the twenty sheets. The City encourages the use of recycled materials.
- 2. SOQs should include, but not be limited to, the following:
 - a. Page numbering;
 - b. Table of Contents, if applicable;
 - c. Section dividers with tabs, if applicable;
 - d. Identification of offering firms, including name, address, and telephone number of each firm;
 - e. Prime CONSULTANT organizational chart, which includes subconsultant(s) with names and titles of personnel to be used for this project;
 - f. Acknowledgment of receipt of RFQ addenda, if any;
 - g. Concise, complete response addressing each of the items, 'a' through 'p', as shown in the City's "Consultant Selection Rating Form"; and
 - h. Exceptions to or deviations from the requirements of this RFQ, separating technical exceptions from contractual exceptions. Any alternative approach proposed by the CONSULTANT shall be thoroughly explained and shall meet the objectives of CITY.

CITY OF PORTERVILLE REQUEST FOR QUALIFICATIONS (RFQ) FOR CONSULTANT SERVICES FOR THE DEVELOPMENT OF THE CITY'S ADA SELF-EVALUATION AND TRANSITION PLAN

The City of Porterville seeks "Statement of Qualifications" (SOQs) from qualified consultant/firms for the purpose of developing the City's ADA Self-Evaluation & Transition Plan. The City desires to develop an ADA Self-Evaluation & Transition Plan that meets the requirements of applicable laws and regulations but allows for maximum flexibility in the schedule and cost of implementation of both consultant services and associated accessibility improvements. Accordingly, the following is intended only as a guide for submission of the Scope of Services to be included in the proposal.

At a minimum, all Consultants shall submit a "Statement of Qualifications" (SOQs) responding to the entire Scope of Services. However, Consultants may recommend changes and include alternatives to the Scope of Services if (1) additional tasks are required by laws or regulations, (2) tasks below are not specifically required by laws or regulations, or (3) tasks below can be modified to meet the City's above stated objectives.

This document identifies the general project scope and procedures for Consultant involvement in this process. Responding consultants must have relevant experience and the ability to provide the requisite professional services.

SCOPE OF SERVICES:

The consultant will respond directly to the Engineering and Project Management Director or their designee on the project. The selected consultant will perform, but not be limited to the following tasks:

- 1. The Consultant will develop the procedures and forms needed to conduct a Self-Evaluation on behalf of the City.
- 2. The Consultant will conduct investigations of public facilities including an evaluation of the City's sidewalks, street intersections (curb ramps & crosswalks), pedestrian signals, parking lots and parks.
- 3. The Consultant will determine the level of accessibility compliance required for each City building subject to applicable requirements and will conduct the necessary investigations of the areas of each building open to public access. Field investigations shall identify physical barriers within the public areas of City buildings and the public right of way that limit accessibility and compare facilities for compliance with state and federal codes and guidelines.
- 4. The Consultant shall review and evaluate current City policies, programs (including but not limited to recreation programs), and practices in order to identify issues which may

be discriminatory to people with disabilities. The review will include City policy documents that affect the public. The review should evaluate the current level of program accessibility, including eligibility requirements, participation requirements, facilities used, staffing, transportation, communication, grievance procedures and emergency procedures.

- 5. The Consultant shall develop the comprehensive ADA Self-Evaluation & Transition Plan based upon results of the barrier assessments, policy review and City staff guidance. The ADA Self-Evaluation & Transition Plan shall include all requisite information necessary to comply with Title II of the ADA for such a plan, which may include the following:
 - a. Methodology for the self-evaluation of existing barriers to accessibility;
 - b. Summary of the findings of the self-evaluation of facilities, policies, programs, and practices;
 - c. Recommendations of remedial measures to correct deficiencies and a methodology for the prioritization of barrier remediation;
 - d. Cost estimates of remediation measures;
 - e. Implementation schedule that includes milestones or measures of achievement for monitoring implementation;
 - f. Procedure for periodically reviewing and updating the Transition Plan;
 - g. Procedures for addressing grievances; and
 - h. Assignment of responsibilities for repair/replacement.
- 6. The Consultant shall plan to attend at least three meetings with City staff. At a minimum, a kick-off meeting, interim progress meeting, and a final completion meeting shall be held, in addition to any required site visits and City staff meetings needed for Self-Evaluation investigations and document research. The Consultant shall also plan to attend and present the ADA Self-Evaluation & Transition Plan to the City Council at separate public meetings.
- 7. Project Database: The Consultant shall develop a database for the ADA Transition Plan using City-approved software. The purpose of the database is to facilitate ongoing monitoring and updating the final comprehensive ADA Transition Plan by City staff. The database shall correlate all components of the transition plan including but not limited to compliance and facility reports, facility diagrams, Transition Plan, reference drawings, standard drawings, and photographs. The database shall be the property of the City when the ADA Transition Plan compilation is complete.
- 8. City Staff Training: The process is expected to be an educational experience for City staff. During the course of Plan development, the Consultant shall assist the City in designating an ADA Coordinator and ADA Liaisons from relevant departments to serve as an ongoing work group. The Consultant shall train designated City staff in the following areas:
 - a. Applicable government code, statutes and regulations;
 - b. Performing field investigations and inspections;
 - c. Preparation of ADA Compliance Assessment Reports;

- d. Monitoring and updating the ADA Self-Evaluation & Transition Plan;
- e. Using and maintaining the database and/or project map; and
- f. Internal procedures for granting exemptions for City projects.
- 9. The City seeks to have a final ADA Self-Evaluation & Transition Plan completed twelve (12) months from issuance of Notice to Proceed. If the Consultant deems this is unreasonable based on prior experience, a suitable completion date shall be clearly identified, and an explanation given as to why the preferred completion date would be unrealistic.

LOCAL AGENGY RESPONSIBILITIES:

The Consultant will report to the City's Contract Administrator. The Consultant shall not proceed with any work until the City provides the Notice to Proceed to the Consultant.

The City's Contract Administrator will directly handle the project management and monitoring of the Consultant's work to ensure it is complete, accurate, and consistent with the terms and conditions of the Consultant contract. The Contract Administrator and designees will also inspect, review, and discuss project progress, compliance with Federal, State, and Local policies and regulations, and other requirements to further the prosecution of the contract work with the least delay.

The City's Contract Administrator (or designee) shall be responsible for the following:

- Serve as the City's primary contact person for the Consultant;
- Monitor the Consultant's progress and provide direction;
- Review billings and determines whether costs billed are reasonable in relation to the work performed during billing period;
- Approve the Consultant's progress payments;
- Identify other City personnel (ADA Coordinator and ADA Liaisons for each relevant department) for Consultant to contact, if needed;
- Document review by ADA Coordinator and/or ADA Liaisons and consolidate comments from staff;
- Ensure that ADA Coordinator and ADA Liaisons from relevant departments are available to attend meetings, trainings, workshops, etc.

City will provide to the Consultant:

- City staff will assemble facility site plans and floor plans (if they exist), City street maps (GIS and/or AutoCAD), and a list of City Policy documents;
- Report and related GIS map of City Right of Way assets and their conditions, as compiled by Infrastructure Management Services in 2022;
- Any existing blueprints, CAD files, site plans, emergency evacuation diagrams, or other graphics or information that portrays City facilities;

- Access to City facilities. It is expected that Consultant's surveyors will be accompanied during the surveys of the police department and fire stations, otherwise will not require accompaniment by City staff person;
- Any materials or meeting accommodations requested by the public, including interpreters, alternative formats documents, or other modifications. The City will coordinate and provide the venue and publicity for the public meetings;
- Key City staff to attend the Council meetings.

All records and documentation produced by the Consultant become property of the City.

CONSULTANT SELECTION RATING FORM	Rating Factor	FIRM	FIRM	FIRM	FIRM
Project Name: Project Number:	Numerical Range & Weighting Based on Importance of				
Evaluation Factor	Factor	Score	Score	Score	Score
a. Capability to perform all or most aspects of the project.	0-10				
b. Recent experience in projects comparable to the proposed project.	0-10				
c. Firm's reputation for professional integrity and competence.	0-5				
d. Key personnel's professional background and caliber.	2-0				
e. Adequate qualified personnel available for assignment to the project.	0-5				
f. Recent experience in specialized areas of expertise associated with the project.	0-5				
g. Demonstrated ability to meet schedules or deadlines.	0-10				
h. Demonstrated ability to complete projects without having major cost escalations or overruns.	2-0				
i. Qualifications and experience of outside consultants regularly engaged by the consultant under consideration.	0-10				
j. Quality of project previously undertaken.	0-10				
k. Familiarity with and proximity to the geographic location of the project.	0-5				
 Capability of a branch office, which will do the work to perform independently of the home office, or conversely, its capability to obtain necessary support from the home office. 	0-3				
m. Demonstration of an understanding of the project's potential problems and the City's special concerns.	0-5				
n. Degree of interest shown in undertaking the project.	0-3				
o. Evidence that consultant is an equal opportunity employer.	0-2				
p. Proximity of firm's office to project.	0-3				
TOTAL SCORE:					
RANKING:					
P:\pubworks\Templates\COP Forms\Consultant Selection Rating Form.doc	Highest Possible Score = 100	ore = 100			

P:\pubworks\Templates\COP Forms\Consultant Selection Rating Form.doc

mignest Possible Score = 100

SERVICE AGREEMENT

DATE:

PARTIES: City of Porterville, a California municipal corporation, hereinafter referred to as "CITY"; and *(insert name)*, hereinafter referred to as "CONSULTANT".

RECITALS: CITY has undertaken a project on which it is seeking assistance from CONSULTANT. Said project which will hereinafter be referred to as "project" is described as follows:

Project Name:

Description of Project: In general, Consultant to provide (plans and specifications) (services) for the (proposed project). Details are summarized in the Scope of Services as Attachment "A".

IN CONSIDERATION OF MUTUAL COVENANTS AND AGREEMENTS HEREINAFTER set forth the parties hereto do contract and agree as follows:

SECTION 1. CONTRACT SERVICES:

CONSULTANT hereby agrees to provide the following services and materials, in a timely manner as described:.

SECTION 2. PAYMENT:

In consideration for said services and materials, CITY shall pay CONSULTANT on a time and materials basis (and/or not to exceed _____ Dollars (\$))..

TIME OF PAYMENT: Progress payment requests shall be submitted by the 25th of each month. CONSULTANT should receive payment within 45 days of the date the bill is received.

SECTION 3. COMPLETION DATE:

The services to be performed by CONSULTANT will be commenced upon execution of this agreement and all "work directives" shall be completed by *(date)*. In the case of ongoing testing and results protocol, the CONSULTANT shall submit results as required to CITY, State and/or Federal governing agencies.

SECTION 4. FAMILIARITY WITH PROJECT:

CONSULTANT certifies and agrees that it is fully familiar with all of the details of the project required to perform its services. CONSULTANT agrees it will not rely upon any opinions and representations of CITY unless CITY is the only available source of said information.

SECTION 5. INDEPENDENT CONTRACTOR:

It is expressly understood that CONSULTANT is entering into this contract and will provide all services and materials required hereunder as an independent contractor and not as an employee of CITY. CONSULTANT specifically warrants that it will have in full force and effect, valid insurance covering:

- (i) Full liability under worker's compensation laws of the State of California; and
- (ii) Bodily injury and property damage insurance in the amount not less than One Million Dollars (\$2,000,000) per occurrence; and
- (iii) Errors and Omissions insurance of One Million Dollars (\$2,000,000) minimum per occurrence, if deductible for Errors and Omissions insurance is Fifty Thousand Dollars (\$50,000) or more, the City may require a Surety Bond for the deductible; and
- (iv) Automotive liability in the amount not less than One Million Dollars (\$2,000,000) per occurrence; fully protecting CITY, its elected and appointed officers, employees, agents and assigns, against all claims arising from the negligence of CONSULTANT and any

Service Agreement Page 2 of 3

injuries to third parties, including employees of CITY and CONSULTANT.

(v) To the fullest extent permitted by law, and subject to California Civil Code Sec 2782.8, CONSULTANT agrees to indemnify, including cost to defend, City, its elected and appointed officers and employees, from and against any and all claims, demands, costs, or liability that arise out of, or pertain to, or relate to the negligence, recklessness, or willful misconduct of Consultant and its employees or agents in the performance of services under this contract, but this indemnity does not apply to liability for damages arising from the sole negligence, active negligence, or willful acts of City; and does not apply to any passive negligence of the City unless caused at least in part by Consultant. City agrees that in no event shall the cost to defend charged to Consultant exceed Consultant's proportionate percentage of fault. However, if one or more defendant/s is unable to pay its share of defense costs due to bankruptcy or dissolution of the business, the Consultant shall meet and confer with other parties regarding unpaid defense costs and reallocate as allowed by law or stature. This duty to indemnify shall not be waived or modified by contractual agreement or acts of the parties.

SECTION 6. WORKMANSHIP AND MATERIALS:

Every part of the work herein described shall be executed in a professional manner with competent, experienced personnel. Finished or unfinished material prepared under the agreement, prepared by CONSULTANT, shall become property of CITY. CONSULTANT hereby warrants that any materials prepared under this agreement shall be fit for the intended use contemplated by the parties.

SECTION 7. ASSIGNMENT OF CONTRACT:

It is acknowledged by the parties that CITY has entered into this contract with the express understanding that CONSULTANT will perform all work. CONSULTANT shall not, without the written consent of CITY, assign, transfer or sublet any portion or part of this work, nor assign any payments to others.

SECTION 8. AFFIRMATIVE ACTION.

CONSULTANT will not discriminate against any employee, or applicant for employment as required by applicable Federal and State law.

SECTION 9. CONFLICT OF INTEREST CODE:

CONSULTANT agrees to comply with the regulations of CITY'S "Conflict of Interest Code." Said code is in accordance with the requirements of the Political Reform Act of 1974.

CONSULTANT covenants that it presently has no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of service required hereunder. The term "conflict" shall include, as a minimum, the definition of a "conflict of interest" under the California Fair Political Practices Act and the City of Porterville Conflict of Interest Code, as that term is applied to consultants.

SECTION 10. TERMINATION:

Either party for just cause may terminate this contract by giving seven (7) days written notice to the other party. Upon termination by CITY, CITY shall be relieved of any obligation to pay for work not completed including profit and overhead. CONSULTANT may be entitled to just and equitable compensation for satisfactory work completed, except CITY can withhold damages incurred as a result of the termination.

Service Agreement Page 3 of 3

SECTION 11. ENTIRE CONTRACT:

It is understood and agreed that this Service Agreement represents the entire Agreement between the parties. Should it be necessary to institute legal proceedings to enforce any and all of the covenants and conditions of this Agreement, the prevailing party shall be entitled to recover attorneys' fees and costs.

SECTION 12. DISPUTES; VENUE:

If either party initiates an action to enforce the terms hereof or declare rights hereunder, the parties agree that this Agreement is entered into and is to be performed in Tulare County, California. CONSULTANT hereby waives any rights it might have to remove any such action pursuant to California Code of Civil Procedure Section 394.

IN WITNESS WHEREOF, the parties have executed this Service Agreement on the date and year first above written.

CITY OF PORTERVILLE

CONSULTANT

Ву_____

Ву_____

Date_____

Date_____



CITY COUNCIL AGENDA - MARCH 21, 2023

SUBJECT:Community Civic Event - Sequoia Family Medical Center - Sequoia Arbor Day
5k Run/Walk and Health Fair - April 29, 2023

SOURCE: Finance

COMMENT: The Sequoia Family Medical Center is requesting approval to hold the "Sequoia Arbor Day 5k Run/Walk and Health Fair" on Saturday, April 29, 2023, from 6:30 AM to 12:00 PM. The event will feature a non-competitive 5k run or walk along the Tule River Parkway. Food booths and information booths will be staged at the Jaye Street park and ride lot. The event will benefit the Tule River Parkway Association.

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. All requirements and restrictions are listed on the attached copy of the Agreement and Application, Exhibit A, Exhibit B, and Exhibit C.

RECOMMENDATION: That the City Council approve the Community Civic Event application from Sequoia Family Medical Center to hold the Sequoia Arbor Day 5k Run/Walk and Health Fair on April 29, 2023, subject to the requirements and restrictions contained in the Application and Agreement, Exhibit A, Exhibit B, and Exhibit C.

ATTACHMENTS:1.CCE Application and Agreement, Map, Exhibit A, Exhibit
B, Exhibit C, and Outside Amplifier Permit

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 E	VENT OR OTHER	ACTIVITY TO BE HEL	D ON PUBLIC PROPERTY
DO YOU HAVE? E	Event Flyer?	E-mail address?	Website?
Application date:	1/21/2023	Event dat	e:4/29/2023
	•	Event time	e: 0:30 AM - 12:00 PM
Name of Event:	SEQUOIA A	PBOR DAY 5	K & HEALTH FAIR
Sponsoring organizat	tion: <u>Sequera</u>	FAMILY MEDICAL	Phone # 1559-3716-3010
Address	590 W.	PUTNAM CENTER	AVE DORTERVILLE DA 93257
Authorized represent	ative: <u>NUUVE</u>	WND	Phone #
Address			
Event chairperson:	NICOVE WY	NØ	Phone # 559-376-3016
Location of event	WLE RIVER	PARK WAY	
	(Location r	map must be attached)	
Type of event:	5K 9 HEA	ILTH FAIR.	
Non-profit organizatio	on status:	ULE RIVER PA	TREWAY ASSOCIATION
(IRS Determination)		77-0317019	active 501.03
City services requeste	ed (fees associ	ated with these service	es will be billed separately):
Barricades (quantity	r): <u>-</u>	Street sweepin	g Yes <u>No X</u>
Police protection	YesNo 🔀	Refuse pickup	Yes No
Parks facility applic	ation required:	Yes No	→ X Attached
Assembly permit required:		Yes No	→ <u> </u>
STAFF COMMENTS	(list special require	ments or conditions for	event):
Anna - Danis			X ·
Bus	. Lic. Spvr.	· •	
Pub	. Works Dir		
Con	nm. Dev. Dir.	an din mangan manang mangan sa sa sang pang pang kang mangang pang sa pang mangan sa	
Field Svcs. Mgr.			
	Chief	1997 - Marine Mariel, Marine Marine and Anno 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 199	
and the property of the second s	ks Dir.	*****	
	ce 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 <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</u> <u>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.

<u>All City Code requirements</u> 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 <u>www.ci.porterville.ca.us/govt/CityClerk/</u>, 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 <u>and</u> 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)

May Authorized Representative Initials

<u>Alcohol liability insurance</u>: 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**.

Mc 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.

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.

<u>Agreement</u>: 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.

SEQUOIA FAMILY MEDICAL CENTER	710 R	1/21/2072
(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: SEQUOIA ARBOR DAY SK ! HEALTH FAIR

Sponsoring organization: SEQUELA FAMILY MEDICAL CENTER

Location: THE PIVER PARKWAY Event date: 4/29 Event time: 0:30-12.pm

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.

Vendor name	Address/Telephone	Business License required?	Type of Activity
	ditunión		Information (
	LOSS		Informational
Digitity treat	th		Informational)
Heattowet	0		Informational
	Way Association		Infor matrohal
Stix-Churcholi	CS		Food
KICUS Enchilad	a		FOOD
Off Road Pizze	er		FUDO

*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 anusement, operator, etc., who engages in conducts, organizes, or promotes onances for projection per a ononces include fee of one ability for any per any per antiperation, 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: SEQUDIA ARBOR DAY 5K & HEALTH FANK

Sponsoring organization: SERMORA FAMILY MEDICAL CENTER

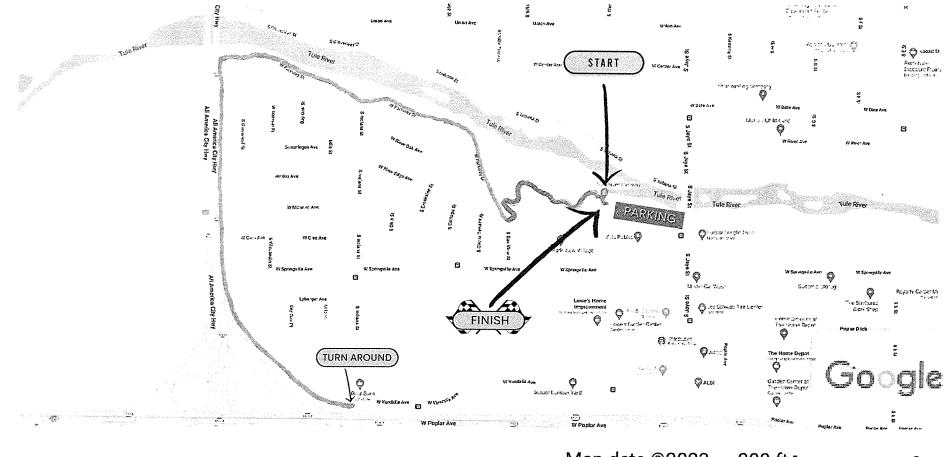
Event date: 4/29/2023

Hours: <u>- 1200</u> - 1200

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

	Closed		
Street Name	From	To	Activity
		•	
	and the second		
Sidewalks	From	Tà	
	<u></u>	<u><u> </u></u>	Activity
			and a sub-state a boundary in the set many state is the statement of the state in the state in the statement of the
		2 2 2 2	
1			
Parking lots and spaces	Locati	on	Activity
	TULE PIVER PAR	KWAY	
	537 5. Jan. St.		
	532 S. Jaye St. Portennille (A 937	257	
	· · · · · · · · · · · · · · · · · · ·		

Gogle Maps Tule River Pkwy



Map data ©2023 200 ft 💶

Requirements for Community Civic Event Sequoia Family Medical Sequoia Arbor Day 5K & Health Fair April 29, 2023

City Engineer: D. Cervantez	No comments.
Community Development Director: <i>J. Ridenour</i>	No comments.
Public Works Director: <i>M. Knight</i>	No comments.
Fire Marshal: <i>C. Dignam</i>	Vendor booths shall comply with the attached information for spacing, etc. Please see Exhibit C.
Parks and Leisure Services Director: <i>D. Moore</i>	Parks will provide its usual logistical support.
Police Lieutenant: <i>R. Moore</i>	Please see Exhibit B.
Deputy City Manager: <i>P. Hildreth</i>	Risk management requires \$2M in liability coverage, with the City of Porterville named as an additional insured. The Certificate of insurance needs to also include the endorsement page. Also, all participants/legal guardians if minors must sign a waiver of liability. Sample language can be provided if needed.
Field Services Superintendent: <i>B. Spry</i>	No comments.
Field Services Superintendent – Streets: J. Baeza	No comments.

Exhibit A, Page 1

Requirements for Community Civic Event

Sponsor:	Sequoia Family Medical
Event:	Sequoia Arbor Day 5K & Health Fair
Event Chairman:	Nicole Wynd
Location:	Tule River Park Way, Porterville Ca
Date of Event:	April 29, 2023 (6:30 a.m.)

RISK MANAGEMENT: Conditions of Approval

That the Sequoia Family Medical 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

Sequoia Arbor Day 5K and Health Fair April 29, 2023 / 6:30 AM—12:00 PM Tule River Parkway, Porterville

Recommendations/Requirements:

- Any/all aid stations and/or check points must be out of the roadway, and not in a position to interfere with traffic.
- Event staff on the race route should wear highly visible attire.
- If/when near a roadway, participants should be directed to stay to the side of the roadway and not disrupt the normal flow of traffic.
- Food vendors, in the event that some develop during the planning of the event, should provide inspection certificates from the Tulare County Health Department to members of the organizing committee, to ensure food product safety.
- An Outside Amplifier Permit has been approved. 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 the event, organizers shall ensure the parkway and race route is promptly cleared of any vehicles, equipment, booths, or anything that could present a hazard to pedestrians or vehicles.
- Event organizers shall contact Porterville Police Watch Commanders well in advance of the event for informational purposes and to identify any additional policing concerns/requirements. Contact may be made with Lieutenant Azevedo, Lieutenant Gurule or Lieutenant Hatch at (559) 782-7410.

Ron Moore, Lieutenant Porterville Police Department



FIRE PREVENTION DIVISION

OUTDOOR FOOD BOOTH REQUIREMENTS

Authority cited: 2019 California Fire Code (CFC)

These standards apply to individual tents, temporary structures, or membrane structures less than 200 square feet in area, and canopies less than 400 square feet in area used as outdoor carnival and fair booths.

A permit is required before any tent or membrane structure larger than 400 square feet can be erected. (California Fire Code 3103.2)

Tents and membrane structures having an area in excess of 400 square feet shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the building official and fire code official.

Exceptions:

- 1. Tents used exclusively for recreational camping purposes.
- 2. Tents open on all sides which comply with all the following:
 - a. Individual tents having a maximum size of 700 square feet.
 - b. Aggregate area of multiple tents placed side by side without 12 feet clearance, not exceeding 700 square feet total.
 - c. A minimum clearance of 12 feet to all structures and other tents.

Definitions

Cooking Booth – Booth where food is prepared by a heating or cooking process such as, but not limited to, grilling, frying, barbecuing, flambe', deep fat frying, baking, warming, or boiling. **Deep fat frying** – Any cooking operation or process whereby the product floats or is submerged in hot oil during the cooking process.

Vendor Booth - Any booth other than a cooking booth.

Cooking Booth Construction and Location

• All fabrics or membranes covering cooking booths shall be California State Fire Marshal certified flame retardant and be labeled as such.

- Decorative materials shall be inherently fire resistive or shall be treated with a fire-retardant spray.
- Flooring materials used within cooking booths and cooking equipment shall be non-combustible or California State Fire Marshal certified fire-retardant. (*Exception 3/8*" plywood or similar material.)
- Each cooking booth shall have at least one exit-way, a minimum 3' wide and 6'8" high. Booth frames shall not obstruct exit paths.
- Cooking booths shall have a minimum clearance of 10' on at least two sides with clearance of at least 10' from any vendor booth.

• Minimum 12' separation required between cooking booths with an aggregate size of 400 sq.ft. with sides, or 700 sq.ft. without sides.

Cooking Equipment

• All interior cooking equipment shall be of an approved type, and open-flame cooking shall be located a minimum of 18" from booth back/side drop materials.

- Compressed gas (butane, propane, or natural) equipment shall conform to the following:
 - Shut off valves shall be provided at each fuel source;
 - Cooking appliances shall have an ON-OFF valve located far enough away from the appliance to be safely shut off in case of fire;
 - Manufactured cooking appliances shall be equipped with a Thermocouple Valve to shut off fuel if flame is extinguished;
 - The booth operator shall test all connections for leaks with soap and water solution;
 - Fuel tanks shall be protected from damage and secured in an upright position;
 - Hoses shall be of a type approved for use with the equipment and fuel type;
 - Tanks not in use shall be turned off;
 - Extra fuel tanks shall not be stored in booths;
 - Unused fuel cylinders shall be stored in a secured position.



FIRE PREVENTION DIVISION

Wood, Charcoal (Solid Fuels) Cooking

- Use only an electric starter or commercially sold lighter fluid.
- Charcoal cooking and storage of lighter fluid is prohibited inside booths.
- Charcoal cooking shall be located a minimum of ten 10' away from booths and in areas away from public access.
- Charcoal cooking shall be located at least ten 10' away from combustible structures and parked vehicles.
- Coals shall be disposed of in metal containers with lids approved by the Fire Marshal.

Deep Fat Frying, Flambé, and Wok

- Deep fat frying, flambé, and wok shall be located no closer than 18" from any combustible material.
- Cooking areas shall not be accessible to the public.
- Deep fat frying equipment shall be equipped with a temperature regulating device or other method of regulating temperatures approved by the Fire Marshal.
- Separation shall be maintained with a minimum of 3' clearance between deep fat frying and flambé or open flame cooking.

Vendor Booth Construction and Location

- Each vendor booth shall have at least one exit-way, a minimum of **3**' wide by **6'8**" high. Booth frames shall not obstruct exit paths.
- Vendor booths shall have a minimum clearance of 20' on at least one side, with clearance of at least 10' from any cooking booth.

Electrical Power

- Generators shall be placed only in locations approved for festival use.
- Generators shall not be refueled during event hours. Extra fuel shall not be stored during event hours.
- Smoking and open flames shall be prohibited within 25' of refueling operations.
- Extension cords shall be of a grounded type and approved for exterior use.

Fire Extinguishers

- Each cooking booth shall be equipped with a fire extinguisher with a minimum rating of **2A: 10BC**. Booths with deep fat frying or flambé cooking shall be equipped with an extinguisher rated for **class "K" fires**.
- Cooking booths shall be equipped with visible and accessible fire extinguishers mounted adjacent to the exit.
- For vendor booths, the maximum travel distance to a fire extinguisher with a minimum rating of 2A: 10BC shall not exceed 75'
- Each generator shall be provided with a fire extinguisher with a minimum 40BC rating. The extinguisher shall be located near the generator and accessible at all times.
- All fire extinguishers shall be serviced and tagged annually by a State-licensed contractor.

Miscellaneous

- The Porterville Fire Department shall be provided with a site plan showing emergency access.
- All booths are subject to inspection by the Fire Department and any discrepancies will require immediate action.
- All cooking areas shall be cleaned regularly to prevent the build-up of grease.
- There shall be a competent adult in cooking booths at all times to ensure safety.
- Seating shall be a minimum of 15' from booths with open flame devices or cooking appliances.
- The Fire Department shall be provided with a telephone number of the responsible party to contact in case of emergency on a 24 hour basis.

Fire Safety Tips

- Know where fire extinguishers are and how to use them.
- Do not leave cooking unattended.
- Do not wear loose-fitting clothing while cooking.
- Remove trash accumulation regularly.
- Keep combustible materials away from heat sources.
- In case of an emergency dial 9-1-1.

The attached "Food Booth Vendor Agreement" must be on site at all times and presented upon request of any Porterville Fire Department Personnel.



FIRE PREVENTION DIVISION

Cooking Booth Vendor Agreement

Booth/Space #	Business Name	
On Site Contact Name		Contact Phone #

Cooking Booth Construction and Location

- 1. Tents, canopies, and decorative material shall be inherently flame-resistive and proof of certification shall be on site at all times.
- 2. Cooking booth floors may be concrete, asphalt, or plywood over grass and dirt.
- 3. An emergency access of 36" shall be maintained between the back of each cooking booth and any fencing at all times. **NO EXCEPTIONS**.

Cooking Equipment

- 1. Cooking with charcoal, wood, or other solid fuel shall be located a <u>minimum of 10'</u> away from booths, canopies, combustible material or any public access.
- 2. Deep fat frying shall be located a <u>minimum of 3'</u> away from booths, canopies, open flame cooking, combustible material or any public access.
- 3. Any open flame cooking shall be located a <u>minimum of 18</u>" away from any vertical surface, combustible material or any public access.
- 4. Extra fuel tanks shall **NOT** be stored in booths or within 5' of cooking equipment.
- 5. All cooking, gas powered, or electrically energized equipment shall meet manufacturer specifications and shall be free of excess cooking oils or any other combustible materials.

Miscellaneous

- 1. A visible and accessible, 2A:10BC fire extinguisher with a current (within the last 12 months) State Fire Marshall tag must be provided within 20' of travel in all cooking areas.
- 2. A visible and accessible Class K portable fire extinguisher with a current (within the last 12 months) State Fire Marshall tag must be provided in all cooking areas with deep fat frying.
- 3. All cooking areas shall be cleaned regularly to prevent build-up of combustible substances.
- 4. Extension cords shall be of a grounded type, approved for exterior use, and in good working order.
- 5. Smoking is not allowed at any time within food booths or within 25' of any fuel source.
- 6. Specialized cooking equipment is subject to approval by the Fire Marshal.

Additional Requirements:

The Porterville Fire Department has established these requirements in accordance with the California Fire Code. Your cooperation is required to maintain a high level of fire safety throughout the event. All booths are subject to fire department inspection prior to and at any time during the event. Any discrepancies to the above requirements or any conditions considered a threat to fire and life safety by the Fire Inspector may result in the immediate cessation of cooking.

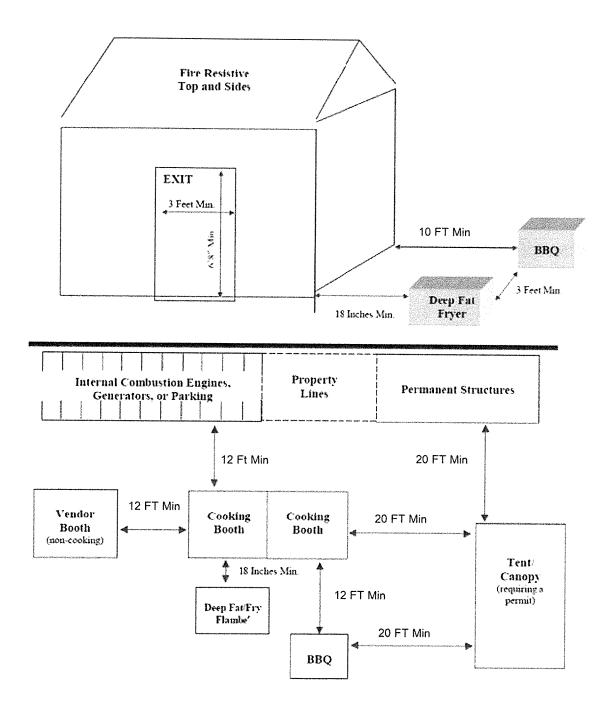
By signing below, I acknowledge that I have read and agree to comply with all requirements of this contract.

Signature_____

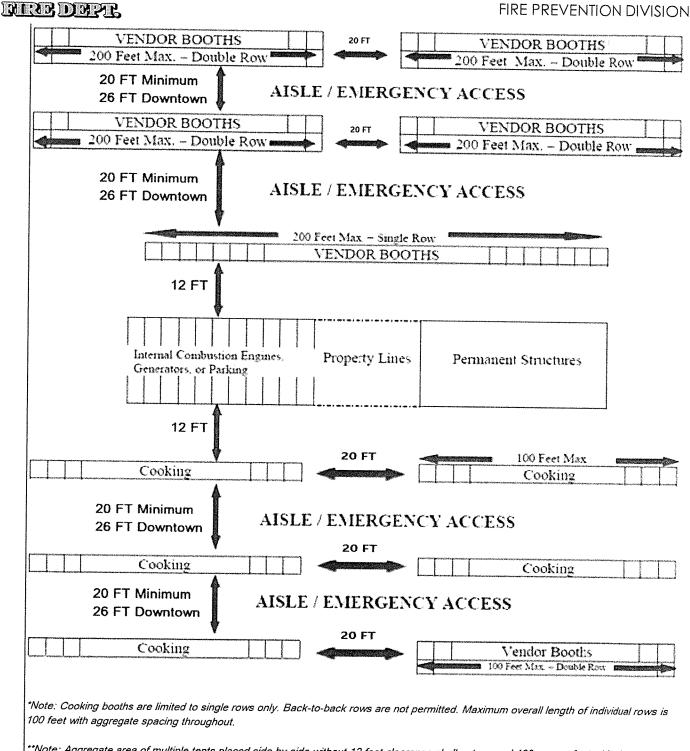
Date



FIRE PREVENTION DIVISION







**Note: Aggregate area of multiple tents placed side by side without 12 feet clearance shall not exceed 400 square feet with sides, or 700 square feet without sides. A minimum clearance of 12 feet to all structures and other tents is required.

***Note: Maximum overall row length distances listed, or shown above, shall meet spacing requirements for aggregate size restrictions

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: NILTUE WYND - 590 W. PutroAm Ave.
	PORTERVILE 04 93753-
2	Address where amplification equipment is to be used: THE PINER PARKWAY SJAYE ST.
3	Names and addresses of all persons who will use or operate the amplification equipment: <u>RUBEN</u> <u>PAMIRE7</u> 559-544-0698
4	Type of event for which amplification equipment will be used: <u>HEPUTH FAUR 35E</u>
5	Dates and hours of operation of amplification equipment: $8:30 \text{ am}$ to 12 pm on $4/29/23$
6	A general description of the sound amplifying equipment to be used: ELECTRICITY DJ EQUIPMENT

Section 18-9 It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for Intensification or amplification of the human voice of any sound or 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 residences or so loud as 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 plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. Code § 6311)

It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected Section 18-14 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 as may be necessary to amplify sound for the proper presentation of moving ploture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or 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 upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of 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 jall for a period of not more than 90 days, a fine of not more Ihan four hundred dollars (\$400), or both such imprisonment and fine: (2) Any person who maliclously and willfully disturbs another person by loud and unreasonable noise.

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

1/21e/2023

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

City of Porterville, Chief of Police/Designee

2.6.2023 Data



CITY COUNCIL AGENDA - MARCH 21, 2023

- SUBJECT: Community Civic Event Parenting Network Calling All Superheroes April 5, 2023
- SOURCE: Finance
- COMMENT: The Parenting Network is requesting approval to hold the "Calling All Superheroes" event on Wednesday, April 5, 2023 at Zalud Park from 2:00 PM to 4:00 PM. The event will consist of information booths from several organizations with a focus on child abuse awareness.

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. All requirements and restrictions are contained on the attached copy of the Application and Agreement, Exhibit A, Exhibit B, and Exhibit C.

- RECOMMENDATION: That the City Council approve the Community Civic Event application from the Parenting Network to hold the "Calling All Superheroes" event on April 5, 2023, subject to the requirements and restrictions contained in the Application and Agreement, Exhibit A, Exhibit B, and Exhibit C.
- ATTACHMENTS: 1. CCE Application and Agreement, Exhibit A, Exhibit B, Exhibit C, Outside Amplifier Permit, and Certificate of Liability Insurance

Appropriated/Funded:

Review By:

Department Director: Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE
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: Event date: ADRIL 5.2023
Name of Event: CALLING ALL SUPERHEROES
Sponsoring organization: PARENTING NETWORK Phone # 559.7932527
Address: 770NMAINST. POBLEBUILLE CA 93257
Authorized representative: PAUL PRADO Phone # 559 · 793 2537
Address: 770 NMAIN SP. POR LERVILLE CA 93257
Event chairperson: FLOR MARTINEZ Phone # 559-719-0672
EDDIECHAIDEZ, ROSANA ALANYAR
Location of event ZA LUD PARK 700 N. EL GRANITOST
(Location map must be attached)
Type of event:CHILD ABUSE AWARENESS
Non-profit organization status: $501(c)3 # 77 \cdot 0188710$
(IRS Determination)
City services requested (fees associated with these services will be billed separately):
Barricades (quantity): Street sweeping Yes No X
Police protection Voc. No. Defension in the second
Other:
Parks facility application required: Yes 📈 No Attached X
Assembly permit required: Yes No X Attached
STAFF COMMENTS (list special requirements or conditions for event):
Appr. Deny
Bus. Lic. Spvr.
Pub. Works Dir
Comm. Dev. Dir.

<u>Appr.</u>	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 <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</u> <u>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.

<u>All City Code requirements</u> 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 <u>www.ci.porterville.ca.us/govt/CityClerk/</u>, 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.

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.

<u>Agreement</u>: 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.

ELWORK (Name of Organization)

YUN

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND
AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY
CONTO BE HELD ON PUBLIC PROPERTY
Name of event: CALLING ALL SUPERHEROES
Sponsoring organization: PARENTING NETWORK-PORTERUILLE
Location: <u>ZALUD PARK</u> Event date: <u>4.5.33</u> Event time: <u>2pm-4pm</u>

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.

Vendor name	Address/Telephone	Business License required?	Type of Activity
WELLNESS CENTER	559.570.5000	N	LNFO BOOPH
C.A.P.C.	735.0456	N	
FAMILQSERVIC	ES/559.732.1970 Ext 60	5N	
HASA TULAREWOR	KS/559.788.1603	N	
FUCN	559,977,6117	N	
CPLY OF PORCERI	JILLE/559.782.7460	N	
RESOURCE FAMILY AppRO	JILLE/559.782.7460 DVAL/559.623.0555	N	Y Y Y A A HAR AND PROVIDE A STREAM AND
HE DOURCE LOBTE	2/559.429.4277	N	
FAMILY CRISISCE	VAER/559.781.7462	N	
CASA OF TULADE CO	0, 1559.697.1363	N	and a farmer and the same and a same and a same and a same and a same
PUSD.	559.333.4411	N)	
PORTERVILLE P.D.	559.782.7400	N	
UNIPED WAY	559.685.1766	N	
PORFERVILLE LIBE	BARY / 559 782-7493	N	

^{*}Municipal Code 15-20(E) Community Civic Events (16): Business License Fees: Any individual, company, firm, concessionaire, fair operator, cornival

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 anusement. 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 hist of participants and consecutively numbered receipts written in triplicate, containing the name, address and telephone number of the licensee, and the licensee's Colifornia seller's permit number. Said receipts shall be furnished by the city. One copy of the receipt shall be furnished to the licensec 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: <u>CALL</u>	NG ALL SUPERHE	ROES						
Sponsoring organization:	PABENTING NET	WORK-POI	3-PERI	JILLE				
	5°H 2023	Hours:	<u>PM - C</u>	1PM				
ATTACH MAP MARKING	ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:							
	Closed		menter a sus sectores de la secondada de sus decorrectos	anangenge g annot some, actuar more assume parts of a stand				
Street Name	<u>From</u>	<u>To</u>	y - - - - - 	Activity				
			Constants which down the proof of Stationard Proof A. S.					
			anna an an anna ann an ann an - Anna an ann ann a					
-	nan an an ann an an ann an ann an an ann an a		 A second s	аналын аналын аларын байланын тайлан байлан тайлалан тайлан байлан байлан байлан байлан байлан байлан байлан ба Эмген Аларын байлан б				
			de de la ante en arren abridan en	e e manero e e e e e e e e e e e e e e e e e e				
			a 13 mai 21 úsa balman y na stra ar ar go coma na	aanaa aa ahaa ahaa ahaa ahaa ahaa ahaa				
			\mathbf{N}_{i} or $-$ down-intermediate and the entropy intermediate i , we in \mathbf{N}_{i}	namen analos titar e punto y agrecor o nacional no con o con e o especiencia e a				
		an an an an an ann ann an an an an an an	Makers and depend over₽4 contractioners	anna den Alemanana (s. 1997). Secondo secondo se e e e e e				
Sidewalks	From	To		Activity				
:	and and a second and a second a second a second and a second and a second and a second a second a second a seco		in an and a second second provide a second provide second and a second s					
C. So the second sec	an a chun ann a calannan a calannan a calan an calan an ann ann ann ann an a	and a set of the second s	ana shekarar ya sanaha se sasan ya,	and the second				
		· · · · · · · · · · · · · · · · · · ·	na na sanaa ka sa ka					
·	and the second of the							
Parking lots and	Location			Activity				
<u>spaces</u>	and a state of the section of the se	· · · · · · · · · · · · · · · · · · ·	ener nom nomble for elegist man a sinker – elegist des by					
	ال الى الله الله المعالم المعالم المعالي المعالي المعالي المعالي المعالي المعالي المعالي المعالي المعالي المعال 	a ser ann an an an Arran an Arainneach	a ananana ar a su uar (r	n nama na mang nanan kana mang mang mang na na na na na				
	ىرىنى - <u>مەرەبىرە بىرەنىيە - بەرەبىم</u> - بەرەبىم		••• ••••••••••••••••••••••••••••••••••	n na analan na manana sa				
nan danaansi kanaansi kutawaansa kutawaansi kutawaa saana katawaa kutawa kutawa kutawa kutawa kutawa kutawa ku	n en la manan se antes construmente en la monar en la sera antes en la co		en antenanten unitationist annot da	n men an antipatrica and a succession of a				

Requirements for Community Civic Event Parenting Network Calling All Superheroes April 5, 2023

City Engineer: D. Cervantez No comments. Community Development Director: No comments. J. Ridenour Public Works Director: No comments. M. Knight Fire Marshal: Vendor booths shall comply with the C. Dignam attached information for spacing, etc. Please see Exhibit C. Parks and Leisure Services Director: No Parking on the grass during the D. Moore event. Police Lieutenant: Please see Exhibit B. R. Moore Deputy City Manager: The endorsement page needs to be P. Hildreth updated by the insurer, not the event applicant. Coverage doesn't change with the applicant just writing the City's name on the endorsement page. Field Services Superintendent: No comments. B. Spry Field Services Superintendent – Streets: No comments. J. Baeza Exhibit A, Page 1

Requirements for Community Civic Event

Sponsor:	Parenting Network
Event:	Calling All Superheroes
Event Chairman:	Eddie Chaidez
Location:	Zalud Park, Porterville Ca
Date of Event:	April 5, 2023 (2:00 p.m. – 4:00p.m.)

RISK MANAGEMENT: Conditions of Approval

That the Parenting Network 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

Calling All Superhero's April 5, 2023 / 2:00PM—4:00PM Zalud Park

Proposed Conditions/Requirements:

- Food vendors should provide inspection certificates from the Tulare County Health Department to members of the organizing committee, to ensure food product safety.
- An Outside Amplifier Permit has been approved. 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 the park is promptly cleared of any vehicles, equipment, booths or anything that could present a hazard to others.

Ron Moore, Lieutenant Porterville Police Department



FIRE PREVENTION DIVISION

OUTDOOR FOOD BOOTH REQUIREMENTS

Authority cited: 2019 California Fire Code (CFC)

These standards apply to individual tents, temporary structures, or membrane structures less than 200 square feet in area, and canopies less than 400 square feet in area used as outdoor carnival and fair booths.

A permit is required before any tent or membrane structure larger than 400 square feet can be erected. (California Fire Code 3103.2)

Tents and membrane structures having an area in excess of 400 square feet shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the building official and fire code official.

Exceptions:

- 1. Tents used exclusively for recreational camping purposes.
- 2. Tents open on all sides which comply with all the following:
 - a. Individual tents having a maximum size of 700 square feet.
 - b. Aggregate area of multiple tents placed side by side without 12 feet clearance, not exceeding 700 square feet total.
 - c. A minimum clearance of 12 feet to all structures and other tents.

Definitions

Cooking Booth – Booth where food is prepared by a heating or cooking process such as, but not limited to, grilling, frying, barbecuing, flambe', deep fat frying, baking, warming, or boiling. **Deep fat frying** – Any cooking operation or process whereby the product floats or is submerged in hot oil during the cooking process.

Vendor Booth – Any booth other than a cooking booth.

Cooking Booth Construction and Location

• All fabrics or membranes covering cooking booths shall be California State Fire Marshal certified flame retardant and be labeled as such.

• Decorative materials shall be inherently fire resistive or shall be treated with a fire-retardant spray.

• Flooring materials used within cooking booths and cooking equipment shall be non-combustible or California State Fire Marshal certified fire-retardant. (*Exception 3/8'' plywood or similar material.*)

- Each cooking booth shall have at least one exit-way, a minimum 3' wide and 6'8" high. Booth frames shall not obstruct exit paths.
- Cooking booths shall have a minimum clearance of 10' on at least two sides with clearance of at least 10' from any vendor booth.
- Minimum 12' separation required between cooking booths with an aggregate size of 400 sq.ft. with sides, or 700 sq.ft. without sides.

Cooking Equipment

• All interior cooking equipment shall be of an approved type, and open-flame cooking shall be located a minimum of 18" from booth back/side drop materials.

- Compressed gas (butane, propane, or natural) equipment shall conform to the following:
 - Shut off valves shall be provided at each fuel source;
 - Cooking appliances shall have an ON-OFF valve located far enough away from the appliance to be safely shut off in case of fire;
 - Manufactured cooking appliances shall be equipped with a Thermocouple Valve to shut off fuel if flame is extinguished;
 - The booth operator shall test all connections for leaks with soap and water solution;
 - Fuel tanks shall be protected from damage and secured in an upright position;
 - Hoses shall be of a type approved for use with the equipment and fuel type;
 - Tanks not in use shall be turned off;
 - Extra fuel tanks shall not be stored in booths;
 - Unused fuel cylinders shall be stored in a secured position.



FIRE PREVENTION DIVISION

Wood, Charcoal (Solid Fuels) Cooking

- Use only an electric starter or commercially sold lighter fluid.
- Charcoal cooking and storage of lighter fluid is prohibited inside booths.
- Charcoal cooking shall be located a minimum of ten 10' away from booths and in areas away from public access.
- Charcoal cooking shall be located at least ten 10' away from combustible structures and parked vehicles.
- Coals shall be disposed of in metal containers with lids approved by the Fire Marshal.

Deep Fat Frying, Flambé, and Wok

- Deep fat frying, flambé, and wok shall be located no closer than 18" from any combustible material.
- Cooking areas shall not be accessible to the public.
- Deep fat frying equipment shall be equipped with a temperature regulating device or other method of regulating temperatures approved by the Fire Marshal.
- Separation shall be maintained with a minimum of 3' clearance between deep fat frying and flambé or open flame cooking.

Vendor Booth Construction and Location

- Each vendor booth shall have at least one exit-way, a minimum of **3**' wide by **6'8**" high. Booth frames shall not obstruct exit paths.
- Vendor booths shall have a minimum clearance of 20' on at least one side, with clearance of at least 10' from any cooking booth.

Electrical Power

- Generators shall be placed only in locations approved for festival use.
- Generators shall not be refueled during event hours. Extra fuel shall not be stored during event hours.
- Smoking and open flames shall be prohibited within 25' of refueling operations.
- Extension cords shall be of a grounded type and approved for exterior use.

Fire Extinguishers

- Each cooking booth shall be equipped with a fire extinguisher with a minimum rating of **2A: 10BC**. Booths with deep fat frying or flambé cooking shall be equipped with an extinguisher rated for **class "K" fires**.
- Cooking booths shall be equipped with visible and accessible fire extinguishers mounted adjacent to the exit.
- For vendor booths, the maximum travel distance to a fire extinguisher with a minimum rating of 2A: 10BC shall not exceed 75'
 Each generator shall be provided with a fire extinguisher with a minimum 40BC rating. The extinguisher shall be located near
- the generator and accessible at all times.
- All fire extinguishers shall be serviced and tagged annually by a State-licensed contractor.

Miscellaneous

- The Porterville Fire Department shall be provided with a site plan showing emergency access.
- All booths are subject to inspection by the Fire Department and any discrepancies will require immediate action.
- All cooking areas shall be cleaned regularly to prevent the build-up of grease.
- There shall be a competent adult in cooking booths at all times to ensure safety.
- Seating shall be a minimum of 15' from booths with open flame devices or cooking appliances.
- The Fire Department shall be provided with a telephone number of the responsible party to contact in case of emergency on a 24 hour basis.

Fire Safety Tips

- Know where fire extinguishers are and how to use them.
- Do not leave cooking unattended.
- Do not wear loose-fitting clothing while cooking.
- Remove trash accumulation regularly.
- Keep combustible materials away from heat sources.
- In case of an emergency dial 9-1-1.

The attached "Food Booth Vendor Agreement" must be on site at all times and presented upon request of any Porterville Fire Department Personnel.



Cooking Booth Vendor Agreement

Booth/Space #	Business Name
On Site Contact Name	Contact Phone #

Cooking Booth Construction and Location

- 1. Tents, canopies, and decorative material shall be inherently flame-resistive and proof of certification shall be on site at all times.
- 2. Cooking booth floors may be concrete, asphalt, or plywood over grass and dirt.
- 3. An emergency access of 36" shall be maintained between the back of each cooking booth and any fencing at all times. **NO EXCEPTIONS**.

Cooking Equipment

- 1. Cooking with charcoal, wood, or other solid fuel shall be located a <u>minimum of 10'</u> away from booths, canopies, combustible material or any public access.
- 2. Deep fat frying shall be located a <u>minimum of 3'</u> away from booths, canopies, open flame cooking, combustible material or any public access.
- Any open flame cooking shall be located a <u>minimum of 18</u>" away from any vertical surface, combustible material or any public access.
- 4. Extra fuel tanks shall **<u>NOT</u>** be stored in booths or within 5' of cooking equipment.
- 5. All cooking, gas powered, or electrically energized equipment shall meet manufacturer specifications and shall be free of excess cooking oils or any other combustible materials.

Miscellaneous

- 1. A visible and accessible, 2A:10BC fire extinguisher with a current (within the last 12 months) State Fire Marshall tag must be provided within 20' of travel in all cooking areas.
- A visible and accessible Class K portable fire extinguisher with a current (within the last 12 months) State Fire Marshall tag must be provided in all cooking areas with deep fat frying.
- 3. All cooking areas shall be cleaned regularly to prevent build-up of combustible substances.
- 4. Extension cords shall be of a grounded type, approved for exterior use, and in good working order.
- 5. Smoking is not allowed at any time within food booths or within 25' of any fuel source.
- 6. Specialized cooking equipment is subject to approval by the Fire Marshal.

Additional Requirements:

The Porterville Fire Department has established these requirements in accordance with the California Fire Code. Your cooperation is required to maintain a high level of fire safety throughout the event. All booths are subject to fire department inspection prior to and at any time during the event. Any discrepancies to the above requirements or any conditions considered a threat to fire and life safety by the Fire Inspector may result in the immediate cessation of cooking.

By signing below, I acknowledge that I have read and agree to comply with all requirements of this contract.

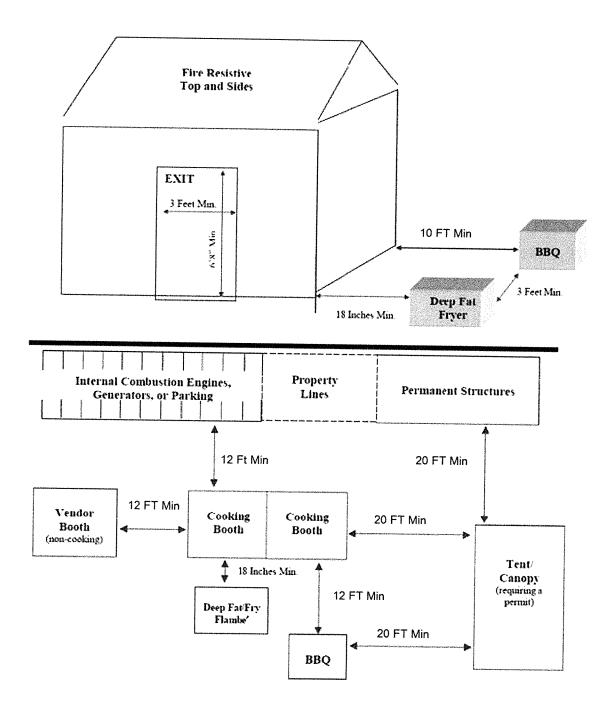
Signature_____

Date

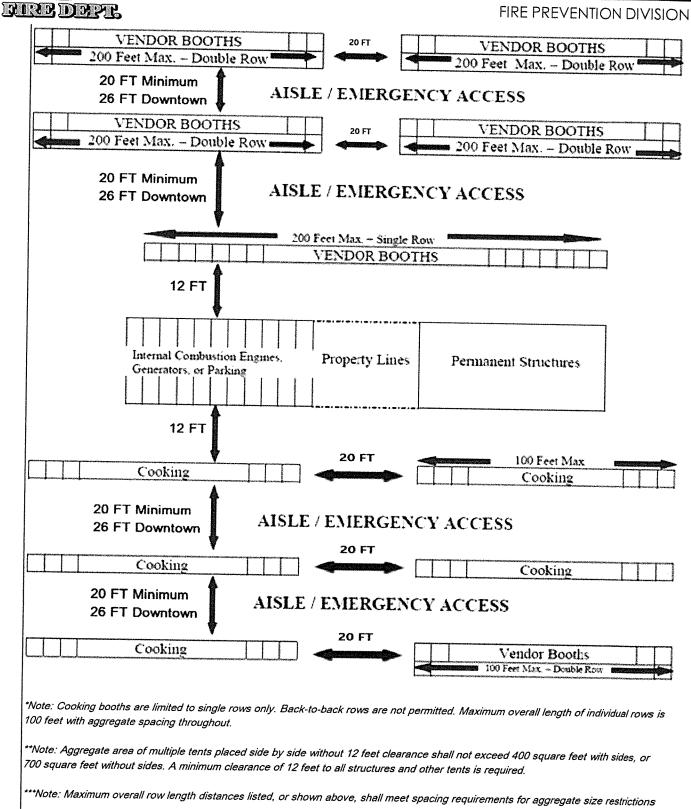


FREE ESTE

FIRE PREVENTION DIVISION







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: PARENCING DETWORK PORTERVILLE 770 N MAIN ST, PORTERVILLE CA 93257
2 Address where amplification equipment is to be used: <u>700 NoEL GRANILOSC</u>
3 Names and addresses of all persons who will use or operate the amplification equipment: PAUL PRADO, FLOR MARTINEZ, EDDIE CHAIDEZ
4 Type of event for which amplification equipment will be used: <u>Community RESOURCE EVEN</u>
5 Dates and hours of operation of amplification equipment: <u>APRIL 5, 2023</u> <u>2PM-4PM</u>
6 A general description of the sound amplifying equipment to be used: <u>MICROPHONE/SPEAKER FOR</u>
Section 18-9 It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, toudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or 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 residences or so loud as 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 plainly audible at a distance of one nundred feat (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be primal facie evidence of a violation of this section (Ord 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 exhibition is given, without having first procured a permit from the ohlef of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a format hearing, at the option of the council, and in the event of the revocation of 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 peri

than four hundred dollars (\$400), or both such imprisonment and fine. (2) Any person who maliciously and willfully disturbs another person by foud and unreasonable noise

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOLATION OF THE PERMIT.

153

City of Porterville, Chief of Police/Designee

	And the owner of the owner, where the ow	12/200
		1 6
AC	OR	
AC	Un	
i.		

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) Animation

THIS CERTIFICATE IS ISSUED AS A M	ATTE	R OF INFORMATION ONLY	AND CONFERS NO	RIGHTS UP	ON THE CERTIFICATE H	OLDER	R. THIS	
CERTIFICATE DOES NOT AFFIRMATIN BELOW. THIS CERTIFICATE OF INS	VELY URAN	OR NEGATIVELY AMEND, I CE DOES NOT CONSTITUT	EXTEND OR ALTER	THE COVE	RAGE AFFORDED BY T	HE PC		
REPRESENTATIVE OR PRODUCER, AN	ID TH	E CERTIFICATE HOLDER.	- A CONTRACT BE	· · · · · · · · · · · · · · · · · · ·	. 10001110 INOURER(S),	AUING	UNIZEU	
IMPORTANT: If the certificate holder is	s an A	DDITIONAL INSURED, the po	olicy(ies) must have	ADDITIONAL	INSURED provisions or	be end	dorsed.	
If SUBROGATION IS WAIVED, subject	to the	terms and conditions of the	policy, certain polic	ies may req	uire an endorsement. A	statem	ent on	
this certificate does not confer rights to	the c	ertificate holder in lieu of suc						
	1.44			SEARCY	L FIV			
EARCY INSURANCE CENTER. IN	IC .		(A/C, No, Ext): 800-13	6-3904	(A/C, No):	559-30	34-3442	
5152 OAK RANCH DRIVE			ADDRESS: SEARCY	INSURAN	CE@GMAIL.COM			
ISALIA, CA 93292			INS	URER(S) AFFOR	DING COVERAGE		NAIC #	
			INSURER A PHILAD	ELPHIA IN	DEMNITY INS. CO.		18054	
URED			INSURER B :					
PARENTING NETWORK, IN	IĆ.		INSURER C :					
330 NORTH JOHNSON ST			INSURER D					
VISALIA, CA 93291			INSURER E :					
			INSURER F :					
		ATE NUMBER:			REVISION NUMBER:		**************************************	
THIS IS TO CERTIFY THAT THE POLICIES	OF INS	SURANCE LISTED BELOW HAVE	BEEN ISSUED TO TH	E INSURED N	AMED ABOVE FOR THE PO	LICY PE	ERIOD	
NDICATED. NOTWITHSTANDING ANY REC CERTIFICATE MAY BE ISSUED OR MAY P	DUIRE	MENT, TERM OR CONDITION OF	F ANY CONTRACT OR	OTHER DOCL	JMENT WITH RESPECT TO	WHICH	I THIS	
EXCLUSIONS AND CONDITIONS OF SUCH P	OLICIE	S. LIMITS SHOWN MAY HAVE BI	EEN REDUCED BY PAIL	CLAIMS	ALL IN IS SUBJECT TO ALL	nais li	CUND .	
TYPE OF INSURANCE	ADDL	SUBR POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		and a second	
X COMMERCIAL GENERAL LIABILITY	X	PHPK2193025			EACH OCCURRENCE	 \$	1.000.0	
CLAIMS-MADE X OCCUR		1 14 12 130020	10/10/2022	1011012023	DAMAGE TO RENTED PREMISES (Ea occurrence)	5	100.0	
					MED EXP (Any one person)	5	5.0	
					PERSONAL & ADV INJURY	s	1.000.0	
GEN'L AGGREGATE LIMIT APPLIES PER							3 000.0	
POLICY PRO- JECT LOC					GENERAL AGGREGATE	\$	3.000.0	
OTHER:					PRODUCTS - COMP/OP AGG	<u>s</u>	3.000.0	
AUTOROBILE LIABILITY					001000000000000000000000000000000000000			
ANY AUTO					(Ea accident)	\$		
OWNED SCHEDULED						\$		
AUTOS ONLY AUTOS HIRED NON-OWNED					DDODEDTV DUUGE	Ŝ		
AUTOS ONLY AUTOS ONLY					(Por accident)	\$	*******	
UMBRELLA LIAB						\$		
					EACH OCCURRENCE	<u>s</u>		
GLAIMS-MADE					AGGREGATE	\$	er-bit mittage transformation spage sector	
DED RETENTION S WORKERS COMPENSATION	┝					5		
AND EMPLOYERS' LIABILITY V / N					PER OTH- STATUTE ER			
ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?	NIA				E.L. EACH ACCIDENT	s		
(Mandatory in NH)					E L. DISEASE - EA EMPLOYEE	5		
DÉSCRIPTION OF OPERATIONS below					E.L. DISEASE - POLICY LIMIT	s		
]								
CRIPTION OF OPERATIONS / LOCATIONS / VEHICLES	(ACOR	D 101, Additional Remarks Schedule, mi	ay be attached if more space	is required)				
TY OF PORTERVILLE IS NAMED	AS A	DDITIONAL INSURED PI	ER ATTÀCHED AI	DITIONAL	INSURED ENDORSE	MEN	T	
RTIFICATE HOLDER			CANCELLATION					
		·····	CANCELLATION					
			SHOULD ANY OF TH	E ABOVE DE	SCRIBED POLICIES BE CAN	FLIED	REFORE	
CITY OF PORTERVILLE			THE EXPIRATION	DATE THER	EOF, NOTICE WILL BE	DELIV	ERED IN	
291 N. MAIN ST			ACCORDANCE WITH	THE POLICY	PROVISIONS.			
	7			A W11 / F				
DODTEDVILLE PLA BARRE	FURTERVILLE, GA 93257				AUTHORIZED REPRESENTATIVE			
PÓRTÉRVILLE, GA 9325	,	1			lake a			
PÓRTERVILLE, GA 9325	,				John recey			

14 sj.

CORD name and logo are registered marks of ACORD



CITY COUNCIL AGENDA - MARCH 21, 2023

SUBJECT: Community Civic Event - Tule River Economic Development Corporation -Autism Awareness Car Show - April 1, 2023

SOURCE: Finance

COMMENT: The Tule River Economic Development Corporation is requesting approval of the "Autism Awareness Car Show" event on Saturday, April 1, 2023, from 9:00 AM to 4:00 PM. The event will be held at the City parking lot adjacent to Landing 13 at 152 N. Hockett Street. The event will feature a car show for general public viewing in the parking lot with vendor booths on the sidewalk and music provided by a DJ. Food and drinks may be purchased inside the restaurant but no alcoholic beverages will be allowed outside. The event will highlight autism awareness month.

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. All requirements and restrictions are listed on the attached copy of the Application and Agreement, Exhibit A, Exhibit B, and Exhibit C.

RECOMMENDATION: That the City Council approve the Community Civic Event application from the Tule River Economic Development Corporation to hold the Autism Awareness Car Show on April 1, 2023, subject to the requirements and restrictions contained in the Application and Agreement, Exhibit A, Exhibit B, and Exhibit C.

ATTACHMENTS: 1. CCE Application and Agreement, Map, Exhibit A, Exhibit B, Exhibit C, Outside Amplifier Permit, and Certificate of Liability Insurance

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 ACT	IVITY TO BE HELD	ON PUBLIC PRO	PERTY
DO YOU HAVE?	Event Flyer? Attached	E-mail address? Jonat	nan@tuleriver.com	site? tuleriveredc.com
Application date:	02/20/2023	Event date	04/1/2023	
		Event time:	9:00 AM - 4:00 PM	
Name of Event:	Autism Awareness Car Sho	w		
Sponsoring organiza	ation: Tule River Economic	Development Corporation	Phone # 559-781	-4271
Addres	s: 31071 CA-19	0, Porterville, CA 93257		
Authorized represer	ntative: Dennis Ickes		Phone #559-781	-4271 ext 2015
Addres	s: 31071 CA-190, Porterville,	CA 93257		
Event chairperson:	Jonathan Cubero		Phone # 559-544	-4625
	2364 W Garden Ave, Porte	erville, CA 93257		
Location of event La	anding 13 152 N. Hockett Stree	et, Porterville, CA 93257		
Outside event in parking lot	t. (Location map	must be attached)		
Type of event: Car	show for Autism Awareness M	Ionth. Available for gene	eral public viewing.	
Music provided by DJ. Food	d/drinks purchased inside resta	aurant. Desserts sold out	side. No alcohol allow	ved outside.
Non-profit organizati	ion status: 501 (C)	3		
(IRS Determination)				
City services reques	ted (fees associated	with these services	will be billed sepa	rately):
Barricades (quanti	ity): 0	Street sweeping	Yes	No X
Police protection	Yes No X	Refuse pickup	Yes	NoX
Other:				
		6		
Parks facility appli	ication required:	Yes No	× Attached	
Assembly permit r	equired:		X 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 <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</u> <u>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.

<u>All City Code requirements</u> 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 <u>www.ci.porterville.ca.us/govt/CityClerk/</u>, 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 consured 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)

DI Authorized Representative Initials

<u>Alcohol liability insurance</u>: 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**.

DI_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.

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.

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.

Tule River Economic Development Corporation	1	1	02/20/2023
(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: Autism Awareness Car Show

Sponsoring organization: Tule River Economic Development Corporation

Location: Landing 13, 152 N. Hocket St., Porterville CA 93257 Event date: 04/01/2023 Event time: 9:00 AM - 4:00 PM

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.**

831-756-0095 1442 S Crestview St		f
Porterville, CA 93257	\$1 Fee	Non-Profit
559-493-0098 4752 W Richert Ave Fresno CA 93722	\$1 Fee	Pies and Pastries
559-725-0488 1555 South Ave Orange Cove CA 93646	\$1 Fee	Kettle Korn, Churros, Shaved Ice
559-394-2788 206 W Lacey Blvd Suite 309 Hanford CA 93230	\$1 Fee	Non-Profit
559-909-3314 PO Box 3896 Visalia CA 93278	\$1 Fee	Crafts
559-789-1133 486 Matthew St Porterville CA 93257	\$1 Fee	Aguas Frescas
559-381-6861 69 Putnam Ave Porterville CA 93257	\$1 Fee	Crafts
559-568-6009 1321 N Cloverleaf PL Porterville CA 93257	\$1 Fee	Pancakes, Crepes
Porterville CA 93257	\$1 Fee	Kettle Korn
559-361-0392 651 N Division Street Porterville CA 93257	\$1 Fee	Designs
	Fresno CA 93722 559-725-0488 1555 South Ave Orange Cove CA 93646 559-394-2788 206 W Lacey Blvd Suite <u>309 Hanford CA 93230</u> 559-909-3314 PO Box 3896 Visalia CA 93278 559-789-1133 486 Matthew St Porterville CA 93257 559-381-6861 69 Putnam Ave Porterville CA 93257 559-568-6009 1321 N Cloverleaf PL Porterville CA 93257 559-544-9516 221 W Teapot Dome Ave Porterville CA 93257 559-361-0392 651 N Division Street	Fresno CA 93722 \$1 Fee 559-725-0488 1555 South Ave \$1 Fee Orange Cove CA 93646 \$1 Fee 559-394-2788 206 W Lacey Blvd Suite \$1 Fee 309 Hanford CA 93230 \$1 Fee 559-909-3314 PO Box 3896 \$1 Fee Visalia CA 93278 \$1 Fee 559-789-1133 486 Matthew St \$1 Fee Porterville CA 93257 \$1 Fee 559-381-6861 69 Putnam Ave \$1 Fee Porterville CA 93257 \$1 Fee 559-568-6009 1321 N Cloverleaf PL \$1 Fee Porterville CA 93257 \$1 Fee \$59-544-9516 221 W Teapot Dome Ave \$1 Fee Porterville CA 93257 \$1 Fee \$59-361-0392 651 N Division Street \$1 Fee

*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: Autism Awareness Car Show

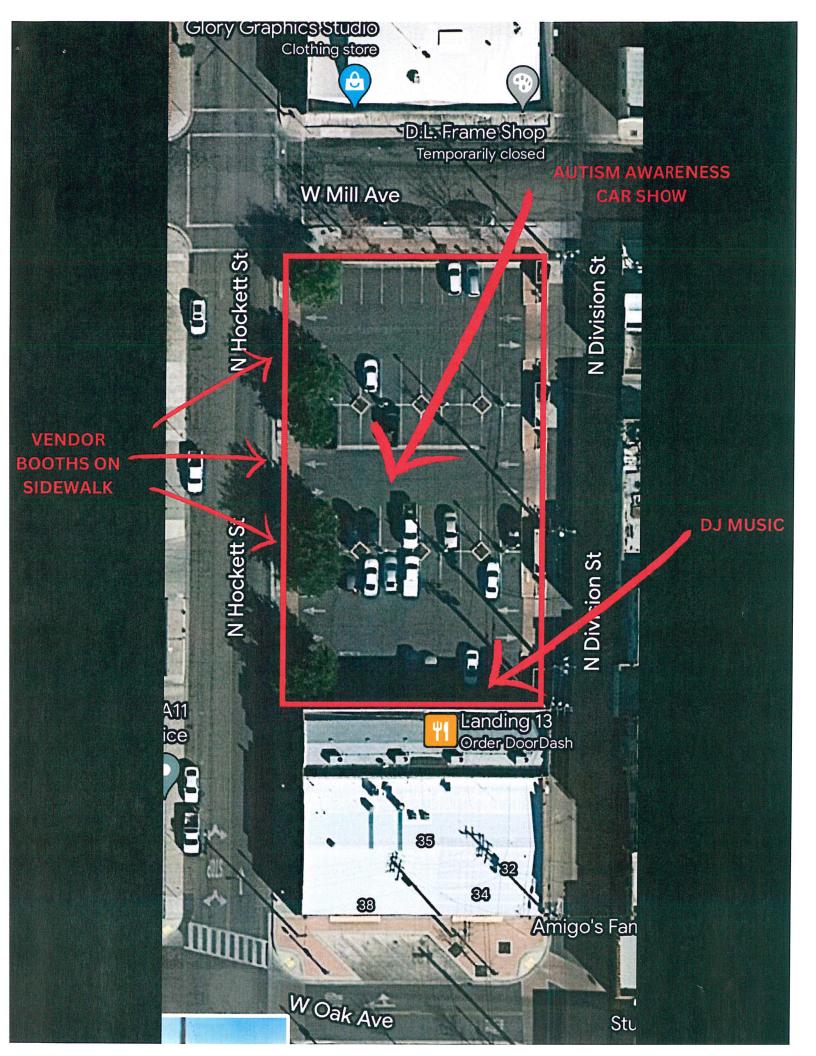
Sponsoring organization: Tule River Economic Development Corporation

Event date: 04/01/2023 Hours: 9:00 AM - 4:00 PM

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

	Closed			
Street Name	From		To	Activity
		-		
		-		
[
Sidewalks	From		To	<u>Activity</u>
N. Hockett St	W. Oak Ave	١	W. Mill Ave	Vendor Booths
				·····
		+		
		+		
		+		
Parking lots and <u>spaces</u>	Loca	<u>ition</u>		Activity
All 60 parking spaces	Parking lot of Hockett and Mill Stu	reet		Cars parked for viewing

~ 1 .



Requirements for Community Civic Event Tule River Economic Development Corporation Autism Awareness Car Show April 1, 2023

City Engineer: D. Cervantez

Community Development Director: J. Ridenour

Public Works Director: *M. Knight*

Fire Marshal: *C. Dignam*

Parks and Leisure Services Director: D. Moore No comments.

No comments.

No comments.

Vendor booths shall comply with the attached information for spacing, etc. Please see Exhibit C.

No comments.

Police Lieutenant: *R. Moore*

Deputy City Manager: *P. Hildreth* Please see Exhibit B.

Risk management requires \$2M in liability coverage, with the City of Porterville named as an additional insured. The Certificate of insurance needs to also include the endorsement page.

Field Services Superintendent: *B. Spry*

Field Services Superintendent – Streets: *J. Baeza* No comments.

No comments.

Exhibit A, Page 1

Requirements for Community Civic Event

Sponsor: Event:	Tule River Economic Development Corporation
Event Chairman:	Autism Awareness Car Show Jonathan Cubero
Location:	Landing 13 at 152 N. Hockett St & adjacent parking lot,
Date of Event:	Porterville Ca April 1, 2023 (9:00 a.m4:00p.m.)

RISK MANAGEMENT: Conditions of Approval

That the Tule River Economic Development Corporation 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

Autism Awareness Car Show April 1, 2023 / 9:00 AM—4:00 PM

Location: Landing 13 and adjacent parking lot 152 N. Hockett Street

Recommendations/Requirements:

- > Any and all street closures in the city require City Council approval.
- If event organizers anticipate the need to have vehicles removed from the associated streets, alleys, or parking lots, the areas in question must be properly posted, in accordance with the California Vehicle Code, well in advance of the event. Event organizers shall contact the on-duty Watch Commander of the Porterville Police Department no less than 30 days prior to the event if vehicle removal is to be authorized. The Watch Commander can be contacted at 559-782-7410.
- At no time shall alcoholic beverages be possessed, consumed, or sold outside of the Landing 13 business.
- Food vendors should provide inspection certificates from the Tulare County Health Department to members of the organizing committee, to ensure food product safety.
- Participant vehicles shall not be parked on any part of any sidewalk, or otherwise block traffic or pedestrian travel.
- Parking lot shall be properly closed to thru traffic, and such shall be posted accordingly to prevent the dangers of involving pedestrian and vehicular traffic.
- An Outside Amplifier Permit has been requested 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, alleys, and parking lot 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 Porterville Police Department

Exhibit B



FIRE PREVENTION DIVISION

OUTDOOR FOOD BOOTH REQUIREMENTS

Authority cited: 2019 California Fire Code (CFC)

These standards apply to individual tents, temporary structures, or membrane structures less than 200 square feet in area, and canopies less than 400 square feet in area used as outdoor carnival and fair booths.

A permit is required before any tent or membrane structure larger than 400 square feet can be erected. (California Fire Code 3103.2)

Tents and membrane structures having an area in excess of 400 square feet shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the building official and fire code official.

Exceptions:

- 1. Tents used exclusively for recreational camping purposes.
- 2. Tents open on all sides which comply with all the following:
 - a. Individual tents having a maximum size of 700 square feet.
 - b. Aggregate area of multiple tents placed side by side without 12 feet clearance, not exceeding 700 square feet total.
 - c. A minimum clearance of 12 feet to all structures and other tents.

Definitions

Cooking Booth – Booth where food is prepared by a heating or cooking process such as, but not limited to, grilling, frying, barbecuing, flambe', deep fat frying, baking, warming, or boiling. **Deep fat frying** – Any cooking operation or process whereby the product floats or is submerged in hot oil during the cooking process.

Vendor Booth - Any booth other than a cooking booth.

Cooking Booth Construction and Location

• All fabrics or membranes covering cooking booths shall be California State Fire Marshal certified flame retardant and be labeled as such.

• Decorative materials shall be inherently fire resistive or shall be treated with a fire-retardant spray.

• Flooring materials used within cooking booths and cooking equipment shall be non-combustible or California State Fire Marshal certified fire-retardant. (*Exception 3/8'' plywood or similar material.*)

- Each cooking booth shall have at least one exit-way, a minimum 3' wide and 6'8" high. Booth frames shall not obstruct exit paths.
- Cooking booths shall have a minimum clearance of 10' on at least two sides with clearance of at least 10' from any vendor booth.

• Minimum 12' separation required between cooking booths with an aggregate size of 400 sq.ft. with sides, or 700 sq.ft. without sides.

Cooking Equipment

• All interior cooking equipment shall be of an approved type, and open-flame cooking shall be located a minimum of 18" from booth back/side drop materials.

- Compressed gas (butane, propane, or natural) equipment shall conform to the following:
 - Shut off valves shall be provided at each fuel source;
 - Cooking appliances shall have an ON-OFF valve located far enough away from the appliance to be safely shut off in case of fire;
 - Manufactured cooking appliances shall be equipped with a Thermocouple Valve to shut off fuel if flame is extinguished;
 - The booth operator shall test all connections for leaks with soap and water solution;
 - Fuel tanks shall be protected from damage and secured in an upright position;
 - Hoses shall be of a type approved for use with the equipment and fuel type;
 - Tanks not in use shall be turned off;
 - Extra fuel tanks shall not be stored in booths;
 - Unused fuel cylinders shall be stored in a secured position.



FIRE PREVENTION DIVISION

Wood, Charcoal (Solid Fuels) Cooking

- Use only an electric starter or commercially sold lighter fluid.
- Charcoal cooking and storage of lighter fluid is prohibited inside booths.
- Charcoal cooking shall be located a minimum of ten 10' away from booths and in areas away from public access.
- Charcoal cooking shall be located at least ten 10' away from combustible structures and parked vehicles.
- Coals shall be disposed of in metal containers with lids approved by the Fire Marshal.

Deep Fat Frying, Flambé, and Wok

- Deep fat frying, flambé, and wok shall be located no closer than 18" from any combustible material.
- Cooking areas shall not be accessible to the public.
- Deep fat frying equipment shall be equipped with a temperature regulating device or other method of regulating temperatures approved by the Fire Marshal.
- Separation shall be maintained with a minimum of 3' clearance between deep fat frying and flambé or open flame cooking.

Vendor Booth Construction and Location

- Each vendor booth shall have at least one exit-way, a minimum of **3**' wide by **6'8**" high. Booth frames shall not obstruct exit paths.
- Vendor booths shall have a minimum clearance of 20' on at least one side, with clearance of at least 10' from any cooking booth.

Electrical Power

- Generators shall be placed only in locations approved for festival use.
- Generators shall not be refueled during event hours. Extra fuel shall not be stored during event hours.
- Smoking and open flames shall be prohibited within 25' of refueling operations.
- Extension cords shall be of a grounded type and approved for exterior use.

Fire Extinguishers

- Each cooking booth shall be equipped with a fire extinguisher with a minimum rating of **2A: 10BC**. Booths with deep fat frying or flambé cooking shall be equipped with an extinguisher rated for **class "K" fires**.
- Cooking booths shall be equipped with visible and accessible fire extinguishers mounted adjacent to the exit.
- For vendor booths, the maximum travel distance to a fire extinguisher with a minimum rating of 2A: 10BC shall not exceed 75'
- Each generator shall be provided with a fire extinguisher with a minimum 40BC rating. The extinguisher shall be located near the generator and accessible at all times.
- All fire extinguishers shall be serviced and tagged annually by a State-licensed contractor.

Miscellaneous

- The Porterville Fire Department shall be provided with a site plan showing emergency access.
- All booths are subject to inspection by the Fire Department and any discrepancies will require immediate action.
- All cooking areas shall be cleaned regularly to prevent the build-up of grease.
- There shall be a competent adult in cooking booths at all times to ensure safety.
- Seating shall be a minimum of 15' from booths with open flame devices or cooking appliances.
- The Fire Department shall be provided with a telephone number of the responsible party to contact in case of emergency on a 24 hour basis.

Fire Safety Tips

- Know where fire extinguishers are and how to use them.
- Do not leave cooking unattended.
- Do not wear loose-fitting clothing while cooking.
- Remove trash accumulation regularly.
- Keep combustible materials away from heat sources.
- In case of an emergency dial 9-1-1.

The attached "Food Booth Vendor Agreement" must be on site at all times and presented upon request of any Porterville Fire Department Personnel.

PORTERVILLE FIRE DEPARTMENT · Fire Prevention Division · 40 W Cleveland. Ave. (559) 782-7526 · Fax (559) 791-7834 · fire-dept@ci.porterville.ca.us



Cooking Booth Vendor Agreement

Booth/Space #	Business Name
On Site Contact Name	Contact Phone #

Cooking Booth Construction and Location

- 1. Tents, canopies, and decorative material shall be inherently flame-resistive and proof of certification shall be on site at all times.
- 2. Cooking booth floors may be concrete, asphalt, or plywood over grass and dirt.
- 3. An emergency access of 36" shall be maintained between the back of each cooking booth and any fencing at all times. **NO EXCEPTIONS**.

Cooking Equipment

- 1. Cooking with charcoal, wood, or other solid fuel shall be located a <u>minimum of 10'</u> away from booths, canopies, combustible material or any public access.
- 2. Deep fat frying shall be located a <u>minimum of 3'</u> away from booths, canopies, open flame cooking, combustible material or any public access.
- 3. Any open flame cooking shall be located a <u>minimum of 18</u>" away from any vertical surface, combustible material or any public access.
- 4. Extra fuel tanks shall **NOT** be stored in booths or within 5' of cooking equipment.
- 5. All cooking, gas powered, or electrically energized equipment shall meet manufacturer specifications and shall be free of excess cooking oils or any other combustible materials.

Miscellaneous

- 1. A visible and accessible, 2A:10BC fire extinguisher with a current (within the last 12 months) State Fire Marshall tag must be provided within 20' of travel in all cooking areas.
- 2. A visible and accessible Class K portable fire extinguisher with a current (within the last 12 months) State Fire Marshall tag must be provided in all cooking areas with deep fat frying.
- 3. All cooking areas shall be cleaned regularly to prevent build-up of combustible substances.
- 4. Extension cords shall be of a grounded type, approved for exterior use, and in good working order.
- 5. Smoking is not allowed at any time within food booths or within 25' of any fuel source.
- 6. Specialized cooking equipment is subject to approval by the Fire Marshal.

Additional Requirements:

The Porterville Fire Department has established these requirements in accordance with the California Fire Code. Your cooperation is required to maintain a high level of fire safety throughout the event. All booths are subject to fire department inspection prior to and at any time during the event. Any discrepancies to the above requirements or any conditions considered a threat to fire and life safety by the Fire Inspector may result in the immediate cessation of cooking.

By signing below, I acknowledge that I have read and agree to comply with all requirements of this contract.

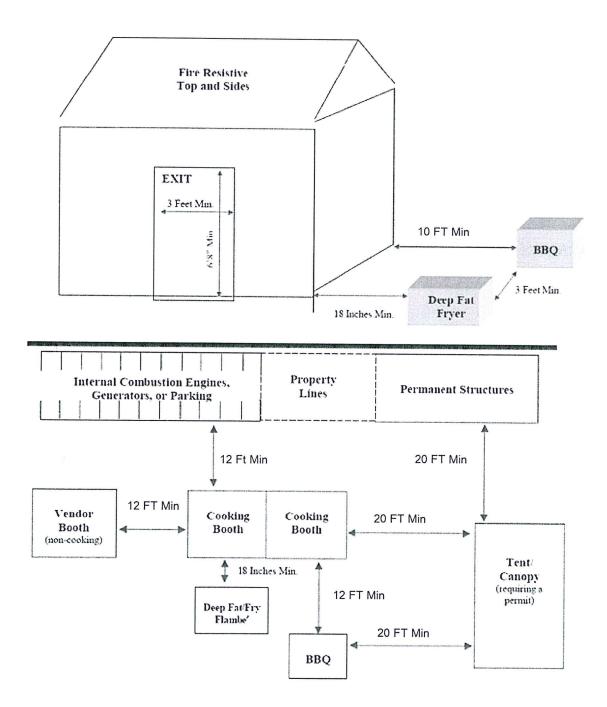
Signature_____

Date

PORTERVILLE FIRE DEPARTMENT · Fire Prevention Division · 40 W Cleveland. Ave. (559) 782-7526 · Fax (559) 791-7834 · fire-dept@ci.porterville.ca.us

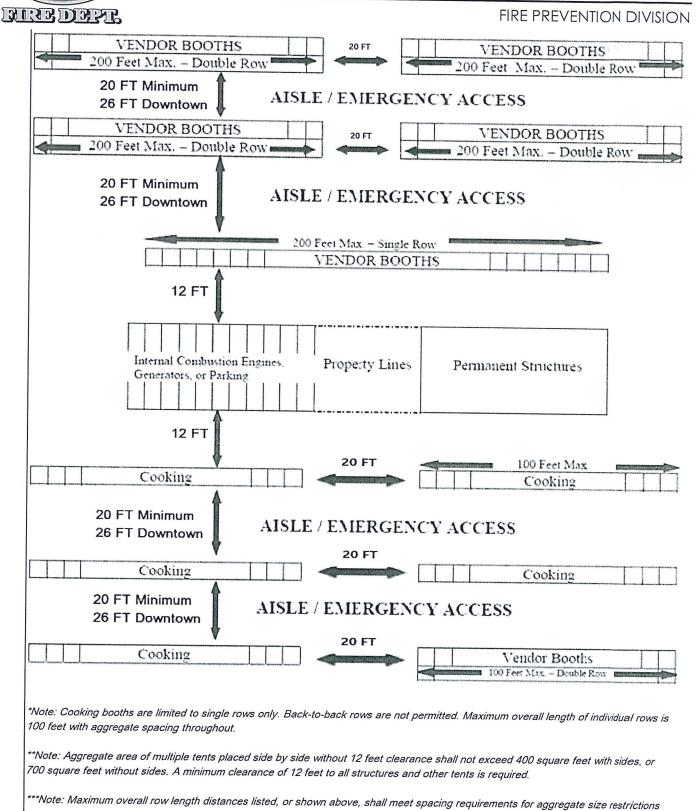


FIRE PREVENTION DIVISION



PORTERVILLE FIRE DEPARTMENT · Fire Prevention Division · 40 W Cleveland. Ave. (559) 782-7526 · Fax (559) 791-7834 · fire-dept@ci.porterville.ca.us PPD Strange

PORTERVILLE FIRE 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: Jonathan Cubero

2364 W Garden Ave Porterville, CA 93257

2 Address where amplification equipment is to be used: 152 N. Hocket St., Porterville, CA 93257 & parking lot of Hockett & Mill St.

3 Names and addresses of all persons who will use or operate the amplification equipment: Ramon Hernandez (DJ Swift) 944 N Silver Maple St

4 Type of event for which amplification equipment will be used:

Autism Awareness Car Show

5 Dates and hours of operation of amplification equipment: Outdoors in the parking lot of Hockett and Mill from 11:00 AM to 4:00 PM Remainder of festivities for the rest of the evening will be indoors at Landing13, located at 152 N. Hockett St

6 A general description of the sound amplifying equipment to be used: DJ music equipment and speakers

Section 18-9

It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or 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 residences or so loud as 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 plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. 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 operated, or connected 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 as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or 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 upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of 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 90 days, a fine of not more

than four hundred dollars (\$400), or both such imprisonment and fine: (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

ature of Applicant

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

City of Porterville, Chief of Police/Designee

02/20/2023

Date

							тι	JLERIV-01	GE	BETANCOURT
A		CEI	RTI	FICATE OF LIA	ABIL		SURAN	CE		E (MM/DD/YYYY) /13/2023
	THIS CERTIFICATE IS ISSUED AS A CERTIFICATE DOES NOT AFFIRMA BELOW. THIS CERTIFICATE OF IN REPRESENTATIVE OR PRODUCER, A	TIVEI SUR	ANCI	R NEGATIVELY AMEND E DOES NOT CONSTITU	, EXTE	END OR AL	TER THE C	OVERAGE AFFORDED	TE HO BY TH	LDER. THIS
	MPORTANT: If the certificate holde f SUBROGATION IS WAIVED, subje this certificate does not confer rights	ect to	the	terms and conditions of	the po	licy, certain	policies may	NAL INSURED provision require an endorsement	nsorb nt.As	e endorsed. tatement on
PR	ODUCER				CONTA NAME:	CT Griselda	Betancou	rt		
	mbre Insurance Services, LLC 10 E. Guasti Road					o, Ext): (909)		FAX (A/C, No):		
Sui	ite 500 tario, CA 91761				E-MAIL ADDRE	_{ss:} betanco	urtg@cum	breins.com		1
								RDING COVERAGE		NAIC #
INC	URED					ER A : Hudsoi	n Insurance	Company		25054
143	Tule River Tribal Council ; I	Togle	Mou	ntain Caaina	INSURI					
	340 N. Reservation Rd.	ayie	wou	Intain Casino	INSURE					
	Porterville, CA 93257				INSURE					
					INSURE	ERF:			11	
-				ENUMBER:				REVISION NUMBER:		
	THIS IS TO CERTIFY THAT THE POLICI NDICATED. NOTWITHSTANDING ANY F CERTIFICATE MAY BE ISSUED OR MAY EXCLUSIONS AND CONDITIONS OF SUCH		TAIN.	ENT, TERM OR CONDITION THE INSURANCE AFFORI	N OF A	ANY CONTRA	CT OR OTHER	R DOCUMENT WITH RESPE	CT TO	WHICH THIS
INSF	TYPE OF INSURANCE		SUBR			POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMI	s	
A								EACH OCCURRENCE	s	10,000,000
	CLAIMS-MADE X OCCUR			NAA00069-22		10/1/2022	10/1/2023	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$	10,000,000
								MED EXP (Any one person)	\$	0
	GEN'L AGGREGATE LIMIT APPLIES PER:							PERSONAL & ADV INJURY	s	10,000,000
	X POLICY PRO- JECT LOC							GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	s	10,000,000
	X OTHER: Sexual Misconduct Incl.							TRODUCTS - COMPTOP AGG	s	
Α	AUTOMOBILE LIABILITY							COMBINED SINGLE LIMIT (Ea accident)	s	10,000,000
				NAA00069-22		10/1/2022	10/1/2023	BODILY INJURY (Per person)	s	
								BODILY INJURY (Per accident)	S	
	X HIRED AUTOS ONLY X NON-OWNED AUTOS ONLY							PROPERTY DAMAGE (Per accident)	S	
	UMBRELLA LIAB OCCUR							EACH OCCURRENCE	s s	
	EXCESS LIAB CLAIMS-MADE							AGGREGATE	s	
	DED RETENTION \$								s	
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY							X PER OTH- STATUTE ER		
	ANY PROPRIETOR/PARTNER/EXECUTIVE	N/A		NAA00069-22		10/1/2022	10/1/2023	E.L. EACH ACCIDENT	s	1,000,000
	(Mandatory in NH)		1					E.L. DISEASE - EA EMPLOYEE	\$	1,000,000
	DESCRIPTION OF OPERATIONS below							E.L. DISEASE - POLICY LIMIT	\$	1,000,000
DES A - 1	CRIPTION OF OPERATIONS / LOCATIONS / VEHICI 10/1/2022-10/1/2023 Tribal Officials Liabi	LES (A	CORD	101, Additional Remarks Schedul 00.000 each Claim and in th	e, may be	e attached if more	e space is require	ed)		
A - 1	10/1/2022-10/1/2023 Employment Practic	es Li	abilit	y: \$10,000,000 each Claim a	and in	the Aggregate	et			
	Car Show event held 4/1/2023.									
City	of Porterville is named as additonal ins	ured	as re	spects to the operations of	f the na	med insured	per form atta	iched to the policy.		
CE	RTIFICATE HOLDER				CANC	ELLATION	_			
					SHO				NOTI	ED DEEODE
City of Porterville 291 N. Main Street				THE	EXPIRATION	DATE THE	ESCRIBED POLICIES BE CA EREOF, NOTICE WILL E Y PROVISIONS.			
	Porterville, CA 93257			ŀ						
			AUTHOR		ITATIVE					
	1				< Ho	GW				
AC	ORD 25 (2016/03)					© 198	8-2015 ACC	RD CORPORATION.	ll righ	nts reserved.

.

The ACORD name and logo are registered marks of ACORD



SOVEREIGN NATION ALL LINES AGGREGATE INSURANCE POLICY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

Named Assured:	Policy Number:	Effective Date of change:	Endorsement #:
Tule River Tribal Council	NAA00069-22	04-01-2023	5

ADDITIONAL ASSURED

This endorsement modifies insurance provided under the following:

INSURING AGREEMENT A. - GENERAL LIABILITY

This endorsement identifies person(s) or organization(s) who are "Assureds" under Coverage Part I., Insuring Agreement A. This endorsement does not alter coverage provided in Coverage Part I.

SCHEDULE

Name of Person(s) or Organization(s): City of Porterville 291 N. Main Street Porterville, CA 93257

RE: Events held by the Assured

Each person or organization shown in the Schedule is an "Assured" for Liability coverage, but only to the extent that person or organization qualifies as an "Assured" under General Provisions, Section A.1.:

- A. ASSURED: It is agreed that the unqualified word Assured, wherever used in this Policy, includes not only the Named Assured as stated in the Declarations but also:
- any official, trustee, employee or volunteer of the Named Assured while acting within the scope of his duties as such, and any person, organization, trustee or estate to whom the Named Assured is obligated by virtue of a legally binding contract or agreement to provide insurance such as is afforded by this Policy, but only in respect of operations performed by or on behalf of the Named Assured;

OL

Authorized Representative

All other Terms and Conditions remain the same. (Ed. 3/14) 3/26/2014

Tule River

...

 $\land \rightarrow$

Jonathan Cubero <Jonathan@tuleriver.com> To: Jasmine Mejia; Patrice Hildreth Cc: Jeremiah Nicholas <jeremiah@tuleriver.com>

🕞 NEEDS TO BE REMOVED_doc... 🗸

Caution! This message was sent from outside your organization.

Hello again Jasmine & Patrice. Here's another email our insurance asked to forward to you. Please take a look at their message. I hope this clarifies any issues. Please let me know if there's any other questions or issues about the approval. Thanks!

Hi Griselda,

The highlighted is not an exclusion; it is just stating that no coverage provided in Coverage Part I is altered by adding the City as Additional Assured.

It seems they are not understanding the endorsement wording, and we wouldn't be able to remove it.

Thanks,

Dina C. Hanson AVP / All Lines Aggregate

Sincerely, Jonathan Cubero Marketing Manager Tule River Economic Development Corporation (559) 781-4271 ext. 2011 Jonathan@tuleriver.com 31071 Highway 190 Porterville, CA 93257

Received, thank you. Thank you for letting us know.

Allow sender | Block sender

Tue 3/7/2023 10:59 AM

5

3

This is perfect, thank you!

← Reply ← Reply all → Forward



SI SE PUEDE CAR CLUB PRESENTS

Annual

wareness

LANDING 13, 152 N HOCKETT ST. PORTERVILLE CA

ENTRY FEE \$25 OR AN EASTER BASKET TOP 15 & PEOPLES CHOICE / BIKE MEDALS CONTACT: MIKE DURON

MIKE DURON PORTERVILLE CHAPTER PRESIDENT (559) 359 - 5619

ALL PROCEEDS FOR THIS EVENT WILL BE DONATED TO THE CENTRAL VALLEY REGIONAL CENTER (CVRC) WHO WILL DISTRIBUTE TO THOSE FAMILIES WITH CHILDREN WHO ARE DIAGNOSED WITH AUTISM. WILL DISTRIBUTE THE BASKET TO THE FAMILIES WITH CHILDREN WHO ARE DIAGNOSED WITH AUTISM.



CITY COUNCIL AGENDA - MARCH 21, 2023

SUBJECT: Community Civic Event - Summit Charter Academy - Fun Run - March 24, 2023

SOURCE: Finance

COMMENT: Summit Charter Academy is requesting approval to hold the "Fun Run" event on Friday, March 24, 2023, from 9:00 AM to 10:00 AM. The sponsor is requesting the closure of Lombardi Street at the intersection of Lombardi and the access road south of Summit Charter Academy, Lombardi campus, and the use of the sidewalk along the school to the said intersection for the Fun Run.

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 contained in the attached Application and Agreement, Exhibit A and Exhibit B.

- RECOMMENDATION: That the City Council approve the Community Civic Event application from Summit Charter Academy to hold the "Fun Run" event on March 24, 2023, subject to the requirements and restrictions contained in the Application and Agreement, Exhibit A and Exhibit B.
- ATTACHMENTS: 1. CCE Application and Agreement, Map, Exhibit A, and Exhibit B

Appropriated/Funded:

Review By:

Department Director: Maria Bemis, Finance Director

Final Approver: Fernando Gabriel-Moraga, Deputy City Clerk

CITY OF PORTERVILLE 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: $3 - 9 - 23$ Event date: $3 - 24 - 23$
Event time: <u>9 am - 10 am</u>
Name of Event: <u>Fun Run</u>
Sponsoring organization: Summit Charter Acad. Lombardi Phone # 788-6445 Address: <u>1509 N. Lombardi</u> 93257 Authorized representative: <u>Jennifer Gamble</u> Phone # 788-6445 Address: <u>1509 N. Lombardi</u> Porterville, CA 93257
Event chairperson: Daniela Medina. Phone # 853-7846
Location of event 1509 N. Lombardi Porterville, CA 93257 (Location map must be attached)
Type of event: <u>Fun Run</u>
Non-profit organization status: SO(C)3 (IRS Determination) (fees associated with these services will be billed separately): Barricades (quantity): Street sweeping YesNo Police protection YesNo No Other: Other:
Parks facility application required: Yes No Attached
Assembly permit required: Yes No Katached
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
Appr. Deny
Admin. Svcs. Dir.

1 of 4

1

_

.

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</u> <u>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.

<u>All City Code requirements</u> 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 <u>www.ci.porterville.ca.us/govt/CityClerk/</u>, 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

<u>Alcohol liability insurance</u>: 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

<u>Health permit</u>: 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:

<u>First aid station</u>: 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.

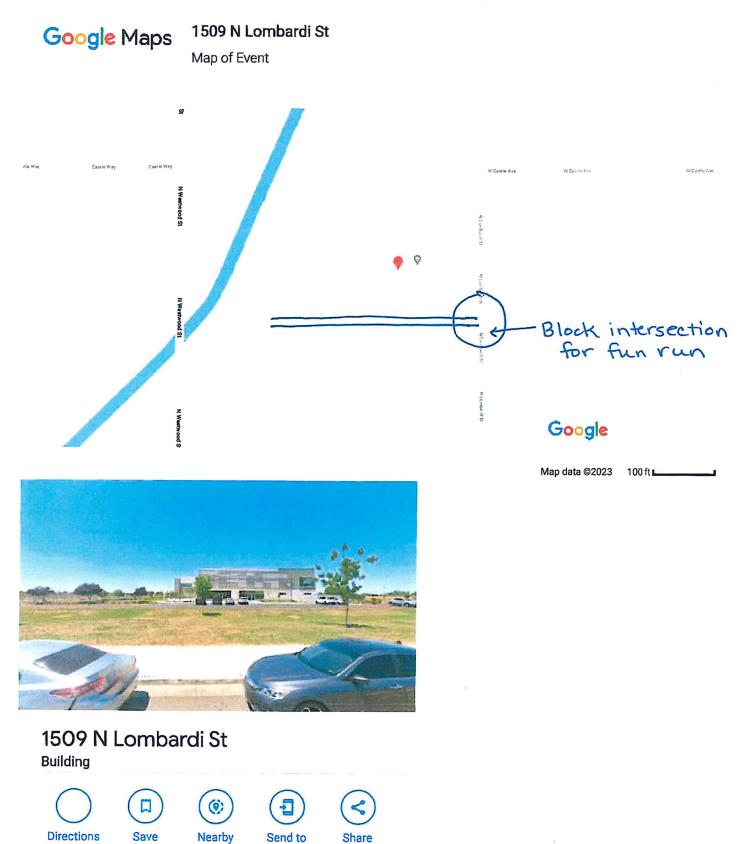
<u>Agreement</u>: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit 'A.' The sponsoring organization/applicant agrees, during the term of 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.

(Signature) (Name of Organization) (Date)

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: Lombardi Fun Run						
Sponsoring organization: Lombardi PTA						
	Event date: Friday, March 24th Hours: 9am - 10am					
ATTACH MAP MARKING	AREAS TO BE CLOSED OR	USED:				
	Closed	and the second				
Street Name	From	To	Activity			
Lombardi	Lombardi	Lombardi	Fun Run			
	intersection	access road				
		adjacent east				
		to west. There				
		is no signage				
		1 1				
			•			

Sidewalks	From	Το	Activity
Lombardi	Intersection	Cul de Sac	Fun Run
	of Lombardi		
	and		
Parking lots and spaces	Locatio	<u>n</u>	Activity
No	N/A-		N/A



1509 N Lombardi St, Porterville, CA 93257

0

phone

Requirements for Community Civic Event Summit Charter Academy-Lombardi Fun Run March 24, 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 Parks Superintendent: No comments. A. Demerath Parks Supervisor No comments. R. Velasco Police Lieutenant: Please see Exhibit B. R. Moore Deputy City Manager: P. Hildreth Risk Management requires \$2M in liability coverage, and we also need the endorsement page attached. All participants/legal guardians must sign a waiver of liability. Field Services Superintendent: No comments. B. Spry Field Services Superintendent – Streets: No comments. J. Baeza

Exhibit A, Page 1

Requirements for Community Civic Event

Sponsor:
Event:
Event Chairman:
Location:
Date of Event:

Summit Charter Academy-Lombardi Fun Run Daniela Medina 1509 N. Lombardi, Porterville Ca March 24, 2023 (9:00 a.m. – 10:00 a.m.)

RISK MANAGEMENT: Conditions of Approval

That the Summit Charter Academy Lombardi 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

Fun Run / Summit Charter Academy—Lombardi March 24, 2023 / 9:00 AM—10:00 AM Summit Charter Academy—Lombardi

Recommendations/Requirements:

- Any and all street closures in the city require City Council approval.
- Any/all aid stations and/or check points must be out of the roadway, and not in a position to interfere with traffic.
- Event staff on the race route should wear highly visible attire.
- If/when near a roadway, participants should be directed to stay to the side of the roadway and not disrupt the normal flow of traffic.
- Food vendors, in the event that some develop during the planning of the event, should provide inspection certificates from the Tulare County Health Department to members of the organizing committee, to ensure food product safety.
- At conclusion of the event, organizers shall ensure the run route is promptly cleared of any vehicles, equipment, booths, or anything that could present a hazard to pedestrians or vehicles.
- Event organizers shall contact Porterville Police Watch Commanders well in advance of the event for informational purposes and to identify any additional policing concerns/requirements. Contact may be made with Lieutenant Azevedo, Lieutenant Gurule or Lieutenant Hatch at (559) 782-7410.

Ron Moore, Lieutenant Porterville Police Department



SUBJECT: Community Civic Event - Comision Honorifica Mexicana Americana Inc -Annual Cinco de Mayo Celebration Parade and Fiesta - May 6-7, 2023

SOURCE: Finance

COMMENT: Comision Honorifica Mexicana Americana, Inc. (CHMA) is requesting approval of its Community Civic Event Application for a permit to hold the Annual Cinco de Mayo Celebration on May 6, 2023 and May 7, 2023. The celebration will include a parade down Main Street on Saturday, May 6, 2023 from 10:00 a.m. to 12:00 p.m. as well as a fiesta at Veterans Park on Sunday, May 7, 2023, from 10:00 a.m. to 7:00 p.m.

With regards to the parade, CHMA is requesting the closure of the following streets:

Main Street and Second Street - from Morton Avenue to Olive Avenue Morton Avenue - from Main Street to Second Street Harrison Avenue - from Hockett Street to Second Street Thurman, Cleveland, Putnam, Mill, Oak, and Garden Avenues - from Division Street to Second Street Olive Avenue - from Hockett Street to B Street

This request is submitted in accordance with 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. All requirements and restrictions are listed on the attached copy of the Application and Agreement, Exhibit A, Exhibit B, and Exhibit C.

- RECOMMENDATION: That the City Council approve the Community Civic Event application from the Comision Honorifica Mexicana Americana, Inc. to hold the Annual Cinco de Mayo Celebration Parade and Fiesta on May 6 and 7, 2023, subject to the requirements and restrictions contained in the Application and Agreement, Exhibit A, Exhibit B, and Exhibit C.
- ATTACHMENTS: 1. CCE Application and Agreement, Maps, Exhibit A, Exhibit B, Exhibit C, Outside Amplifier Permit, and Certificate of Insurance Liability

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? 05/06/23 (Main St); 05/07/23 (Veterans Park) Application date: 02/24/2023 Event date: Event time: Main St 10am-12pm; Veterans Park 10am-7pm Name of Event: Annual 5 de Mayo Celebration Parade and Sunday Fiesta Sponsoring organization: Comision Mexicana Americana Inc (CHMA) Phone # 559-784-1214 Address: P.O. Box 2043 Porterville CA 93258 Authorized representative: Teresa de la Rosa Phone # 559-359-1443 Address: 450 Alice Ave. Porterville CA 93257 Event chairperson: Roberto de la Rosa Phone # 559-784-1214 Location of event Down Town Main St and Veterans Park (Location map must be attached) Type of event: Parade & Sunday Fiesta Community Civic Event Non-profit organization status: 501 c3 BL #00331 ABL (IRS Determination) City services requested (fees associated with these services will be billed separately): Barricades (quantity): Street sweeping Yes 🗸 No Police protection Yes No Refuse pickup Yes 🗸 No Other: Parks facility application required: Yes 1 No Attached Assembly permit required: Yes 🖌 No 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.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

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 filling 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

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.

Comision Honorifica Mexicana An	nericana Inc	perejo de la R		00/01/0000
(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: _____ Sunday Fiesta

Sponsoring organization: <u>Comision Honorifica Mexicana Americana, Inc (CHMA)</u>

Location: Veteran Park

Event date: <u>05/07/23</u> Event time: <u>8 am-7pm</u>

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
List 2 weeks prior to event		regulieur	

*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 anusement, 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 separate licensing pursuant to this subsection E16. The nonprofit sponsor thal collect said fee and regulate the force of a state of the purpose of advertising.

Separate incensing parsuant to this subscription 150. 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: ____CHMA 5 de Mayo Parade

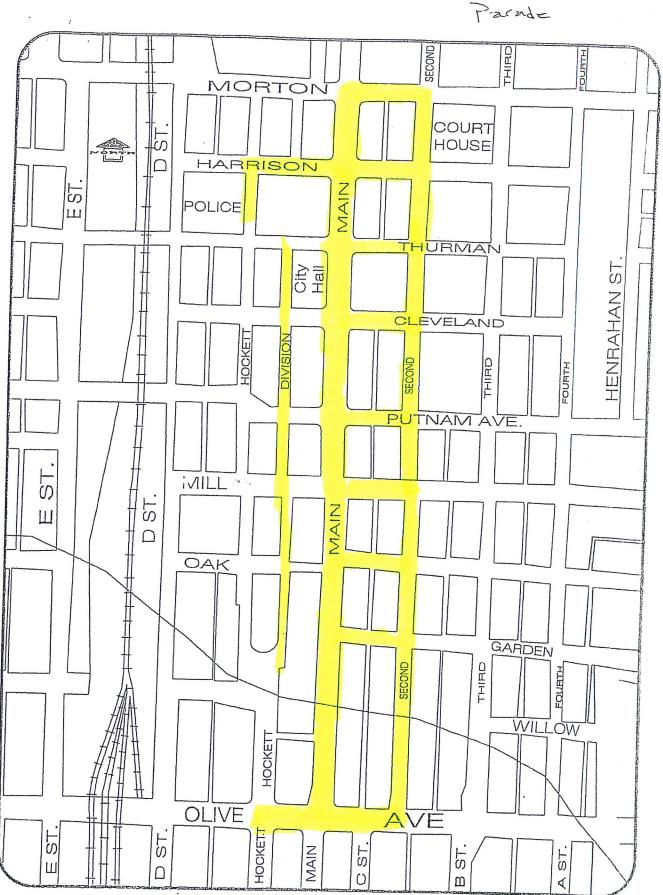
Sponsoring organization: Comision Honorifica Mexicana Americana Inc (CHMA)

Event date: ______05/06/23

Hours: <u>10 a.m. To 12 p.m.</u>

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

	Closed		
Street Name	From	To	Activity
Main St	Morton Ave	Olive Ave	Parade
Harrison	Hockett St	Second St	Parade
Thurman	Division	Second St	Parade
Cleveland	Division	Second St	Parade
Putnam	Division	Second St	Parade
Mill	Division	Second St	Parade
Oak	Division	Second St	Parade
Garden	Division	Second St	Parade
Olive	Hockett St	Second St	Parade
Olive	Hockett St	B St	Parade
<u>Sidewalks</u>	From	To	Activity
Parking lots and			
spaces	Local	Location	



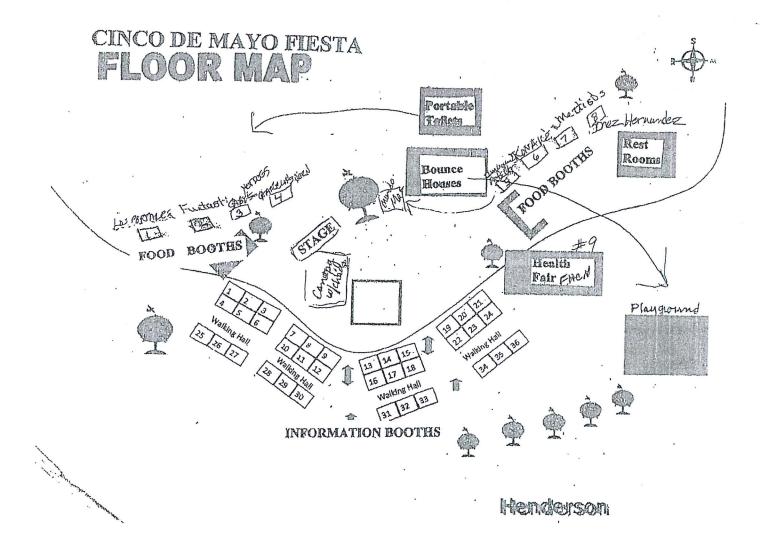
· ·

÷

.

.

.



Requirements for Community Civic Event Comision Honorifica Mexicana Americana, Inc. Annual Cinco de Mayo Celebration May 6 & 7, 2023

City Engineer: D. Cervantez

Community Development Director: J. Ridenour

Public Works Director: *M. Knight*

Fire Marshal: *C. Dignam*

Parks and Leisure Services Director: D. Moore

Police Lieutenant: *R. Moore*

Deputy City Manager: *P. Hildreth*

Field Services Superintendent: B. Spry

Field Services Superintendent – Streets: J. Baeza No comments.

No comments.

No comments.

Vendor booths shall comply with the attached information for spacing, etc. Please see Exhibit C.

Parks Facility request needed to reserve Veterans Park. May 6 – Refrain from being in Main St planters. May 7 – Non-event vehicles are not allowed to park on the grass.

Please see Exhibit B.

Risk management: 1. A certificate of insurance evidencing \$2M in liability coverage, naming the City as an additional insured (with attached endorsement page); 2. All bounce house participants must have legal guardian sign an acknowledge of risk/waiver of liability releasing the City from any and all claims.

We will place trash cans out for the parade.

No comments.

Exhibit A, Page 1

Requirements for Community Civic Event

Event: Event Chairman:	Comision Honorifica Mexicana Americana, Inc Annual Cinco de Mayo Celebration Roberto de la Rosa	
Date of Event:	Downtown Main St and Veterans Park Parade May 6, 2023 (10am-12pm) Fiesta May 7, 2023 (10am-7pm)	

RISK MANAGEMENT: Conditions of Approval

That the Comision Honorifica Mexicana Americana Inc 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 Community Civic Event Application

CINCO DE MAYO PARADE/CELEBRATION Downtown Main Street (May 6, 2023 / 10:00AM—12PM) Veteran's Park (May 7, 2023 / 12:00PM—7:00PM)

Proposed Conditions/Requirements/Parade:

- City Council approval is required for all street closures.
- Ensure highly visible and adequate barricades/barriers are used to warn motorists of non-access and prevent vehicle access to those designated areas.
- Cinco de Mayo Planning Committee should meet with street vendors to coordinate rules regarding their activities, such as:
 - Staying off the parade route and crossing in front of floats or groups
 - Shall not sell silly string, snap caps or party poppers (pursuant to City Ordinance)
- Food vendors should be situated where they do not block the sidewalk.
- Food vendors should provide inspection certificates from the Tulare County Health Department to ensure safe food products.
- Throwing candy or any substances/objects from vehicles, floats, or any parade entry is prohibited. This results in children scampering to catch or find candy in a crowded environment, and causes others to run out into the street. This practice creates significant and unnecessary risk for parade goers. All registered parade entrants should be informed of this prohibition and efforts taken to cease this practice.
- > At the conclusion of the event, all barricades shall be promptly removed and equipment shall be cleared so as to avoid interfering with vehicular or pedestrian travel.
- Event organizers shall contact Sergeant Jay Starling (Porterville Police Department) no less than 30 days prior to the event in order to coordinate parade route postings and necessary police involvement. Sergeant Starling can be contacted at 559-782-7400.

Proposed Conditions/Requirements/Celebration:

- > City Council approval is required for all street/sidewalk closures.
- > Participants must not interfere with the normal flow of pedestrian/vehicular traffic.
- Food vendors should provide inspection certificates from the Tulare County Health Department to members of the organizing committee, to ensure food product safety.

- Consumption of alcohol by participants, attendees, organizers at the event is strictly prohibited.
- An Outside Amplifier Permit has been approved. 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 that affected parks/streets/sidewalks are promptly cleared of any vehicles, equipment, booths or anything that could present a hazard to pedestrians or vehicles traveling in the area, as well as any other related materials such as signs, pamphlets and fliers.
- Event organizers shall contact Sergeant Jay Starling, Traffic Supervisor, no less than 30 days prior to the event in order to coordinate police involvement. Sergeant Starling can be contacted at 559-782-7400.

Ron Moore, Lieutenant Porterville Police Department



FIRE PREVENTION DIVISION

OUTDOOR FOOD BOOTH REQUIREMENTS

Authority cited: 2019 California Fire Code (CFC)

These standards apply to individual tents, temporary structures, or membrane structures less than 200 square feet in area, and canopies less than 400 square feet in area used as outdoor carnival and fair booths.

A permit is required before any tent or membrane structure larger than 400 square feet can be erected. (California Fire Code 3103.2)

Tents and membrane structures having an area in excess of 400 square feet shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the building official and fire code official.

Exceptions:

- 1. Tents used exclusively for recreational camping purposes.
- 2. Tents open on all sides which comply with all the following:
 - a. Individual tents having a maximum size of 700 square feet.
 - b. Aggregate area of multiple tents placed side by side without 12 feet clearance, not exceeding 700 square feet total.
 - c. A minimum clearance of 12 feet to all structures and other tents.

Definitions

Cooking Booth – Booth where food is prepared by a heating or cooking process such as, but not limited to, grilling, frying, barbecuing, flambe', deep fat frying, baking, warming, or boiling. **Deep fat frying** – Any cooking operation or process whereby the product floats or is submerged in hot oil during the cooking process.

Vendor Booth – Any booth other than a cooking booth.

Cooking Booth Construction and Location

• All fabrics or membranes covering cooking booths shall be California State Fire Marshal certified flame retardant and be labeled as such.

• Decorative materials shall be inherently fire resistive or shall be treated with a fire-retardant spray.

• Flooring materials used within cooking booths and cooking equipment shall be non-combustible or California State Fire Marshal certified fire-retardant. (*Exception 3/8'' plywood or similar material.*)

- Each cooking booth shall have at least one exit-way, a minimum 3' wide and 6'8" high. Booth frames shall not obstruct exit paths.
- Cooking booths shall have a minimum clearance of 10' on at least two sides with clearance of at least 10' from any vendor booth.

• Minimum 12' separation required between cooking booths with an aggregate size of 400 sq.ft. with sides, or 700 sq.ft. without sides.

Cooking Equipment

• All interior cooking equipment shall be of an approved type, and open-flame cooking shall be located a minimum of 18" from booth back/side drop materials.

• Compressed gas (butane, propane, or natural) equipment shall conform to the following:

- Shut off valves shall be provided at each fuel source;
- Cooking appliances shall have an ON-OFF valve located far enough away from the appliance to be safely shut off in case of fire;
- Manufactured cooking appliances shall be equipped with a Thermocouple Valve to shut off fuel if flame is extinguished;
- The booth operator shall test all connections for leaks with soap and water solution;
- Fuel tanks shall be protected from damage and secured in an upright position;
- Hoses shall be of a type approved for use with the equipment and fuel type;
- Tanks not in use shall be turned off;
- Extra fuel tanks shall not be stored in booths;
- Unused fuel cylinders shall be stored in a secured position.



FIRE PREVENTION DIVISION

Wood, Charcoal (Solid Fuels) Cooking

- Use only an electric starter or commercially sold lighter fluid.
- Charcoal cooking and storage of lighter fluid is prohibited inside booths.
- Charcoal cooking shall be located a minimum of ten 10' away from booths and in areas away from public access.
- Charcoal cooking shall be located at least ten 10' away from combustible structures and parked vehicles.
- Coals shall be disposed of in metal containers with lids approved by the Fire Marshal.

Deep Fat Frying, Flambé, and Wok

- Deep fat frying, flambé, and wok shall be located no closer than 18" from any combustible material.
- Cooking areas shall not be accessible to the public.
- Deep fat frying equipment shall be equipped with a temperature regulating device or other method of regulating temperatures approved by the Fire Marshal.
- Separation shall be maintained with a minimum of 3' clearance between deep fat frying and flambé or open flame cooking.

Vendor Booth Construction and Location

- Each vendor booth shall have at least one exit-way, a minimum of **3**' wide by **6**'**8**" high. Booth frames shall not obstruct exit paths.
- Vendor booths shall have a minimum clearance of 20' on at least one side, with clearance of at least 10' from any cooking booth.

Electrical Power

- Generators shall be placed only in locations approved for festival use.
- Generators shall not be refueled during event hours. Extra fuel shall not be stored during event hours.
- Smoking and open flames shall be prohibited within 25' of refueling operations.
- Extension cords shall be of a grounded type and approved for exterior use.

Fire Extinguishers

- Each cooking booth shall be equipped with a fire extinguisher with a minimum rating of **2A: 10BC**. Booths with deep fat frying or flambé cooking shall be equipped with an extinguisher rated for **class "K" fires**.
- · Cooking booths shall be equipped with visible and accessible fire extinguishers mounted adjacent to the exit.
- For vendor booths, the maximum travel distance to a fire extinguisher with a minimum rating of 2A: 10BC shall not exceed 75'
- Each generator shall be provided with a fire extinguisher with a minimum 40BC rating. The extinguisher shall be located near the generator and accessible at all times.
- All fire extinguishers shall be serviced and tagged annually by a State-licensed contractor.

Miscellaneous

- The Porterville Fire Department shall be provided with a site plan showing emergency access.
- All booths are subject to inspection by the Fire Department and any discrepancies will require immediate action.
- All cooking areas shall be cleaned regularly to prevent the build-up of grease.
- There shall be a competent adult in cooking booths at all times to ensure safety.
- Seating shall be a minimum of 15' from booths with open flame devices or cooking appliances.
- The Fire Department shall be provided with a telephone number of the responsible party to contact in case of emergency on a 24 hour basis.

Fire Safety Tips

- Know where fire extinguishers are and how to use them.
- Do not leave cooking unattended.
- Do not wear loose-fitting clothing while cooking.
- Remove trash accumulation regularly.
- Keep combustible materials away from heat sources.
- In case of an emergency dial 9-1-1.

The attached "Food Booth Vendor Agreement" must be on site at all times and presented upon request of any Porterville Fire Department Personnel.

PORTERVILLE FIRE DEPARTMENT · Fire Prevention Division · 40 W Cleveland. Ave. (559) 782-7526 · Fax (559) 791-7834 · fire-dept@ci.porterville.ca.us



FIRE PREVENTION DIVISION

Cooking Booth Vendor Agreement

Booth/Space #	Business Name
On Site Contact Name	Contact Phone #

Cooking Booth Construction and Location

- 1. Tents, canopies, and decorative material shall be inherently flame-resistive and proof of certification shall be on site at all times.
- 2. Cooking booth floors may be concrete, asphalt, or plywood over grass and dirt.
- 3. An emergency access of 36" shall be maintained between the back of each cooking booth and any fencing at all times. **NO EXCEPTIONS**.

Cooking Equipment

- 1. Cooking with charcoal, wood, or other solid fuel shall be located a <u>minimum of 10</u>' away from booths, canopies, combustible material or any public access.
- 2. Deep fat frying shall be located a <u>minimum of 3'</u> away from booths, canopies, open flame cooking, combustible material or any public access.
- 3. Any open flame cooking shall be located a <u>minimum of 18</u>" away from any vertical surface, combustible material or any public access.
- 4. Extra fuel tanks shall **<u>NOT</u>** be stored in booths or within 5' of cooking equipment.
- 5. All cooking, gas powered, or electrically energized equipment shall meet manufacturer specifications and shall be free of excess cooking oils or any other combustible materials.

Miscellaneous

- 1. A visible and accessible, 2A:10BC fire extinguisher with a current (within the last 12 months) State Fire Marshall tag must be provided within 20' of travel in all cooking areas.
- 2. A visible and accessible Class K portable fire extinguisher with a current (within the last 12 months) State Fire Marshall tag must be provided in all cooking areas with deep fat frying.
- 3. All cooking areas shall be cleaned regularly to prevent build-up of combustible substances.
- 4. Extension cords shall be of a grounded type, approved for exterior use, and in good working order.
- 5. Smoking is not allowed at any time within food booths or within 25' of any fuel source.
- 6. Specialized cooking equipment is subject to approval by the Fire Marshal.

Additional Requirements:

The Porterville Fire Department has established these requirements in accordance with the California Fire Code. Your cooperation is required to maintain a high level of fire safety throughout the event. All booths are subject to fire department inspection prior to and at any time during the event. Any discrepancies to the above requirements or any conditions considered a threat to fire and life safety by the Fire Inspector may result in the immediate cessation of cooking.

By signing below, I acknowledge that I have read and agree to comply with all requirements of this contract.

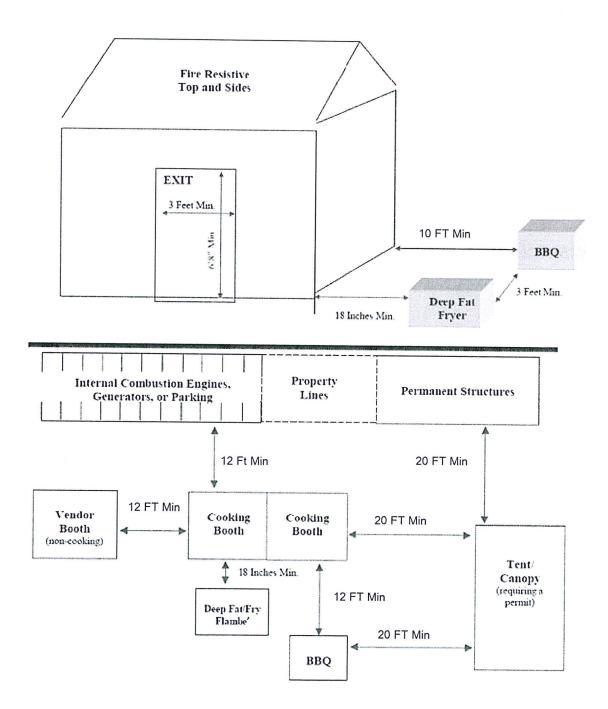
Signature

Date_

PORTERVILLE FIRE DEPARTMENT · Fire Prevention Division · 40 W Cleveland. Ave. (559) 782-7526 · Fax (559) 791-7834 · fire-dept@ci.porterville.ca.us

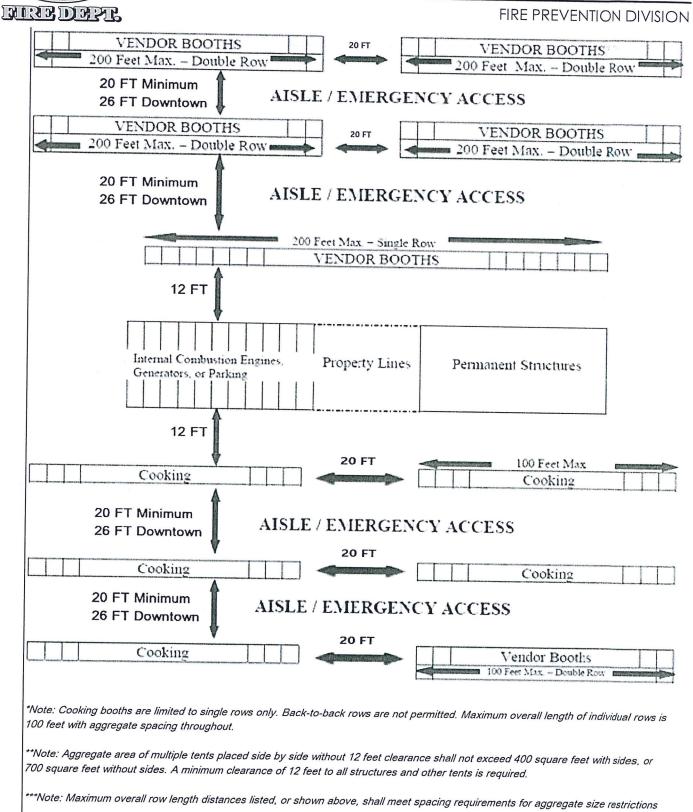


FIRE PREVENTION DIVISION



PORTERVILLE FIRE DEPARTMENT · Fire Prevention Division · 40 W Cleveland. Ave. (559) 782-7526 · Fax (559) 791-7834 · fire-dept@ci.porterville.ca.us





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:	(

CHMA, P.O. BOX 2043 PORTERVILLE CA 93258

2 Address where amplification equipment is to be used:ver	ERANS PARK
3 Names and addresses of all persons who will use or operate the a	mplification equipment:
Type of event for which amplification equipment will be used:	Live music, amplifiers, microphone
Dates and hours of operation of amplification equipment:05	5/07/23 12P.M. To 7 p.m.
A general description of the sound amplifying equipment to be used	
	musical entertainers

Section 18-9

5

6

It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph jukebox. record player, loudspeaker, musical instrument, machanical device, machine, apparatus, or instrument for intensification or amplification of the human voice crany sound or 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 residences or so loud as to unreasonably disturb and interfera with the peace and comfort ,

The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100") from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facte evidence of a violation of this section. Section 18-14

It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected 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 as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or 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 upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deened objectionable, and any such permit may be so ravoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of 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 90 days, a fine of not more

Ihan four hundred dollars (\$400), or both such Imprisonment and fine: (2) Any person who meliciously and willfully disturbs another person by loud and unreasonable noise.

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

Date

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

City of Porterville, Chief of Police/Designee

02/24/2023

						C	OMIHON01C		ESOLORI
ACORD	CE	RT	IFICATE OF L	IABI	LITY IN				E (MM/DD/YYYY)
THIS CERTIFICATE IS ISSUED A CERTIFICATE DOES NOT AFFIR BELOW. THIS CERTIFICATE OI REPRESENTATIVE OR PRODUCE	AS A M MATIVE		ER OF INFORMATION OR NEGATIVELY AME	ONLY A	ND CONFER	S NO RIGHT	S UPON THE CERTIFIC	ATEHO	2/27/2023 DLDER. THIS HE POLICIES .UTHORIZED
IMPORTANT: If the certificate h If SUBROGATION IS WAIVED, s this certificate does not confer rig	older is ubject i hts to th	an A to th	DDITIONAL INSURED, 1 e terms and conditions rtificate holder in lieu of	the polic of the p	y(ies) must h olicy, certain	ave ADDITIC	DNAL INSURED provision y require an endorseme	ons or l ent. A s	be endorsed. statement on
PRODUCER LICENSE # UD44424					ACT Esperar		, CISR		
INSURICA / Walter Mortensen Insura PO Box 1960	nce			PHON (A/C,	IE No, Ext): (559)	560-3212	FAX (A/C No		
Porterville, CA 93258				E-MAI ADDR	Ess: Esperar	nza.Solorio	@INSURICA.com		
							RDING COVERAGE		NAIC #
INSURED				INSUF	RERA: Nonpro	ofits' Insura	ance Alliance of CA, I	nc.	NA
Comision Honorifica					RER B :				
Mexicana Americana, In P.O. Box 2043	C				RER C :				
Porterville, CA 93258					IERE:		1		
					ERF:				
COVERAGES (CERTIF	CAT	E NUMBER:				REVISION NUMBER:		-1
THIS IS TO CERTIFY THAT THE PO INDICATED. NOTWITHSTANDING AN CERTIFICATE MAY BE ISSUED OR M EXCLUSIONS AND CONDITIONS OF SU	AAY PER	TAIN	THE INSURANCE AFEC		ANT CONTRA	CT OR OTHE	R DOCUMENT WITH RESP		UCY PERIOD WHICH THIS
EXCLUSIONS AND CONDITIONS OF SU				VE DEEN	REDUCED BY	PAID CLAIMS		,0 /	
A X COMMERCIAL GENERAL LIABILITY	INSE	WVD	POLICY NUMBER		POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMI	TS	
CLAIMS-MADE X OCCUR	x	x	202310594NPO		2/22/2023	2/22/2024	EACH OCCURRENCE	\$	1,000,000
	~				DLD LOLD	11202024	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$	500,000 20,000
							MED EXP (Any one person) PERSONAL & ADV INJURY	\$\$	1,000,000
GEN'L AGGREGATE LIMIT APPLIES PER							GENERAL AGGREGATE	\$	2,000,000
X POLICY PRO- JECT LOC							PRODUCTS - COMP/OP AGG		2,000,000
							SEE FORMS SECTI	\$	
							COMBINED SINGLE LIMIT (Ea accident)	\$	
AUTOS ONLY SCHEDULED							BODILY INJURY (Per person)	\$	
HIRED AUTOS ONLY NON-OWNED							BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)		
							(Per accident)	S	
UMBRELLA LIAB OCCUR							EACH OCCURRENCE	\$	
EXCESS LIAB CLAIMS-MA	DE						AGGREGATE	\$	
DED RETENTION \$								\$	
AND EMPLOYERS' LIABILITY	N						PER OTH- STATUTE ER		
ANY PROPRIETOR/PARTNER/EXECUTIVE	N/A					-	E.L. EACH ACCIDENT	s	
If yes, describe under DESCRIPTION OF OPERATIONS below							E.L. DISEASE - EA EMPLOYEE		
							E.L. DISEASE - POLICY LIMIT	\$	
DESCRIPTION OF OPERATIONS / LOCATIONS / VEI RE: Cinco de Mayo events dates May 2.7	ICLES /A	CORD	101 Additional Pomerice Colori						
Certificate holder is listed as an additionation in the policy.	al insure	d wit	h respect to General liab	ility if rec	quired or agre	ed to in a wri	tten contact subject to al	l provis	sions and
CERTIFICATE HOLDER				CANC	ELLATION				
City of Porterville Successor Agency to the I	Portervi	lle Re	edevelopment Agency	THE	ILD ANY OF TH EXPIRATION DRDANCE WITH	DATE THE	SCRIBED POLICIES BE CA REOF, NOTICE WILL B PROVISIONS.	NCELLE E DELI	ED BEFORE IVERED IN
291 N. Main St. Porterville, CA 93257			×	AUTHOP	ZED REPRESENT	TATIVE			
				10	2				
				12	1				
ACORD 25 (2016/03)					© 1988	3-2015 ACO	RD CORPORATION. A	ll right	s reserved.

The ACORD name and logo are registered marks of ACORD



SUBJECT: Review of City Participation in the Tulare County Regional Transit Agency

SOURCE: Public Works

COMMENT:

On August 11, 2020, the Joint Powers Agreement was approved creating the Tulare County Regional Transit Agency (TCRTA). TCRTA is comprised of member agencies from the Cities of Dinuba, Exeter, Farmersville, Porterville, Tulare, Woodlake and the County of Tulare. Pursuant to the Agency Bylaws, Any of the member agencies may, on or before May 1 of any year, give written notice to the Transit Agency that it is withdrawing from the Transit Agency and terminating its rights and duties under the Agreement at the end of the fiscal year, and such notice shall have the same effect on the 30th day of June thereafter. Withdrawal at any other time requires approval of the Agency Board of Directors.

As the City Council is aware, the finances of the TCRTA has been of concern, including the call for funds from member agencies in September 2022, which the Council authorized the allocation of \$1 million to the TCRTA as its proportional share of the annual TCRTA fiscal budget to stabilize the finances of the Agency. City staff has had continued concerns in regard to the Agency's financial position, which an Agency Finance Committee meeting scheduled for March 14, 2023 was canceled due to the continuing county-wide emergency flood responses and has yet been rescheduled at the time of this report.

Anticipated to be considered by the Council as a Scheduled Matter at this meeting, staff recommends that the Council's review of the City's participation in the TCRTA be scheduled as a Scheduled Matter for the meeting of April 4, 2023, in the anticipation that the Finance Committee will also be conducted prior to the April 4th meeting of the Council.

RECOMMENDATION: That the City Council schedule the review and consideration of the City's continued participation in the Tulare County Regional Transportation Agency at its meeting on April 4, 2023.

ATTACHMENTS: 1. Tulare County Regional Transit Agency Bylaws

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager

TULARE COUNTY REGIONAL TRANSIT AGENCY AMENDED AND RESTATED JOINT POWERS AGREEMENT

The Joint Powers Agreement ("Agreement"), dated this _____ day of _____, 2022, by and among the County of Tulare and the Cities of Exeter, Farmersville, Lindsay, Porterville, Tulare, Woodlake, and the Tule River Indian Tribe (each, a "Party" or "Member Agency" and together, the "Parties" or "Member Agencies" to this Agreement) is hereby entered into pursuant to Section 6500 *et seq.* of the Government Code of the State of California.

Article I General Provisions

Section 1: Purpose

The purpose of this Agreement is to empower the Parties to exercise their common powers by the formation and operation of a Joint Powers Agency, hereafter called "Tulare County Regional Transit Agency" or "Transit Agency," with full power and authority to own, operate, and administer a public transportation system within the jurisdictions of the Member Agencies. The Transit Agency shall be a public agency separate and apart from the Member Agencies.

Section 2: Name and Membership

The legal name of the Transit Agency shall be "Tulare County Regional Transit Agency." Agencies eligible to enter into this Agreement include the County of Tulare, all incorporated cities within Tulare County, and the Tule River Indian Tribe. Upon entering into this Agreement, Member Agencies shall be required to maintain membership for the duration of the remaining fiscal year in which the Member Agency joined, plus the following three (3) fiscal years. Early withdrawal of any agency under these terms may be approved by unanimous vote of the Transit Agency's Board of Directors if withdrawal is determined to be mutually beneficial.

Section 3: Boundaries

The boundaries of the Transit Agency shall coincide with the exterior boundaries of Tulare County but shall exclude the territory of any incorporated city within Tulare County that is not a Party to this Agreement.

Section 4: Powers

The Transit Agency shall have all powers necessary to carry out the purpose of this Agreement, except the power to tax. The powers of the Transit Agency specifically include, but are not limited to, the following:

- a. To operate a public transportation system to service the Tule River Indian Tribe and incorporated areas of the cities who elect to become Member Agencies hereunder and the unincorporated areas of the County of Tulare.
- b. To acquire, hold, and dispose of real and personal property.

- c. To acquire, construct, manage, maintain, and/or operate any facilities or improvements.
- d. To own, lease, operate, and maintain vehicles and other property and equipment, which are necessary or reasonable to carry out the purpose of this Agreement.
- e. To expend funds. This power shall be limited only by the availability of funds as set forth in Article III, Sections 4 and 9 of this Agreement.
- f. To sue and be sued in its own name.
- g. To make and enter into contracts for services.
- h. To incur debts, liabilities, and obligations, none of which shall become a debt, liability, or obligation of any Member Agency pursuant to California Government Code section 6508.1 (a) without the express written consent of that Member Agency, except that any debt, liability, or obligation of the Transit Agency with respect to retirement liabilities of the Transit Agency shall be a joint debt, liability, or obligation of each Member Agency if the Transit Agency contracts with a public retirement system.
- i. To provide and enter into agreements for transportation services to locations outside the jurisdiction and boundaries of any of the Member Agencies.
- j. To apply for and execute agreements for financial assistance from the State of California, U.S. Government, and other sources, and to obligate the Transit Agency to operate the public transportation system in accordance with the terms and conditions of said financial assistance.
- k. To purchase insurance.
- I. To employ staff, or to contract with the Member Agencies, or private vendors or individuals to provide the agency with necessary and appropriate services, including, but not limited to, an Executive Director and legal counsel. If the Transit Agency elects to employ its own staff, then the Board shall establish appropriate personnel rules and benefit programs, and determine whether to seek and approve membership in the Tulare County Employees Retirement Association, another established retirement/pension system, or make other retirement/pension options available for its employees.
- m. To adopt local debt policies pursuant to California Government Code section 8855.
- n. To adopt a Conflict-of-Interest Code pursuant to California Government Code section 87300.
- o. All other powers that are necessary and proper for the Transit Agency in order to provide public transportation services.

Article II Organization

Section 1: Governing Board of Directors

The powers of the Transit Agency are vested in its governing Board of Directors, hereafter called the "Board." The Board shall be composed of elected officials, hereafter called "Directors," from each Member Agency. Each Member Agency shall appoint one regular Director and one alternate Director to the Board. Each Director will serve at the pleasure of the Director's appointing authority; however, Directors who are members of the governing body of their respective Member Agencies shall cease to serve as Directors upon termination of that public office. The applicable appointing authorities shall fill vacancies on the Board of Directors.

The following shall sit as non-voting, *ex-officio* members of the Board:

a. The Tulare County Association of Governments (TCAG) Board members sitting as the Public Transit Representative and Alternate (if different than an already seated Transit Agency Director).

Section 2: Officers

a. The Board shall elect a Chair and Vice-Chair from among the Directors, and such other officers as the Board may deem necessary.

b. The Chair shall preside at all meetings of the Board and generally shall perform all duties incident to the office of Chair and such other duties as may from time to time be assigned to such office by the Board.

c. At the request of the Chair, or in case of his or her absence or disability, the Vice-Chair shall perform all duties of the Chair and, when so acting, shall have all the powers of, and be subject to all restrictions upon, the Chair. In addition, the Vice-Chair shall perform such other duties as may from time to time be assigned to that office by the Board of Directors or the Chair.

d. The Chair, Vice-Chair, and such other officers as are elected by the Board each shall serve at the pleasure of the majority of the Board and be elected for a term of two years, with no limit on the number of terms served. Each such officer shall continue to serve until his or her successor is elected, or until his or her death, resignation, or removal from office by the majority of the Board, whichever occurs earlier.

e. The Executive Director of the Transit Agency (provided for below) shall serve *ex-officio* as the Secretary of the Board. The Secretary shall (i) certify and keep at the office of the Transit Agency, or at such other place as the Board may order, the original or a copy of the Agreement, the Bylaws, and the other documents provided for below, as amended or otherwise altered; (ii) keep at the office of the Transit Agency, or at such other place as the Board may order, a book of minutes of all meetings of the Board, recording therein. the time and place of holding, whether regular or special, and, if special, how authorized, the notice thereof given, and the proceedings thereat; (iii) see that all notices are duly given in accordance with the provisions of this Agreement, the Bylaws, or as required by law; (iv) be custodian of the records of the Transit Agency; (v) exhibit at all reasonable times to any Director., upon application, the Bylaws and minutes of the proceedings of the Board; and (vi) in general, perform all duties of the office of Secretary and such other duties as may from time to time be assigned to such office by the Board or the Chair.

f. Any officer may resign at any time by giving written notice to the Board. Any such resignation shall take effect at the time specified therein and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. A vacancy in any office because of death, resignation, removal, disqualification or any other cause shall be filled in the manner prescribed in this Agreement for regular election or appointment to such office.

g. With prior Board approval, the Chair, the Vice-Chair, or the Secretary is authorized to execute all documents in the name of the Transit Agency.

The members of the Board shall serve without compensation but shall receive reimbursement for actual and necessary travel expenses incurred in the performance of their duties and outlined in accordance with policies established by the Board.

Section 4: Executive Director

The Board shall appoint an Executive Director. The Executive Director shall serve at the pleasure of or upon the terms prescribed by the Board. The Executive Director so appointed may be an employee of a Member Agency, an employee of the Transit Agency, or an independent contractor (or employee of an independent contractor). Under rules and regulations provided by the Board, the powers and duties of the Executive Director are:

- a. To lead and coordinate the transit system of the Transit Agency and to be responsible to the Board for proper administration of all affairs of the Transit Agency.
- b. To appoint, assign, direct, supervise, and, subject to the personnel rules adopted by the Board, discipline or remove Transit Agency employees.
- c. To arrange for secondary support services, including: legal counsel, general services, office space, human resources, fiscal and administrative support, communications, information technology, payroll, and other support services necessary or convenient for the operation of the transit system and Transit Agency.
- d. To supervise and direct the preparation of the annual operating and capital improvement budgets, hereafter called "Budget", for the Board and be responsible for their administration after adoption by the Board.
- e. To formulate and present to the Board plans for transit facilities and/or services and the means to finance them.
- f. To supervise the planning, acquisition, construction, maintenance, and operation of the transit facilities and/or services of the Transit Agency.
- g. To provide regular performance updates to the Board.
- h. To attend all meetings of the Board and act as the Secretary of the Board. As Secretary, he or she shall cause to be kept minutes of all meetings of the Board, to cause a copy of the minutes of the previous Board meeting to be included with the agenda of the next regular meeting of the Board, and perform all of the duties prescribed in Section 2.e. above.
- i. To establish and maintain fare collection and deposit services.
- j. To organize and operate an ongoing transit marketing program, including special promotions.
- k. To evaluate and propose new programs and public transportation services, with implementation to occur as approved by the Board.
- I. To execute transfers within major budget units, in concurrence with the Treasurer/ Auditor-Controller of the Transit Agency, as long as the total expenditures of each major budget unit remain unchanged.
- m. To purchase or lease items, fixed assets, or services within the levels authorized in the applicable Budget.
- n. To lease buses, vans, and other transit vehicles on an "as needed" basis from public or private organizations when deemed necessary to assure continued reliability of service.

o. To perform such other duties as the Board may require in carrying out the policies and directives of the Board.

Section 5: Meetings

The Board shall hold regular monthly meetings and shall establish a date, time, and place for those meetings. Meetings may be canceled by a vote of the Board. Special meetings may be called at any time by the Chair, or at the suggestion of the Executive Director, or upon written request by any two members of the Board. Each member shall receive written notice at least 24 hours in advance of any special meeting unless the member has specifically waived this required notice.

Section 6: Ralph M. Brown Act

All meetings of the Board shall be conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code).

Section 7: Quorum

A majority of the total membership of the Board shall constitute a quorum for the transaction of business.

Section 8: Voting

Regular business will be acted upon by approval of a quorum of the Board, with the exception of the following actions which shall require approval by a unanimous vote of the Directors present and voting at a regular or special meeting of the Board, provided that a quorum of the Board is present and voting:

- a. Approval of the Budget.
- b. Local Transportation Fund (LTF) Claims Approval for Submittal to TCAG.
- c. Withdrawal of an agency prior to completion of initial new membership term (per Article I, Section 2).
- d. Readmission of an agency that was a prior member of the Transit Agency and has since withdrawn.

Section 9: Policies and Procedures, Bylaws, Conflict-of-Interest Code, and Debt Policies

Within the first six (6) months of the Transit Agency's existence, the Board shall establish a Policies and Procedures Manual and Bylaws to govern the day-to-day operations of the Transit Agency, local debt policies pursuant to California Government Code section 8855, and a Conflict-of-Interest Code pursuant to California Government Code section 87300, all of which are not inconsistent either with applicable law or with this Agreement. Each Director and Member Agency shall receive a copy of the adopted Policies and Procedures Manual, the Bylaws, and the Conflict-of-Interest Code. Thereafter, the Board may amend or repeal any bylaw, regulation, policy, procedure or portion of the Conflict-of-Interest Code, provided that such action is not inconsistent with either the applicable law or this Agreement. The Executive Director

shall send to each Director and to each Member Agency all Bylaw amendments, and Debt Policy and Conflict-of-Interest Code revisions promptly after adoption by the Board.

Section 10: New Members

If a city or other eligible organization within the County of Tulare not a Party to this Agreement desires to join the Transit Agency, it may become a Member Agency subject to such terms and conditions as may be prescribed by the Board. Upon becoming a Member Agency, the new Member Agency shall become responsible for its share of the funding for public transportation provided by the Transit Agency. The new Member Agency's share of the funding shall be determined in the same manner as for the original Member Agencies, as set forth in Article III, Section 4, "Sources of Funds" of this Agreement.

If a new city is incorporated in Tulare County, it may become a Member Agency, subject to such terms and conditions as may be prescribed by the Board. Upon becoming a Member Agency, the new city shall become responsible for its share of the funding for public transportation provided by the Transit Agency. The new city's share of the funding shall be determined in the same manner as for the original Member Agencies as set for the in Article III, Section 4, "Sources of Funds" of this Agreement. Regardless of whether or not the new city elects to become a Member Agency, at the end of the fiscal year during which incorporation becomes effective, unless otherwise agreed among the new city, the County, and the Transit Agency, the County will no longer be responsible for funding public transportation within the area included in the new city.

New Member Agencies shall be required to maintain membership in this Agreement for the duration of the fiscal year in which the Member Agency joined, plus the following three (3) fiscal years.

Section 11: Change of Boundaries

In the case of annexations, reorganization of transit services and costs due to new jurisdictional boundaries will occur. Funding for transit services provided within Member Agencies' jurisdictions shall be determined as set forth in Article III, Section 4, "Source of Funds" of this Agreement.

Section 12: Ratification and Effective Date

This Agreement shall become effective upon ratification by the legislative bodies of all participating agencies. This Agreement shall be dated and shall be effective upon the last date ratified by a Member Agency.

Section 13: Amendment of Agreement

This Agreement may be amended at any time by a supplemental written agreement executed by all Parties. Amendments may be made only with the unanimous approval of the legislative bodies of all of the Member Agencies.

Section 14: Withdrawal and Readmission of Member Agencies

Any Party to this Agreement may, on or before May 1 of any year, give written notice to the Transit Agency that it is withdrawing from the Transit Agency and terminating its rights and duties under the Agreement at the end of the fiscal year, and such notice shall have the same effect on the 30th day of June thereafter. Withdrawal at any other time requires approval of the Board per Article II, Section 8.

If a Member Agency chooses to withdraw, it nevertheless shall be responsible for its share of all Transit Agency contractual obligations in force on the effective date of withdrawal. Said share shall be determined in accordance with Article III, Section 4, "Sources of Funds" of this Agreement. The withdrawing agency shall remain responsible for said contractual obligations until the involved contracts legally expire or until the obligations can be changed or eliminated by negotiations between the contracting parties.

Each of the Parties to this Agreement hereby agrees that if it should withdraw from the Transit Agency and give up its rights and duties under this Agreement, as provided hereinabove, and the Transit Agency is not dissolved as a result of said withdrawal, then such withdrawing Party waives its right to any refund of contributions previously made by such Party to the Transit Agency and relinquishes to the Transit Agency all right, title, and interest it may have in any property of the Transit Agency.

After finalization of Member Agency withdrawal, that agency will be eligible to re-enter into this Agreement after one full fiscal year has passed. When any Party has ceased to be a Party to this Agreement, it shall not be entitled to again become a Party to this Agreement except upon unanimous consent of the Board and upon such terms and conditions as may be imposed by unanimous action of the Board.

Section 15: Duration of Agreement

This Agreement shall continue in full force and effect until termination is approved by all or by all but one of the legislative bodies of the Member Agencies, or until withdrawals have reduced the number of Member Agencies to less than two.

In the case of termination, contractual obligations shall be met in the same manner as specified for withdrawals in Article II, Section 14, "Withdrawal and Readmission of Member Agencies" of this Agreement.

Section 16: Distribution of Surplus Money and Property

Pursuant to California Government Code Sections 6511 and 6512, in the event that this Agreement is terminated, then all surplus money and property of the Transit Agency shall be distributed to the Member Agencies in proportion to the most recent annual contributions made by the Member Agencies under the terms of Article III, Section 4, "Source of Funds" of this Agreement. In the case of property, the Member Agencies may elect to receive their shares of the property in kind or may request that their shares be sold and the money distributed in the manner prescribed in this Section.

Section 17: Notification of Secretary of State, State Controller, and Local Agency Formation Commission

Pursuant to California Government Code Sections 6503.5 and 6503.6, the Transit Agency shall, within thirty (30) days of the effective date of this Agreement or amendment thereto, cause (a) a notice of the Agreement or amendment to be prepared and filed with the office of the California Secretary of State, (b) a full copy of the Agreement or amendment to be filed with the State Controller, and (c) a full copy of the Agreement or amendment to be filed with the Tulare County Local Agency Formation Commission.

Article III Financial and Service Level Provisions

Section 1: Fiscal Year and Budget

The fiscal year for the Transit Agency shall be July 1 through June 30 of the following calendar year.

The Board shall adopt an Annual Budget prior to the beginning of each fiscal year. Except as otherwise provided in Article III, Section 4 of this Agreement, a unanimous vote of approval by all Directors present and voting at a regular or special meeting of the Board, which must be a quorum, shall be required for the adoption of the Budget.

The Annual Budget may carry forward funds for future fiscal years where necessary to reflect obligations under state or federal funding or grant agreements.

Section 2: Level of Service

The minimum level of public transit service provided within the jurisdiction of each Member Agency shall be established by the Transit Agency. The Transit Agency shall set levels of service based on appropriate established criteria, including: needs of residents, service performance, TCAG performance measures and other requirements, Title VI compliance, and any other criteria deemed a) appropriate by the Transit Agency and/or b) required by law. Unmet needs found reasonable to meet will also be implemented as required.

Costs of services above the minimum level of service as set by the Transit Agency shall be calculated based upon the marginal increase in cost, plus an allocation of fixed costs of the additional services based upon the proportion of vehicle hours of the new service to the total vehicle hours provided by the Transit Agency, and shall be charged to and paid by the requesting Member Agency.

Section 3: Service Changes

Transportation Development Act (TDA)-funded services may be adjusted from time to time as deemed appropriate by the Board. Additionally, each Member Agency, by resolution of its governing body, may submit a request for changes in the services funded through TDA within said Member Agency's jurisdictional boundaries. Said request shall include a description of the requested changes.

In reviewing requests for service increases, the Transit Agency shall consider:

- a. Whether such changes are in substantial conformance with applicable plans, such as transit plans and the Regional Transportation Plan, and comply with required minimum levels of service.
- b. Whether there is sufficient funding available to implement the proposed service change.
- c. Whether there is sufficient personnel, operating capacity, and capital resources available to implement such services.
- d. Whether changes are permissible under state and federal law, and including Transit Agency's willingness and ability to implement necessary actions required for requested changes.

In reviewing requests for service decreases that will amount to a funding reduction of ten (10) percent or more from the requesting agency's share, the Transit Agency shall require up to six (6) months to negotiate changes with the requesting Member Agency and to implement any reductions approved by the Board. The Transit Agency shall consider whether such changes are in substantial conformance with applicable plans, such as transit plans and the Regional Transportation Plan, and comply with required minimum levels of service.

Section 4: Sources of Funds

The Transit Agency shall have the authority to apply for any funds available for transit purposes from any regional, local, state, or federal sources. Claims for Local Transportation Funds must be unanimously approved by Directors present at a regular or special meeting of the Board and voting on the matter, which must be a quorum.

Each Member Agency shall make an annual contribution to the Transit Agency. The contribution shall be the member's pro rata share of the Transit Agency's annual budget, less any transit assistance funds that can only be used for transit. The pro rata share shall be based on one-half on the ratios of populations within a member's jurisdictional boundary (excluding the population of any non-member jurisdiction), and one-half on ratios of transit service hours available to each Member Agency. Notwithstanding the foregoing, while any debt incurred by the Transit Agency in accordance with this Agreement remains outstanding, (i) the annual budget of the Transit Agency shall include the aggregate amount of all principal and/or interest payments payable on such debt for each application fiscal year (which aggregate amount so budgeted shall be deemed approved by all Member Agencies, whether or not the annual budget, as a whole, has been approved in accordance with Article III, Section 1 of this Agreement), and (ii) each Member Agency which is a member on the date on which the Transit Agency incurs the applicable debt, shall be obligated to annually contribute its Local Transportation Funds (Government Code section 29530 et seq.), to the Transit Agency (whether the Member Agency remains a member or withdraws as a member of the Transit Agency).

Population figures shall be those published by the California Department of Finance. Transit service hour ratios shall be developed by TCAG or Transit Agency staff, as applicable, and shall be included as part of the Annual Budget.

Section 5: Transfer of Transit-Related Assets

Upon the effective date of this Agreement, each Member Agency shall consider the transfer to the Transit Agency, or retention, of the agency's existing transit-related assets. The terms and conditions for transfers and/or lease of assets shall be negotiated between the Transit Agency and applicable Member Agency. The Executive Director shall establish policies and procedures for maintaining assets and the use of assets necessary to provide public transportation services within its service area, including requirements for Transit Agency pre-approval of alterations and improvements.

Section 6: New Assets

Upon the effective date of this Agreement, the Transit Agency will become responsible for the purchase all new transit vehicles and related equipment, at a minimum, for the provision of services within its service area.

Section 7: Assignment of Federal Transit Administration (FTA) Contracts and Grant Application Authority

Subject to FTA and Transit Agency approval, Member Agencies may assign existing FTA contracts and policies, including contractual requirements, assurances, and responsibilities, over to the Transit Agency. The Executive Director shall be authorized to prepare, submit, and execute grant applications for the use of FTA operating, planning, and capital funds, as well as other state, federal, and local funds that may become available.

Section 8: Service Agreements

Upon the effective date of this Agreement, the Transit Agency shall work with Member Agencies to assume service agreements, if possible and feasible, for services necessary for the operation of the Transit Agency and for provision of service within its service area. Where service agreements cannot be assumed, the Transit Agency will work with contracting Member Agencies to utilize services until such time that the agreements are terminated, as necessary and appropriate. A Member Agency shall not enter into new transit service agreements as required for operation of the Transit Agency once its existing transit service agreements are terminated.

Section 9: Limitation of Financial Commitment

Except as provided in Article III, Section 4 of this Agreement, the Transit Agency shall not obligate Member Agencies to expenditure of general funds for transit purposes.

Section 10: Investment of Funds

Pursuant to California Government Code section 6509.5, the Transit Agency shall have the power to invest any money in the treasury pursuant to California Government Code section 6505.5 that is not required for

the immediate necessities of the Transit Agency, as the Board determines is advisable, in the same manner and upon the same conditions as local agencies pursuant to California Government Code section 53601.

Article IV Miscellaneous provisions

Section 1: Treasurer and Auditor

Pursuant to California Government Code Section 6505.5, the County Treasurer and County Auditor of the County of Tulare are hereby designated as Treasurer and Auditor of the Transit Agency. As such, they shall have the powers, duties, and responsibilities as set forth in said section of the Government Code. The County shall be compensated for the services rendered. The amount and method of compensation agreed upon between the County and Transit Agency shall be set forth in the Annual Budget of the Transit Agency.

Section 2: Annual Audit

The Board shall cause an annual audit to be prepared and filed pursuant to California Government Code Section 6505. The Transit Agency shall pay the cost of such audit whether conducted by the County Auditor or an independent auditor.

Section 3: Official Bonds

Pursuant to California Government Code Section 6505.1, the Board shall require the official bonds be filed by any officers, employees, or agents, which have access to the property of the Transit Agency. The cost of said bonds shall be borne by the Transit Agency.

Section 4: Purchasing Procedures

The Board may establish purchasing procedures and policies to ensure the Transit Agency receives competitive prices for the lease or purchase of goods and services. Formal bidding shall not be required unless specifically directed by the Board or required by applicable state or federal law.

Section 5: Indemnification

The Transit Agency shall indemnify, defend, and hold harmless the Member Agencies, their officers, agents, and employees, and members of the Board of Directors, their officers, agents, and employees, and committee members, their officers, agents, and employees, from and against any and all claims and losses whatsoever, occurring or resulting to persons, firms, or corporations furnishing or supplying work, services, materials or supplies to the Transit Agency in connection with the performance of this Agreement, and, except as expressly provided by law, from any and all claims and losses accruing or resulting to any persons, firm or corporation, for damage, injury, or death arising out of or connected with the Transit Agency's performance of its obligations under this Agreement. Nothing herein shall limit the right of the Transit Agency to purchase insurance or to create a self-insurance mechanism to provide coverage for the foregoing indemnity.

In this regard, the Member Agencies do not intend hereby to be obligated either jointly or severally for the debts, liabilities or obligations of the Transit Agency, except as may be specifically provided for in California Government Code Section 895.2 as amended or supplemented. Provided, however, if any Member Agency is, under such applicable law, held liable for the acts or omissions of the Transit Agency caused by negligent or wrongful act or omission occurring in the performance of this Agreement, then such parties shall be entitled to contribution from the other Member Agencies so that after said contributions each Member Agency shall bear a proportionate share of such liability, in ratios consistent with those provided for in Article III, section 4 above. This Section 5 of Article IV does not apply to acts or omissions of a Member Agency in implementing the public transit system approved by the Transit Agency within such Member Agency's boundaries and managed in whole or in part by such Member Agency.

Section 6: Privileges and Immunities

All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, workmen's compensation, and other benefits which apply to the activity of officers, agents or employees of any Member Agency when performing their respective functions within the territorial limits of their respective public agencies, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extraterritorially under the auspices of the Transit Agency and the provisions of this Agreement.

Section 7: Finance or Refinance Acquisition of Transit Equipment

- a. Pursuant to California Government Code section 6518, the Transit Agency, without being subject to any limitations of any Party to the Agreement pursuant to California Government Code section 6509, may also finance or refinance the acquisition or transfer of transit equipment or transfer federal income tax benefits with respect to any transit equipment by executing agreements, leases, purchase agreements, and equipment trust certificates in the forms customarily used by a private corporation engaged in the transit business to effect purchases of transit equipment, and dispose of the equipment trust certificates by negotiation or public sale upon terms and conditions authorized by the parties to the agreement. Payment for transit equipment, or rentals therefor, may be made in installments, and the deferred installments may be evidenced by equipment trust certificates that are authorized by the parties to the agreement. Title to the transit equipment shall not vest in the Transit Agency until the equipment trust certificates are paid.
- b. If the Transit Agency finances or refinances transit equipment or transfers federal income tax benefits with respect to transit equipment under subdivision (a), it may provide in the agreement to purchase or lease transit equipment any of the following:
 - (1) A direction that the vendor or lessor shall sell and assign or lease the transit equipment to a bank or trust company, duly authorized to transact business in the state as trustee, for the benefit and security of the equipment trust certificates.
 - (2) A direction that the trustee shall deliver the transit equipment to one or more designated officers of the Transit Agency.
 - (3) An authorization for the Transit Agency to execute and deliver simultaneously therewith an installment purchase agreement or a lease of equipment to the Transit Agency.

- c. If the Transit Agency finances or refinances transit equipment or transfers federal income tax benefits with respect to transit equipment under subdivision (a), then it shall do all of the following:
 - (1) Have each agreement or lease duly acknowledged before a person authorized by law to take acknowledgments of deeds and be acknowledged in the form required for acknowledgment of deeds.
 - (2) Have each agreement, lease, or equipment trust certificate authorized by resolution of the Board.
 - (3) Include in each agreement, lease, or equipment trust certificate any covenants, conditions, or provisions that may be deemed necessary or appropriate to ensure the payment of the equipment trust certificate from legally available sources of funds, as specified in the equipment trust certificates.
 - (4) Provide that the covenants, conditions, and provisions of an agreement, lease, or equipment trust certificate do not conflict with any of the provisions of any trust agreement securing the payment of any bond, note, or certificate of the Transit Agency.
 - (5) File an executed copy of each agreement, lease, or equipment trust certificate in the office of the California Secretary of State, and pay the fee, as set forth in paragraph (3) of subdivision (a) of Section 12195 of the Government Code, for each copy filed
- d. The Transit Agency acknowledges that California Secretary of State may charge a fee for the filing of an agreement, lease, or equipment trust certificate under California Government Code section 6518. The agreement, lease, or equipment trust certificate shall be accepted for filing only if it expressly states thereon in an appropriate manner that it is filed under California Government Code section 6518. The filing constitutes notice of the agreement, lease, or equipment trust certificate to any subsequent judgment creditor or any subsequent purchaser.
- e. Each vehicle purchased or leased under California Government Code section 6518 shall have the name of the owner or lessor plainly marked on both sides thereof followed by the appropriate words "Owner and Lessor" or "Owner and Vendor," as the case may be.

Section 8: Issuance of Revenue Bonds or Other Debt

Pursuant to Article 2, commencing with section 6540, of Chapter 5 of Division 7 of Title 1 of the California Government Code and upon the affirmative authorization of each of the Member Agencies, the Transit Agency may issue revenue bonds or other forms of indebtedness, including refunding bonds, pursuant to that article to pay the cost and expenses of acquiring or constructing mass transit facilities or vehicles, including any or all expenses incidental thereto or connected therewith, and such expenses may include engineering, inspection, legal and fiscal agents' fees, costs of the issuance and sale of said bonds, working capital, reserve fund, and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction. The proceeds of the bonds shall be used only for the project provided for in the indenture pursuant to which such revenue bonds are issued. Pursuant to California Government Code section 6547.8, no Director shall be personally liable on the bonds or subject to any personal liability by reason of the issuance of bonds pursuant to this authority. Pursuant to California Government Code section 6551, said revenue bonds shall not constitute a debt,

liability, or obligation of any Member Agency unless that Member Agency has given its express written consent to such obligation.

Section 9: Insurance

The Transit Agency shall obtain insurance for all Directors and Member Agencies, including, but not limited to, directors and officers liability insurance, and general liability insurance, containing policy limits in such amounts as the Board shall determine will be necessary to adequately insure against the risks of liability that may be incurred by the Transit Agency.

Section 10: Dispute Resolution Procedures

This Section shall govern the resolution of all controversies or claims among or between the Parties, including those that may arise between the Transit Agency and a Member Agency, that arise from or are related to this Agreement and any modifications hereto (collectively, "Arbitrable Disputes"). Wherever this Agreement makes reference to any means of resolving Arbitrable Disputes among or between the Parties, and/or the Transit Agency and a Member Agency, the Parties agree to follow the meet and confer and mediation procedure described below prior to initiating any litigation to resolve the dispute. Pending the resolution of any dispute hereunder, the Transit Agency and each Party shall continue to perform or otherwise fulfill its obligations under the Agreement. For convenience, the parties to a particular dispute are referred to in this Article as the "Disputants" and may include one or more Member Agencies and /or the Transit Agency.

- a. **Opportunity to Cure.** Notwithstanding any other provision in this Agreement, no Disputant may terminate the Agreement or pursue any remedy for any breach of this Agreement without first giving the applicable Party written notice of such breach and a reasonable time, not less than thirty (30) days, within which to cure such breach.
- b. Voluntary Resolution, Meet and Confer Obligation. In recognition of the government-to-government relationships of the Parties, the Disputants will make their best efforts to resolve disputes that occur under this Agreement by good faith negotiations whenever possible. Therefore, without prejudice to the right of any Disputant to seek injunctive relief against the other(s) pursuant to this Section 10, subsection e., when circumstances are deemed to require injunctive relief, the Parties hereby establish a threshold requirement that disputes between or among the Disputants first be subject to a process of meeting and conferring in good faith in order to allow the opportunity to cure any breach of contract issue between or among the Disputants, and to foster a spirit of cooperation and efficiency in the administration and monitoring of performance and compliance by each other with the terms, provisions, and conditions of this Agreement, as follows:
 - (1) Any Disputant shall give the other applicable Disputant(s), as soon as possible after the event giving rise to the concern, written notice setting forth, with specificity, the issues to be resolved. Notice shall be provided consistent with Section 11 below. Said notice shall suggest a date, time and place for the meeting. The Disputants may jointly decide to meet at another time and place; provided, however, the Disputants agree that such meeting shall commence within fifteen (15) calendar days after the date that the original

notice was given to the applicable Party, unless the Disputants agree that there is good cause to extend this time limit.

- (2) The Disputants agree that the meet and confer, including proceedings or discussions concerning the proposed meet and confer, is to be considered a confidential settlement negotiation for the purpose of all state and federal rules protecting disclosures made during such conferences from later discovery or use in evidence. All conduct, statements, promises, offers, views and opinions, oral or written, made during a meet and confer by any Party or a Party's agent, employee, or attorney shall be deemed to be confidential and shall not be subject to discovery or be admissible for any purpose, including impeachment, in any litigation or other proceeding, including mediation, involving the Disputants; provided, however, that evidence otherwise subject to discovery or otherwise admissible is not excluded from discovery or admission into evidence simply as a result of it having been used in connection with the meet and confer.
- (3) Absent mutual consent of the Disputants, if a noticed meeting fails to commence within the fifteen (15) calendar day period, or if a reasonable attempt to schedule or reschedule the meeting has not been made within those fifteen (15) calendar days, then the meet and confer obligation imposed under this Section shall be deemed to have been satisfied and the Disputants shall be free to pursue their rights and remedies under this Section 10, unless the reason for such failure to meet and confer is the refusal of the Party asserting a claim to participate in the meet and confer, in which event said claim will be deemed to have been waived.
- (4) If the dispute is not resolved to the satisfaction of the Disputants within thirty (30) calendar days after the first meeting, then upon the written request of any Disputant, the dispute may be submitted to non-binding mediation in accordance with Subsection c of this section ("Mediation Request"). The disputes submitted to non-binding mediation shall be limited to claims that this Agreement has been breached by one or more Disputants or the Transit Agency.
- c. **Mediation**. In the event a dispute arising under this Agreement is not resolved through the above-described meet and confer process, then within thirty (30) days after notice is provided through a Mediation Request, the Disputants to the dispute agree to participate in non-bind-ing mediation administered by a mediator, mutually agreed to by the Disputants, to help mediate and settle the dispute as soon as practicable. The mediation shall proceed as follows:
 - The mediation shall be held at a mutually agreeable location within Tulare County, California.
 - (2) The Disputants shall work together to select a single mediator, but if the Disputants cannot agree on a mediator within forty-five (45) calendar days of the Mediation Request, then each Disputant will provide the others with three (3) names of proposed mediators based on substantive and procedural knowledge, availability, and location. Each Disputant will have an opportunity to strike one (1) name from the list provided by the other Disputants and rank the remaining two (2) names 1-2, with one (1) being the most favorable. The Disputants shall then exchange lists of proposed mediators and the ranking numbers from each Disputant will be added together; the proposed mediator whose combined ranking number is the lowest, which is most favorable, will be deemed to have been chosen to serve as mediator for the particular dispute (the "Mediator"). If any Disputant

fails to act within the forty-five (45) calendar day period, then the mediator shall be appointed by Fresno, California office of the American Arbitration Association ("AAA") in accordance with applicable AAA Commercial Arbitration Rules for large, complex commercial disputes.

- (3) The Mediator shall meet with and hear presentations by the Disputants as soon as practicable after appointment.
- (4) Mediation will be conducted consistent with California Evidence Code Sections 1115-1129, this Section 10, and, to the extent practicable, the Commercial Mediation Procedures of the American Arbitration Association ("AAA"). The Mediator shall owe a professional duty to all Disputants, and shall be barred from testifying in any litigation or arbitration concerning any information obtained or disclosed in the course of the mediation.
- (5) Each Disputant shall bear its own costs and attorneys' fees, and an equal proportionate share of all fees and expenses of the Mediator.
- (6) Unless otherwise agreed upon by the Disputants in writing, the mediation shall be completed within ninety (90) days of the selection of the Mediator.
- (7) The Mediator's recommendations shall not be binding on or admissible against any Disputant. The Arbitrable Dispute shall be resolved in accordance with the litigation provisions set forth in Subsection d. below if: (1) a Disputant elects to reject the Mediator's recommendations; or (2) the Mediator does not meet with the Disputants.
- (8) The Disputants agree that the mediation, including proceedings or discussions concerning the mediation, is to be considered a confidential settlement negotiation for the purpose of all state and federal rules protecting disclosures made during such conferences from later discovery or use in evidence. All conduct, statements, promises, offers, views and opinions, oral or written, made during the mediation by any Disputant or a Disputant's agent, employee, or attorney shall be deemed to be confidential and shall not be subject to discovery or admissible for any purpose, including impeachment, in any litigation or other proceeding involving the Disputants; provided, however, that evidence otherwise subject to discovery or admissible is not excluded from discovery or admission into evidence simply as a result of it having been used in connection with the mediation.
- d. Litigation. Following the satisfaction of the meet and confer and mediation requirements, any controversy(ies) or claim(s) arising out of or relating to this Agreement that was not resolved during the meet and confer or mediation process (as applicable) may be resolved through litigation by or among the Disputants.
- e. Expedited Procedure for Threats to Public Safety
 - (1) Judicial Litigation. If any Disputant reasonably believes that another Disputant's violation of this Agreement has caused or will cause an imminent and significant threat to public health or safety, resolution of which cannot be delayed for time periods otherwise specified in this Section 10, then the complaining Disputant may proceed with judicial litigation consistent with the provisions of this Section 10.
 - (2) The Parties consent to the jurisdiction of the Tulare County Superior Court for purposes of obtaining declaratory relief and specific performance under this Subsection.

Section 11: Notice

All notices required by this Agreement will be deemed to have been given when made in writing and personally delivered or mailed to the respective representatives of Parties at their respective addresses on file with the Transit Agency. Any Party may change the address to which such communications are to be given by providing the other Parties with written notice of such change at least fifteen (15) calendar days prior to the effective date of the change. All notices will be effective upon receipt and will be deemed received through delivery if personally served, or on the fifth (5th) day following deposit in the mail.

Section 12: No Third Party Beneficiaries and No Assignment

This Agreement is not intended to, and will not be construed to, confer a benefit or create any right for any person or entity that is not a Party. The Parties agree that this Agreement and any of the obligations of the Parties under this Agreement may not be assigned to any third party and that no third party possesses the right or power to bring an action to enforce any of the terms of this Agreement.

Section 13: Waiver

The waiver by any Party or any of its officers, agents or employees or the failure of any other Party or its officers, agents or employees to take action with respect to any right conferred by, or any breach of any obligation or responsibility of this Agreement, shall not be deemed to be a waiver of such obligation or responsibility, or subsequent breach of same, or of any terms, covenants or conditions of this Agreement.

Section 14: Authorized Representatives

The persons executing this Agreement on behalf of the Parties hereto affirmatively represent that each has the requisite legal authority to enter into this Agreement on behalf of their respective Parties and to bind their respective Parties to the terms and conditions of this Agreement. The persons executing this Agreement on behalf of their respective Parties understand that all Parties are relying on these representations in entering into this Agreement.

Section 15: Successors in Interest

The terms of this Agreement will be binding on all successors in interest of each Party.

Section 16: Severability

If any provision of this Agreement is held to be illegal, invalid or unenforceable under present or future laws, such provision shall be fully severable, this Agreement shall be construed and enforced as if such illegal, invalid, or unenforceable provision had never comprised a part of this Agreement, and the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by the illegal, invalid, or unenforceable provision or by its severance from this Agreement. The Parties shall endeavor in good faith negotiations to replace the prohibited or unenforceable provision with a valid provision, with the economic effect of which comes as close as possible to that of the prohibited or unenforceable provision in accordance with Article IV, section 10 of this Agreement.

Section 17: Entire Agreement

This Agreement constitutes the entire agreement between the Parties with respect to the subject matter, and supersedes all prior negotiations, representations, or other agreements, whether written or oral. In the event of a dispute among the Parties as to the language of this Agreement or the construction or meaning of any term hereof, this Agreement will be deemed to have been drafted by the Parties in equal parts so that no presumptions or inferences concerning its terms or interpretation may be construed against any Party to this Agreement. Headings contained in this Agreement are for reference only and shall not affect the interpretation of this Agreement.

Section 18: Governing Law

This Agreement shall be governed by, and construed in accordance with, the laws of the State of California.

Section 19: Counterparts

The Parties may sign this Agreement in counterparts, each of which is an original and all of which taken together form one single document. A signed copy or signed counterpart of this Agreement delivered by facsimile, email, or other means of electronic transmission shall be deemed to have the same legal effect as delivery of a signed original or signed copy of this Agreement.

Section 20: Manual or Electronic Signatures

The Parties may sign this Agreement by means of manual or electronic signatures. The Parties agree that the electronic signature of a Party, whether digital or encrypted, is intended to authenticate this Agreement and to have the same force and effect as a manual signature. For purposes of this Agreement, the term "electronic signature" means any electronic sound, symbol, or process attached to or logically associated with this Agreement and executed and adopted by a Party with the intent to sign this Agreement, including facsimile, portable document format, or email electronic signatures, pursuant to the California Uniform Electronic Transactions Act (Cal. Civ. Code §§ 1633.1 to 1633.17), as it may be amended from time to time.

[THIS SPACE LEFT BLANK INTENTIONALLY; SIGNATURES FOLLOW ON NEXT PAGES]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

COUNTY OF TULARE	CITY OF EXETER
Ву	Ву
Chair, Board of Supervisors	Mayor
Attest: Jason T Britt, County Administrative Of-	Attest:
ficer/Clerk of the Board of Supervisors	Ву
Ву	Exeter City Clerk
Approved as to Form:	Approved as to Form:
COUNTY COUNSEL	Ву
Ву	Exeter City Attorney
Deputy (Matter No. 20192039)	
	CITY OF FARMERSVILLE
CITY OF TULARE	D
Ву	By Mayor
Mayor	
	Attest:
Attest:	
D.	By Farmersville City Clerk
By Tulare City Clerk	Farmersville City Clerk
	Approved as to Form:
Approved as to Form:	
-	By
By Tulare City Attorney	Farmersville City Attorney
Tulare City Attorney	

CITY OF LINDSAY

Ву _____

Mayor

Attest:

Ву _____

Lindsay City Clerk

Approved as to Form:

Ву _____

Lindsay City Attorney

CITY OF PORTERVILLE

Ву_____

Mayor

Attest:

Ву _____

Porterville City Clerk

	A	р	proved	as to	Form:
--	---	---	--------	-------	-------

Ву _____

Porterville City Attorney

CITY OF WOODLAKE

Ву _____

Mayor

Attest:

By _____ Woodlake City Clerk

Approved as to Form:

Ву_____

Woodlake City Attorney

TULE RIVER INDIAN TRIBE

Ву

Chairperson

Approved as to Form:

By

Tule River Tribal Attorney



SUBJECT: Authorization of Out-of-State Travel

SOURCE: Fire

COMMENT: On February 7-10, 2023, three Fire Department personnel traveled to the Pierce Manufacturing Facility, located in Wisconsin. During their trip, they evaluated and inspected several different types of fire apparatus. The evaluation and inspection process will assist the Department with planning for the purchase and replacement of future apparatus. Travel was provided by the manufacturer with the exception of three days of per diem expenses.

Staff requests that the City Council authorize out-of-state travel for three City of Porterville Fire Department personnel to the Pierce Manufacturing Facility, located in Wisconsin, for the evaluation and planning of the upcoming Ladder Truck and Fire Engine design.

RECOMMENDATION: That the City Council authorize out-of-state travel and per diem expenses for three Fire Department personnel to the Pierce Manufacturing Facility, located in Wisconsin, for the evaluation and planning of Ladder Truck and Fire Engine design.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director: Bryan Cogburn, Fire Chief

Final Approver: John Lollis, City Manager



- SUBJECT: City Council Member Requested Agenda Item Consider Authorization to Distribute a Request for Qualifications to Add to the List of Qualified Material Testing Firms and Annual Review by City Council
- SOURCE: City Manager's Office

COMMENT:

Council Member Meister has requested that the City Council consider authorization to distribute a Request for Qualifications to add to the list of qualified material testing firms and for annual review by Council. Pursuant to the City Council Procedural Handbook, should the Council approve to consider Council Member Meister's request, the subject would be considered as a Scheduled Matter at the Council's next regular meeting.

RECOMMENDATION: That the City Council approve Council Member Meister's request to consider authorization to distribute a Request for Qualifications to add to the list of qualified material testing firms and for Council to annually review.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director: John Lollis, City Manager

Final Approver: John Lollis, City Manager



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 March 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 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 Subbasin.

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.

· 1		t the City Council receive the report of status and review of Declaration of Local Emergency and determine the need sts 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.

Clam J. Vilal

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.
 - 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 GAVA NEWSOM Soverhor of California ATTEST: SHIRLE 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) SEVERE DROUGHT CONDITIONS)

RESOLUTION NO. 2021-0290

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 seg.; 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.

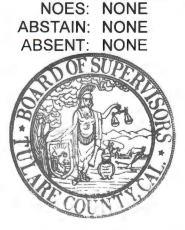
UPON MOTION OF SUPERVISOR MICARI, SECONDED BY SUPERVISOR

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



ATTEST:

JASON T. BRITT COUNTY ADMINISTRATIVE OFFICER/ CLERK, BOARD OF SUPERVISORS

Deputy Clerk

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2022-0002

TO ADOPT AN EMERGENCY REGULATION TO SUPPLEMENT VOLUNTARY WATER CONSERVATION

WHEREAS:

- 1. 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.
- 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.
- 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.
- 3. 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.
- 6. 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

Chair E. Joaquin Esquivel ABSENT:

ABSTAIN: None

Jeanine Joursend

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) <u>"Homeowners' association" means an "association" as defined in section</u> 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) <u>"Separate interest" has the same meaning as in section 4185 of the Civil Code.</u>

(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 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

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:
 - 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 Mentink⁶ Assistant Chief Counsel

For: Kenneth J. Pogue Director

Original: Eileen Sobeck, Executive Director Copy: Garrett Lenahan

NOTICE PUBLICATION	RECOMPOND ON STR	MSSPE		For use by Secretary of State only
OAL FILE NOTICE FILE NUMBER	REGULATORY AC		EMERGENCY NUM	BER
NUMBERS Z-	For use by Office of Adminis	2022 strative Law (OAL) only		
				in the office of the Secretary of of the State of California
				JUN 10 2022
		OFFICE OF A 2022 JUN		
				2:06 Pm
		•		
NOTICE			REGULATIONS	
AGENCY WITH RULEMAKING AUTHORIT State Water Resources Co	y ontrol Board			AGENCY FILE NUMBER (If any)
A. PUBLICATION OF NOT	FICE (Complete for pu	Iblication in Notic	e Register)	I
. SUBJECT OF NOTICE	and the second	TITLE(S)	FIRST SECTION AFF	ECTED 2. REQUESTED PUBLICATION DATE
NOTICE TYPE Notice re Proposed Regulatory Action Othe	4. AGENCY CONT/	ACT PERSON	TELEPHONE NUMBE	R FAX NUMBER (Optional)
OAL USE ACTION ON PROPOSED ONLY Approved as Submitted	Approved as Modified	Disapproved/	NOTICE REGISTER	NUMBER PUBLICATION DATE
3. SUBMISSION OF REGL		when submitting	regulations)	
SUBJECT OF REGULATION(S)				VIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
Vater Demand Reduction E	mergency Regulation			STATE OF A CONTRACTION NOMBER(S)
6 B B A H A A A A A A A A A A A A A A A A				
SPECIFY CALIFORNIA CODE OF REGUL	ATIONS TITLE(S) AND SECTION(S)	(Including title 26, if toxics r	related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach	ATIONS TITLE(S) AND SECTION(S) ADOPT 996 AMEND	(Including title 26, if toxics r	elated)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach dditional sheet if needed.)	ADOPT 996 AMEND	(Including title 26, if toxics r	related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach	адорт 996	(Including title 25, if toxics r	related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach dditional sheet if needed.) TLE(S) 3 TYPE OF FILING	ADOPT 996 AMEND	(Including title 26, if toxics r	elated)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach dditional sheet if needed.) TLE(S) 3	ADOPT 996 AMEND REPEAL Certificate of Compliance: Ti	he agency officer named	Emergency Read	
SECTION(S) AFFECTED (List all section number(s) individually. Attach dditional sheet if needed.) TLE(S) 3 TYPE OF FILING Regular Rulemaking (Gov. Code §11346) Resubmittal of disapproved	ADOPT 996 AMEND REPEAL Certificate of Compliance: Th below certifies that this agen provisions of Gov. Code §51	he agency officer named icy complied with the 1346.2-11347 3 either		
SECTION(S) AFFECTED (List all section number(s) individually. Attach dditional sheet if needed.) TLE(S) 3 TYPE OF FILING Regular Rulemaking (Gov. Code §11346) Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3,	ADOPT 996 AMEND REPEAL Certificate of Compliance: Th below certifies that this agen	he agency officer named tcy complied with the 1346.2-11347.3 either ation was adopted or	Emergency Read	346.1(h)) Regulatory Effect (Cal.
SECTION(S) AFFECTED (List all section number(s) individually. Attach dditional sheet if needed.) TLE(S) 3 TYPE OF FILING Regular Rulemaking (Gov. Code §11346) Resubmittal of disapproved or withdrawn nonemergency	ADOPT 996 AMEND REPEAL Certificate of Compliance: Th below certifies that this agen provisions of Gov. Code §§1 before the emergency regula	he agency officer named icy complied with the 1346.2-11347.3 either ation was adopted or ed by statute.	Emergency Read (Gov. Code, §11	346.1(h)) Regulatory Effect (Cal. Code Regs., title 1, §100)
SECTION(S) AFFECTED (List all section number(s) individually. Attach dditional sheet if needed.) TLE(S) 3 TYPE OF FILING Regular Rulemaking (Gov. Code §11346) Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) Emergency (Gov. Code, §11346.1(b))	ADOPT 996 AMEND REPEAL Certificate of Compliance: Th below certifies that this agen provisions of Gov. Code §§1 before the emergency regula within the time period require Resubmittal of disapproved of emergency filing (Gov. Code	he agency officer named icy complied with the 1346.2-11347.3 either ation was adopted or ed by statute. or withdrawn e, §11346.1)	Emergency Reac (Gov. Code, §11 File & Print	346.1(h)) Regulatory Effect (Cal. Code Regs., title 1, §100)
SECTION(S) AFFECTED (List all section number(s) individually. Attach dditional sheet if needed.) TLE(S) 3 TYPE OF FILING Regular Rulemaking (Gov. Code §11346) Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) Emergency (Gov. Code, §11346.1(b))	ADOPT 996 AMEND REPEAL Certificate of Compliance: Th below certifies that this agen provisions of Gov. Code §§1 before the emergency regula within the time period require Resubmittal of disapproved of emergency filing (Gov. Code AVAILABILITY OF MODIFIED REGU de, §§ 11343.4, 11346.1(d); Cal. Code or	he agency officer named tcy complied with the 1346.2-11347.3 either ation was adopted or ed by statute. or withdrawn b, §11346.1) ILATIONS AND/OR MATERIAL e Regs., title 1, §100) with \$\[100 Changes N	Emergency Read (Gov. Code, §11 File & Print Other (Specify)	346.1(h)) Regulatory Effect (Cal. Code Regs., title 1, §100) Print Only Vater Code Section 1058.5 MAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
SECTION(S) AFFECTED (List all section number(s) individually. Attach dditional sheet if needed.) TLE(S) 3 TYPE OF FILING Regular Rulemaking (Gov. Code §11346) Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) Emergency (Gov. Code, §11346.1(b)) ALL BEGINNING AND ENDING DATES OF EFFECTIVE DATE OF CHANGES (Gov. Coc Effective January 1, April 1, July 1, October 1 (Gov. Code §11343.4(a)) CHECK IF THESE REGULATIONS REQUIR	ADOPT 996 AMEND REPEAL Certificate of Compliance: Th below certifies that this agen provisions of Gov. Code §§1 before the emergency regula within the time period require Resubmittal of disapproved of emergency filing (Gov. Code AVAILABILITY OF MODIFIED REGU de, §§ 11343.4, 11346.1(d); Cal. Code or Effective on filing w Secretary of State ENOTICE TO, OR REVIEW, CONSL	he agency officer named icy complied with the 1346.2-11347.3 either ation was adopted or ed by statute. or withdrawn by \$11346.1) JLATIONS AND/OR MATERIAL e Regs., tille 1, §100) vith \$100 Changes M Regulatory Effer	Emergency Reac (Gov. Code, §11 File & Print Other (Specify) V LADDED TO THE RULEN Without Effective ct (Specify)	346.1(h)) Regulatory Effect (Cal. Code Regs., title 1, §100) Print Only Vater Code Section 1058.5 MAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) other
SECTION(S) AFFECTED (List all section number(s) individually. Attach dditional sheet if needed.) TLE(S) 3 TYPE OF FILING Regular Rulemaking (Gov. Code §11346) Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §\$11349.3, 11349.4) Emergency (Gov. Code, §11346.1(b)) ALL BEGINNING AND ENDING DATES OF EFFECTIVE DATE OF CHANGES (Gov. Cod Effective January 1, April 1, July 1, October 1 (Gov. Code §11343.4(a)) CHECK IF THESE REGULATIONS REQUIR Department of Finance (Form STD.	ADOPT 996 AMEND REPEAL Certificate of Compliance: Th below certifies that this agen provisions of Gov. Code §§1 before the emergency regula within the time period require Resubmittal of disapproved of emergency filing (Gov. Code AVAILABILITY OF MODIFIED REGU de, §§ 11343.4, 11346.1(d); Cal. Code or Effective on filing w Secretary of State ENOTICE TO, OR REVIEW, CONSL	he agency officer named hcy complied with the 1346.2-11347.3 either ation was adopted or ed by statute. br withdrawn h, §11346.1) ILATIONS AND/OR MATERIAL e Regs., title 1, §100) with \$100 Changes N Regulatory Effect JLTATION, APPROVAL OR CO	Emergency Reac (Gov. Code, §11 File & Print Other (Specify) V LADDED TO THE RULEN Without Effective ct (Specify)	346.1(h)) Regulatory Effect (Cal. Code Regs., title 1, §100) Print Only Vater Code Section 1058.5 MAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) other
SECTION(S) AFFECTED (List all section number(s) individually. Attach dditional sheet if needed.) TLE(S) 3 TYPE OF FILING Regular Rulemaking (Gov. Code §11346) Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §\$11349.3, 11349.4) Emergency (Gov. Code, §11346.1(b)) ALL BEGINNING AND ENDING DATES OF EFFECTIVE DATE OF CHANGES (Gov. Cool §11346.1(b)) ALL BEGINNING AND ENDING DATES OF EFFECTIVE DATE OF CHANGES (Gov. Cool Gotober 1 (Gov. Code §11343.4(a)) CHECK IF THESE REGULATIONS REQUIR Department of Finance (Form STD. Other (Specify) CONTACT PERSON	ADOPT 996 AMEND REPEAL Certificate of Compliance: Th below certifies that this agen provisions of Gov. Code §§1 before the emergency regula within the time period require Resubmittal of disapproved of emergency filing (Gov. Code AVAILABILITY OF MODIFIED REGU de, §§ 11343.4, 11346.1(d); Cal. Code or Effective on filing w Secretary of State E NOTICE TO, OR REVIEW, CONSU 399) (SAM §6660)	he agency officer named hcy complied with the 1346.2-11347.3 either ation was adopted or ed by statute. br withdrawn h, §11346.1) ILATIONS AND/OR MATERIAL e Regs., title 1, §100) with \$100 Changes N Regulatory Effect JLTATION, APPROVAL OR CO	Emergency Read (Gov. Code, §11 File & Print Other (Specify) ADDED TO THE RULEN Without Effective ct (Specify) ONCURRENCE BY, ANO actices Commission	346.1(h) Regulatory Effect (Cal. Code Regs., title 1, §100) Print Only Vater Code Section 1058.5 AKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) other THER AGENCY OR ENTITY State Fire Marshal
SECTION(S) AFFECTED (List all section number(s) individually. Attach dditional sheet if needed.) TLE(S) 3 TYPE OF FILING Regular Rulemaking (Gov. Code §11346) Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) Emergency (Gov. Code, §11346.1(b)) ALL BEGINNING AND ENDING DATES OF EFFECTIVE DATE OF CHANGES (Gov. Code §11346.1(b)) ALL BEGINNING AND ENDING DATES OF EFFECTIVE DATE OF CHANGES (Gov. Code §11346.1(b)) ALL BEGINNING AND ENDING DATES OF EFFECTIVE DATE OF CHANGES (Gov. Code §11346.1(b)) ALL BEGINNING AND ENDING DATES OF EFFECTIVE DATE OF CHANGES (Gov. Code §11346.1(b)) ALL BEGINNING AND ENDING DATES OF EFFECTIVE DATE OF CHANGES (Gov. Code §11346.1(b)) ALL BEGINNING AND ENDING DATES OF EFFECTIVE DATE OF CHANGES (Gov. Code §11349.4) CONTACT PERSON arrett Lenahan	ADOPT 996 AMEND REPEAL Certificate of Compliance: Th below certifies that this agen provisions of Gov. Code §§1 before the emergency regula within the time period require Resubmittal of disapproved of emergency filing (Gov. Code AVAILABILITY OF MODIFIED REGU de, §§ 11343.4, 11346.1(d); Cal. Code or Effective on filing w Secretary of State E NOTICE TO, OR REVIEW, CONSL 399) (SAM §6660) TE	he agency officer named icy complied with the 1346.2-11347.3 either ation was adopted or ed by statute. or withdrawn e, §11346.1) /LATIONS AND/OR MATERIAL e Regs., title 1, §100) with \$100 Changes N Regulatory Effect JLTATION, APPROVAL OR Cr Fair Political Pra ELEPHONE NUMBER 916) 341-5179	Emergency Read (Gov. Code, §11 File & Print Other (Specify) ADDED TO THE RULEN Without Effective Ct (Specify) ONCURRENCE BY, ANO Actices Commission	346.1(h)) Regulatory Effect (Cal. Code Regs., title 1, §100) Print Only Mater Code Section 1058.5 MAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) other THER AGENCY OR ENTITY State Fire Marshal
SECTION(S) AFFECTED (List all section number(s) individually. Attach dditional sheet if needed.) TLE(S) 3 TYPE OF FILING Regular Rulemaking (Gov. Code §11346) Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) Emergency (Gov. Code, §11346.1(b)) ALL BEGINNING AND ENDING DATES OF EFFECTIVE DATE OF CHANGES (Gov. Code §11346.1(b)) ALL BEGINNING AND ENDING DATES OF EFFECTIVE DATE OF CHANGES (Gov. Code §11346.1(b)) ALL BEGINNING AND ENDING DATES OF EFFECTIVE DATE OF CHANGES (Gov. Code §11346.1(b)) ALL BEGINNING AND ENDING DATES OF EFFECTIVE DATE OF CHANGES (Gov. Code §11343.4(a)) Check IF THESE REGULATIONS REQUIR Department of Finance (Form STD. Other (Specify) CONTACT PERSON arrett Lenahan I certify that the attached copy	ADOPT 996 AMEND REPEAL Certificate of Compliance: Th below certifies that this agen provisions of Gov. Code §§1 before the emergency regula within the time period require Resubmittal of disapproved of emergency filing (Gov. Code AVAILABILITY OF MODIFIED REGU de, §§ 11343.4, 11346.1(d); Cal. Code or Effective on filing w Secretary of State E NOTICE TO, OR REVIEW, CONSL 399) (SAM §6660) TE (S	he agency officer named locy complied with the 1346.2-11347.3 either ation was adopted or ed by statute. or withdrawn e, §11346.1) /LATIONS AND/OR MATERIAL e Regs., title 1, §100) with \$100 Changes N Regulatory Effect JLTATION, APPROVAL OR C Fair Political Pra ELEPHONE NUMBER 916) 341-5179 TUPE and correct com	Emergency Read (Gov. Code, §11 File & Print Other (Specify) ADDED TO THE RULEN Without Effective Ct (Specify) ONCURRENCE BY, ANO Actices Commission	346.1(h) Regulatory Effect (Cal. Code Regs., title 1, §100) Print Only Vater Code Section 1058.5 AKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) other THER AGENCY OR ENTITY State Fire Marshal
SECTION(S) AFFECTED (List all section number(s) individually. Attach dditional sheet if needed.) TLE(S) TYPE OF FILING Regular Rulemaking (Gov. Code §11346) Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) Emergency (Gov. Code, §11346.1(b)) ALL BEGINNING AND ENDING DATES OF EFFECTIVE DATE OF CHANGES (Gov. Code §11346.1(b)) ALL BEGINNING AND ENDING DATES OF EFFECTIVE DATE OF CHANGES (Gov. Code §11346.1(b)) ALL BEGINNING AND ENDING DATES OF EFFECTIVE DATE OF CHANGES (Gov. Code §11346.1(b)) ALL BEGINNING AND ENDING DATES OF EFFECTIVE DATE OF CHANGES (Gov. Code §11346.1(b)) ALL BEGINNING AND ENDING DATES OF EFFECTIVE DATE OF CHANGES (Gov. Code §11349.4) CONTACT PERSON BATTER THESE REGULATIONS REQUIR Other (Specify) CONTACT PERSON BATTER DATE OF CHANGES (Gov. Code STREED DATE OF CHANGES (Form STD. Other (Specify) CONTACT PERSON BATTER DATE OF CHANGES (FOR STD. CONTACT PERSON CONTACT	ADOPT 996 AMEND REPEAL Certificate of Compliance: Th below certifies that this agen provisions of Gov. Code §§1 before the emergency regula within the time period require Resubmittal of disapproved of emergency filing (Gov. Code AVAILABILITY OF MODIFIED REGU de, §§ 11343.4, 11346.1(d); Cal. Code or Effective on filing w Secretary of State E NOTICE TO, OR REVIEW, CONSL 399) (SAM §6660) TE of the regulation(s) is a t on this form, that the inform am the head of the agence	he agency officer named cy complied with the 1346.2-11347.3 either ation was adopted or ed by statute. or withdrawn b, §11346.1) ILATIONS AND/OR MATERIAL e Regs., title 1, §100) with \$100 Changes N Regulatory Effect JLTATION, APPROVAL OR CI Fair Political Pra ELEPHONE NUMBER 916) 341-5179 True and correct copy mation specified on fay	Emergency Read (Gov. Code, §11 File & Print Other (Specify) ADDED TO THE RULEN Without Effective (Specify) ONCURRENCE BY, ANO actices Commission FAX NUMBER (0	346.1(h)) Regulatory Effect (Cal. Code Regs., title 1, §100) Print Only Vater Code Section 1058.5 MAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) other THER AGENCY OR ENTITY State Fire Marshal Optional) E-MAIL ADDRESS (Optional)
SECTION(S) AFFECTED (List all section number(s) individually. Attach dditional sheet if needed.) TLE(S) TYPE OF FILING Regular Rulemaking (Gov. Code §11346) Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) Emergency (Gov. Code, §11346.1(b)) ALL BEGINNING AND ENDING DATES OF EFFECTIVE DATE OF CHANGES (Gov. Code §11346.1(b)) ALL BEGINNING AND ENDING DATES OF EFFECTIVE DATE OF CHANGES (Gov. Code §11346.1(b)) ALL BEGINNING AND ENDING DATES OF EFFECTIVE DATE OF CHANGES (Gov. Code §11343.4(a)) CHECK IF THESE REGULATIONS REQUIR Department of Finance (Form STD. Other (Specify) CONTACT PERSON Arrett Lenahan I certify that the attached copy of the regulation(s) identified of s true and correct, and that I a or a designee of the head of th VATURE OF AGENCY HEAD OR DESIGNE	ADOPT 996 AMEND REPEAL Certificate of Compliance: Th below certifies that this agen provisions of Gov. Code §§1 before the emergency regula within the time period require Resubmittal of disapproved of emergency filing (Gov. Code AVAILABILITY OF MODIFIED REGU de, §§ 11343.4, 11346.1(d); Cal. Code or Effective on filing w Secretary of State E NOTICE TO, OR REVIEW, CONSU 399) (SAM §6660) TE (§ of the regulation(s) is a t on this form, that the inform am the head of the agence the agency, and am authority Effective signed by Eric Oppenheimer	he agency officer named cy complied with the 1346.2-11347.3 either ation was adopted or ed by statute. or withdrawn \$ \$11346.1) ILATIONS AND/OR MATERIAL e Regs., title 1, §100) with \$100 Changes N Regulatory Effec JLTATION, APPROVAL OR CI Fair Political Pra ELEPHONE NUMBER 916) 341-5179 true and correct copy mation specified on 1 by taking this action, rized to make this ce DATE	Emergency Read (Gov. Code, §11 File & Print Other (Specify) ADDED TO THE RULEN Without Effective (Specify) ONCURRENCE BY, ANO actices Commission FAX NUMBER (0	346.1(h) Regulatory Effect (Cal. Code Regs., title 1, §100) Print Only Making Fille (Cal. Code Section 1058.5 MAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) other THER AGENCY OR ENTITY State Fire Marshal Optional) E-MAIL ADDRESS (Optional) For use by Office of Administrative Law (OAL) only AUTHORIZED FOR FILING AND PRINTING
SECTION(S) AFFECTED (List all section number(s) individually. Attach dditional sheet if needed.) TLE(S) TYPE OF FILING Regular Rulemaking (Gov. Code §11346) Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) Emergency (Gov. Code, §11346.1(b)) ALL BEGINNING AND ENDING DATES OF EFFECTIVE DATE OF CHANGES (Gov. Code §11346.1(b)) ALL BEGINNING AND ENDING DATES OF EFFECTIVE DATE OF CHANGES (Gov. Code §11346.1(b)) ALL BEGINNING AND ENDING DATES OF EFFECTIVE DATE OF CHANGES (Gov. Code §11343.4(a)) CHECK IF THESE REGULATIONS REQUIR Department of Finance (Form STD. Other (Specify) CONTACT PERSON Infett Lenahan Certify that the attached copy of the regulation(s) identified of s true and correct, and that I a or a designee of the head of th IATURE OF AGENCY HEAD OR DESIGNE	ADOPT 996 AMEND REPEAL Certificate of Compliance: Th below certifies that this agen provisions of Gov. Code §§1 before the emergency regula within the time period require Resubmittal of disapproved of emergency filing (Gov. Code AVAILABILITY OF MODIFIED REGU de, §§ 11343.4, 11346.1(d); Cal. Code or Effective on filing w Secretary of State E NOTICE TO, OR REVIEW, CONSL 399) (SAM §6660) TE (S or the regulation(s) is a t on this form, that the inform am the head of the agenc he agency, and am author	he agency officer named he agency officer named 1346.2-11347.3 either ation was adopted or ed by statute. or withdrawn , §11346.1) ILATIONS AND/OR MATERIAL e Regs., title 1, §100) with \$100 Changes N Regulatory Effect JLTATION, APPROVAL OR CO Fair Political Pra ELEPHONE NUMBER 916) 341-5179 true and correct copy mation specified on the sy taking this action, rized to make this ce	Emergency Read (Gov. Code, §11 File & Print Other (Specify) ADDED TO THE RULEN Without Effective (Specify) ONCURRENCE BY, ANO actices Commission FAX NUMBER (0	346.1(h) Regulatory Effect (Cal. Code Regs., title 1, §100) Print Only Vater Code Section 1058.5 AKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) other THER AGENCY OR ENTITY State Fire Marshal Optional) E-MAIL ADDRESS (Optional) For use by Office of Administrative Law (OAL) only

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. SWRCB000000000D2002017 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

- 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.

- (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.

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

CITY OF PORTERVILLE:

Name: Monte Reyes Title: Mayor

202 Date:

STATE WATER RESOURCES CONTROL BOARD:

By: _

2

Name: Leslie Laudon Title: Deputy Director Division of Financial Assistance

Date:

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 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

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						
Α.	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					
В.	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						
Α.	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.

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.

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

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.

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.

City of Porterville Project No.: 5410010-018C/ 5400655-001C Agreement No.: SWRCB000000000D2002017 Page 11 of 24

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

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

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].

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:
 - i. 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.

City of Porterville Project No.: 5410010-018C/ 5400655-001C Agreement No.: SWRCB00000000D2002017 Page 15 of 24

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 DrinkingWaterSRF@waterboards.ca.gov 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;

- 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;
- viii. Enforcement actions by or brought on behalf of the State Water Board or Regional Water Board.
- 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.

- 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.
 - c) 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.
 - j) 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

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.

City of Porterville Project No.: 5410010-018C/ 5400655-001C Agreement No.: SWRCB000000000D2002017 Page 19 of 24

- 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

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 <u>http://www.epa.gov/ogd</u>.
- 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.

- 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."

- 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 <u>www.fgdc.gov</u>.
- 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 <u>https://www.epa.gov/osa/policy-epa-scientificintegrity</u>, 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

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 <u>http://grants.nih.gov/grants/olaw/references/phspol.htm#USGovPrinciples</u>.
- 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> <u>CFR 200.216</u>.



CITY COUNCIL AGENDA - MARCH 21, 2023

- SUBJECT: Modification to Conditional Use Permit 10-88 and Classification of Nonconforming Use for Krayola Korner
- SOURCE: Community Development
- BACKGROUND: The Krayola Korner daycare currently operates at 420 N. E Street (APN 252-160-006). The use was originally authorized by Conditional Use Permit (CUP) 10-88, which was approved in 1989 by adoption of Resolution 11-89 and authorized operation of a childcare facility within the existing single-family residential structure on the site. Per conditions of the Fire Marshal, activities were limited to the first floor of the structure. The 545-square-foot (SF) accessory structure at the rear of the property was modified later in 1989 for use as a classroom. While that expansion should have required a modification of the CUP, it was approved via a building permit.
- COMMENT: The applicant proposes to expand the accessory structure by 925 SF to include additional classroom space, a breakroom, and restrooms, bringing the total area of that structure to 1,470 SF. The Project Review Committee reviewed the proposed expansion on July 20, 2022, and determined that the expansion is subject to a modification of CUP 10-88. Under current provisions, the use falls within the definition of "Day Care Center": Establishment providing non-medical care for persons on a less than 24-hour basis other than Family Day Care Home. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

Day Care Centers are no longer identified as a permitted use in the RM-3 (High Density Residential) Zone District, which makes this use considered non-conforming and the expansion of the use requires the City Council to classify the non-conforming use for the purpose of determining whether to permit substitution or expansion. As outlined in the Porterville Development Ordinance Section 307.06 Classification of Non-conforming Uses, the classification may be either a Class I or Class II.

Class I non-conforming uses are designated by the Council following a Public Hearing and based on findings that:

1) The existing non-conforming use was legally established; *The use was lawfully established by action of the City Council at its meeting on January* 3, 1989 via adoption Resolution No. 11-89, which approved Conditional Item No. 15.

Use Permit 10-88 for a childcare facility within an existing residential structure at 420 N. E Street (APN 252-160-006).

2) The proposed expansion or substitution of the non-conforming use would not be detrimental to public health, safety, or welfare; *The proposal consists of minor expansion to an existing day care facility. The project is required to comply with City requirements related to zoning; public facilities, services, and utilities; and improvement standards. These mechanisms are intended to minimize effects of development on nearby properties and uses.*

3) The proposed expansion or substitution would not be inconsistent with the General Plan and would not preclude or interfere with implementation of any applicable adopted City Plan; *The RM-3 zone is the implementing zone for the High Density Residential Land Use Designation. Via the procedure established in Development Ordinance Section 307.06, the Council may classify a use as non-conforming and thereby allow for its expansion. The proposed expansion is therefore consistent with the General Plan. There is no other applicable plan.*

4) The proposed use will not depress the value of nearby properties; *The proposed use consists of a minor expansion of an existing use. Child care facilities such as the existing/proposed facility are generally compatible with residential uses. The use would be required to comply with all applicable City requirements, and would not negatively affect property values.*

5) No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform. *Strict application of the Development Ordinance would result in the existing facility, without expansion, simply continuing to operate as an unclassified non-conforming use.*

Class II non-conforming uses include any legally established non-residential use that involves the following:

1) Storage, use, or generation of hazardous materials, processes, products, or wastes;

2) Activity that may be detrimental to public health and safety because of the potential to create dust, glare, heat, noise, noxious gases, odor, smoke, vibration;

3) Conditions that would be incompatible with surrounding uses; or

4) Any non-conforming Sexually Oriented Business.

The findings for Class II Nonconforming Use do not apply.

Further, the requested building size of 1,470 SF is 270 SF above the maximum allowed size for accessory structures within residential districts. The Zoning Administrator has the authority to consider allowances to this limitation.

ANALYSIS: The non-conforming daycare use falls within the criteria of the Class I nonconforming classifications, so the Council may take action accordingly. The expansion of the accessory structure beyond 1,200 SF may be permitted pursuant to Council discretion. Previous accessory structure Zoning Administrator approvals have been allowed up to 1,800 SF.

Porterville Development Ordinance Section 604.04 requires that the Council makes the following findings prior to approving a CUP:

A. Approval of 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 project will further the following General Plan policies:*

• *LU-G-1:* Promote a sustainable balanced land use pattern that responds to existing needs and future needs of the city.

• *LU-G-3:* Promote sustainability in the design and development of public and private development projects.

• LU-G-5: Ensure that new development pays for the public pays for the public facilities and infrastructure improvements required to meet the demands resulting from that growth.

• *ED-G-2: Retain, improve, and promote existing businesses in Porterville.*

• *ED-G-5: Retain existing local businesses and foster local start-ups.*

• *ED-G-7: Create an image for Porterville that will attract and retain economic activity.*

There is no other applicable plan.

B. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the general plan, this development ordinance and with any other applicable plan adopted by the city council. *While the existing/proposed use is no longer a permitted or conditionally-permitted use in the RM-3 zone, Council action to classify the use as a Class I Non-conforming use then authorizes expansion or modification of that non-conforming use via conditional use permit. The use and structures are required to comply with all other applicable provisions of the RM-3 zone, which is the implementing zone for the High Density Residential Land Use and are therefore consistent with the General Plan.*

ENVIRONMENTAL The proposed project is exempt from the California Environmental Quality REVIEW: Act per CEQA Guidelines Section 15301 (Existing Facilities), as it involves the expansion of an existing use by not more than 10,000 SF in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and it is not in an environmentally sensitive area. A Notice of Exemption will be filed with the Tulare County Clerk and the State Clearinghouse should Council approve the project.

RECOMMENDATION:	 That the City Council: 1) Finds the proposed project exempt from CEQA under CEQA Guidelines Section 15301; 2) Classify the existing Daycare as a Class I Nonconforming Use; and 3) Adopt the draft Resolution approving the modification to Conditional Use Permit 10-88 for Krayola Korner, subject to conditions of approval.

ATTACHMENTS:

- 1. Draft Resolution
- 2. Project Site Plan
- 3. Locator Map
- 4. Zoning Map

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 CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A MODIFICATION TO CONDITIONAL USE PERMIT 10-88 (RESOLUTION 11-89) AND CLASSIFICATION OF A LEGAL NON-CONFORMING USE (CLASS I) FOR KRAYOLA KORNER.

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of January 3, 1989, conducted a public hearing and approved a Conditional Use Permit 10-88 for a childcare facility at 420 N. E Street (APN 252-160-006); and

WHEREAS: the applicant wishes to expand the existing accessory structure to facilitate the addition of a classroom, a breakroom, and restrooms; and

WHEREAS: The existing and proposed use falls within the definition of "day care center", which use is no longer permitted or conditionally-permitted in the RM-3 zone district; and

WHEREAS: pursuant to Porterville Development Ordinance Section 307.06, the Council may classify certain non-permitted uses as either Class I or Class II Nonconforming Uses subject to criteria; and

WHEREAS: A ten (10) day Public Hearing notice was posted of the Porterville Recorder on March 11, 2023 and mailed to the adjacent properties within a 300-foot radius of the subject site; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of March 21, 2023, conducted a public hearing to consider approval of a Modification Conditional Use Permit 10-88 for expansion of use and classification of a legal non-conforming use; and

WHEREAS: The City Council of the City of Porterville received testimony from all interested parties related to this matter; and

WHEREAS: On March 9, 2023, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality act per CEQA Guidelines Section 15301 Existing Facilities; and

WHEREAS: The City Council makes the following findings pursuant to Porterville Development Code Section 307.06 for a Class I Nonconforming Use, the evidence for said findings substantiated in the record:

- 1) The existing nonconforming use was legally established;
- 2) The proposed expansion or substitution of the nonconforming use would not be detrimental to public health, safety, or welfare;

- 3) The proposed expansion or substitution would not be inconsistent with the General Plan and would not preclude or interfere with implementation of any applicable adopted City Plan;
- 4) The proposed use will not depress the value of nearby properties; and
- 5) No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.

WHEREAS: The City Council made the following findings pursuant to Porterville Development Code Section 604.04, the evidence for said findings substantiated in the record:

- A. Approval of 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.
- B. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the general plan, this development ordinance and with any other applicable plan adopted by the city council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville as follows:

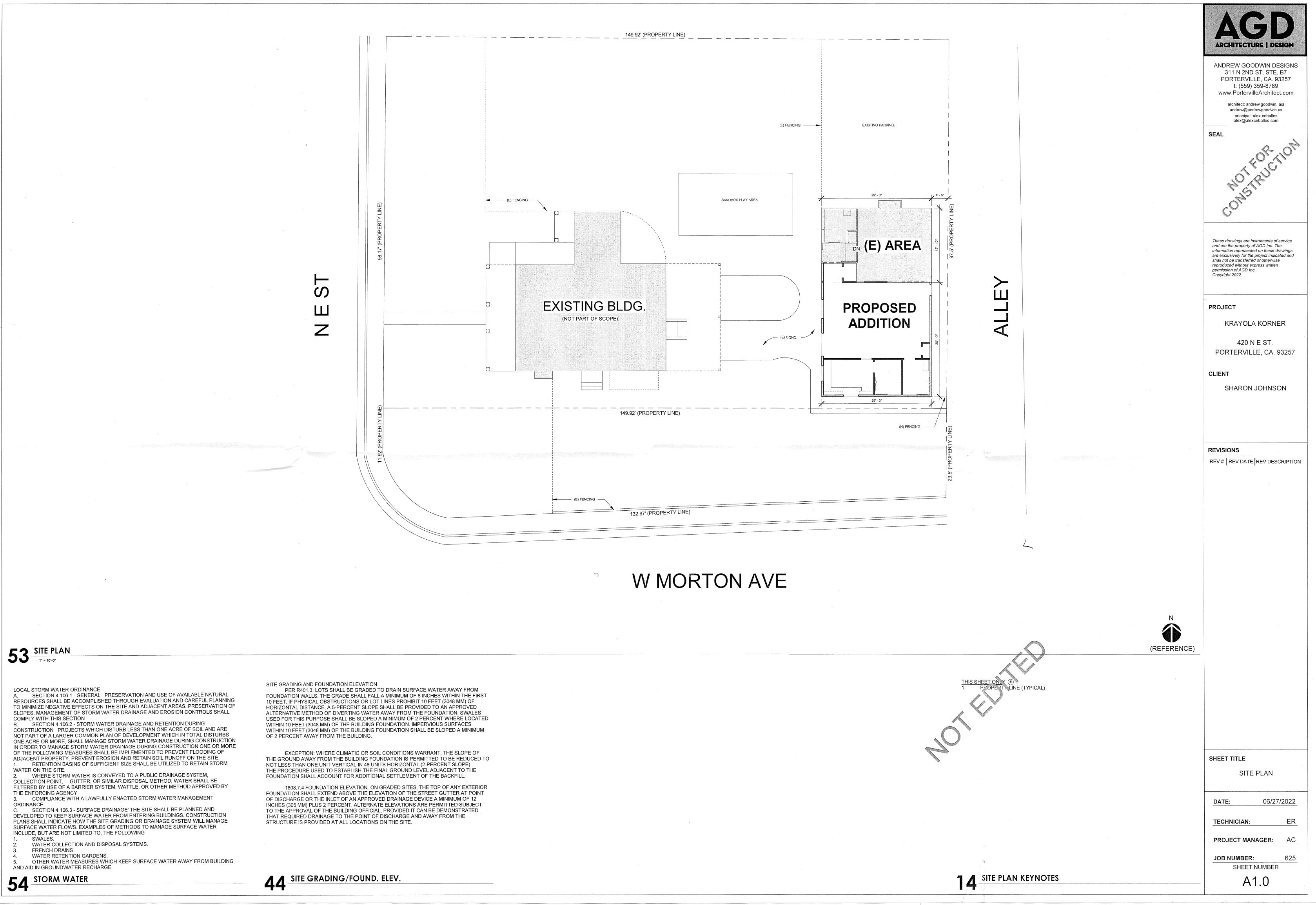
- 1. The project is exempt from the California Environmental Quality Act under CEQA Guidelines Section 15301, Existing Facilities.
- 2. The use of the site and structures as a day care facility is hereby classified as a Class I Nonconforming Use.
- 3. Conditional Use Permit 10-88 is hereby modified to allow expansion of the existing use as described in the record for this application.
- 4. The existing conditions of approval for Conditional Use Permit 10-88 shall remain in full force and effect unless expressly or impliedly superseded by approval of this modification. Any future change in operation which substantially alters the conditions or nature of the subject business will require approval by the City Council.
- 5. The development shall comply with the Porterville Municipal Code, Chapter 21 Development Code and conditions from the Project Review Committee (PRC) meeting held on July 20, 2022 and as outlined in the Project Review Committee (PRC) letter for PRC 2020-017.
- 6. The cumulative floor area for accessory structure shall not exceed 1470 square feet, as approved by the Zoning Administrator in conformance with Porterville Municipal Code (Development Code) Section 602.04.

PASSED, APPROVED AND ADOPTED this 21st day of March, 2023.

Martha A. Flores, Mayor

ATTEST: John D. Lollis, City Clerk

BY ______ Patrice Hildreth, Chief Deputy City Clerk



53 SITE PLAN 1" = 10'-0"

LOCAL STORM WATER ORDINANCE

RESOURCES SHALL BE ACCOMPLISHED THROUGH EVALUATION AND CAREFUL PLANNING TO MINIMIZE NEGATIVE EFFECTS ON THE SITE AND ADJACENT AREAS. PRESERVATION OF SLOPES, MANAGEMENT OF STORM WATER DRAINAGE AND EROSION CONTROLS SHALL COMPLY WITH THIS SECTION

CONSTRUCTION PROJECTS WHICH DISTURB LESS THAN ONE ACRE OF SOIL AND ARE NOT PART OF A LARGER COMMON PLAN OF DEVELOPMENT WHICH IN TOTAL DISTURBS ONE ACRE OR MORE, SHALL MANAGE STORM WATER DRAINAGE DURING CONSTRUCTION IN ORDER TO MANAGE STORM WATER DRAINAGE DURING CONSTRUCTION ONE OR MORE OF THE FOLLOWING MEASURES SHALL BE IMPLEMENTED TO PREVENT FLOODING OF ADJACENT PROPERTY, PREVENT EROSION AND RETAIN SOIL RUNOFF ON THE SITE. 1. RETENTION BASINS OF SUFFICIENT SIZE SHALL BE UTILIZED TO RETAIN STORM WATER ON THE SITE.

2. WHERE STORM WATER IS CONVEYED TO A PUBLIC DRAINAGE SYSTEM, COLLECTION POINT, GUTTER, OR SIMILAR DISPOSAL METHOD, WATER SHALL BE FILTERED BY USE OF A BARRIER SYSTEM, WATTLE, OR OTHER METHOD APPROVED BY THE ENFORCING AGENCY

ORDINANCE. C. SECTION 4.106.3 - SURFACE DRAINAGE' THE SITE SHALL BE PLANNED AND

DEVELOPED TO KEEP SURFACE WATER FROM ENTERING BUILDINGS. CONSTRUCTION PLANS SHALL INDICATE HOW THE SITE GRADING OR DRAINAGE SYSTEM WILL MANAGE SURFACE WATER FLOWS. EXAMPLES OF METHODS TO MANAGE SURFACE WATER INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING SWALES. 1

WATER COLLECTION AND DISPOSAL SYSTEMS.

WATER RETENTION GARDENS.

OTHER WATER MEASURES WHICH KEEP SURFACE WATER AWAY FROM BUILDING AND AID IN GROUNDWATER RECHARGE.



GENERAL NOTES: FLOOR PLAN

1. WATER HAMMER ARRESTORS SHALL BE INSTALLED AT THE FOLLOWING QUICK-ACTING SHUT-OFF VALVES. A. AUTOMATIC WASHING MACHINE (HOT AND COLD WATER)

- B. ICEMAKER
- C. DISHWASHER

E. FRONT AND REAR SPRINKLER OUTLETS 2. HOUSEHOLD COOKING APPLIANCES SHALL BE INSTALLED PER MANUFACTURER'S REQUIREMENTS OR PROVIDE MINIMUM CLEARANCE TO COMBUSTIBLE MATERIALS 3. KITCHEN EXHAUST OUTLETS SHALL TERMINATE AT LEAST TWO FEET ABOVE THE ROOF AND SHALL EXTEND AT LEAST TEN FEET ABOVE THE ADJOINING GRADE LEVEL 4. ENERGY NOTES:

A. AFTER INSTALLING WALL, CEILING, OR FLOOR INSULATION, THE INSTALLER SHALL MAKE AVAILABLE TO THE ENFORCEMENT AGENCY OR POST IN A CONSPICUOUS LOCATION IN THE BUILDING A CERTIFICATE SIGNED BY THE INSTALLER STATING THAT THE INSTALLATION IS CONSISTENT WITH THE PLANS AND SPECS. THE CERTIFICATE SHALL ALSO STATE THE MFR.'S NAME AND MATL. IDENTIFICATION, THE INSTALLED R-VALUE, AND (IN APPLICATIONS OF LOOSE FILL INSULATION) THE MIN. INSTALLED WEIGHT PER SQ. FT. CONSISTENT WITH THE MFR.'S LABELED INSTALLED DESIGN DENSITY FOR THE DESIRED R-VALUE B. THE INSULATION SHALL CONFORM TO THE FLAME SPREAD RATING AND SMOKE

DENSITY REQUIREMENTS OF [CRC R302.10] C. JOINTS AND OTHER OPENINGS IN THE BLDG ENVELOPE THAT ARE POTENTIAL SOURCES OF AIR LEAKAGE SHALL BE CAULKED, EQUIPPED WITH GASKETS,

WEATHERSTRIPPED, OR OTHERWISE SEALED TO LIMIT INT. OR EXT. AIR FILTRATION D. EVERY MANUFACTURED AND SITE-BUILT FENETRATION PRODUCT OR FENESTRATION SYSTEM INSTALLED IN CONSTRUCTION SUBJECT TO TITLE 24, PART 6 SHALL HAVE ATTACHED TO IT A CLEARLY VISIBLE TEMPORARY LABEL OR HAVE AN ASSOCIATED LABEL CERTIFICATE THAT LISTS THE U-FACTOR, THE SOLAR HEAT GAIN COEFFICIENT (SHGC) OF THAT PRODUCT AND THE METHOD USED TO DERIVE THOSE VALUES, AND CERTIFIES COMPLIANCE WITH AIR LEAKAGE REQUIREMENTS OF THE CALIFORNIA ENERGY CODE. THE LABEL SHALL NOT BE REMOVED UNTIL APPROVED BY THE BUILDING INSPECTOR

5. GYPSUM BOARD USED AS THE BASE OR BACKER FOR ADHESIVE APPLICATION OF CERAMIC TILE OR OTHER REQUIRED NONABSORBENT FINISH MATERIAL SHALL CONFORM TO ASTM C1396, C1178. USE OF WATER-RESISTANT GYPSUM BACKING BOARD SHALL BE PERMITTED ON CEILINGS.

- LIMITATIONS: WATER-RESISTANT GYPSUM BACKING BOARD SHALL BE USED WHERE THERE WILL BE DIRECT EXPOSURE TO WATER, OR IN AREAS SUBJECT TO CONTINUOUS HIGH HUMIDITY.

6. MATERIALS USED AS BACKERS FOR WALL TILE IN TUB AND SHOWER AREAS AND WALL PANELS IN SHOWER AREAS SHALL BE OF MATERIALS LISTED IN TABLE R702.4.2, AND INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. (GLASS MAT GYPSUM BACKING PANEL, FIBER-REINFORCED GYPSUM PANELS, NON-ASBESTOS FIBER-CEMENT BACKER BOARD, OR NON-ASBESTOS FIBER MAT REINFORCED CEMENTITIOUS BACKER UNITS)

GENERAL NOTES - FLOOR PLAN

KEYNOTES: FLOOR PLAN

1. PROVIDE (1) LAYER OF 5/8" TYPE 'X' GYP. BD. ON ALL WALLS AND CEILINGS (HOME) AND (1) LAYER OF 5/8" TYPE 'X' GYP. BD. ON CEILING AND WALLS (GARAGE) PER C.B.C. SECTIÓNS 302.4, TABLE 7-B ITEM 17-#1.3 & TABLE 7-C ITEM 21-#1.1.

2. PROVIDE 1-3/8" SOLID CORE DOOR WITH SELF CLOSER (20-MIN LABELED) AND SELF LATCHING WITH 3 HINGES & 2 CLOSURES.

3. 2" MAXIMUM STEP-DOWN AT THRESHOLD.

4. LINE OF CEILING ABOVE.

5. KICHEN CABINETS 24" DEEP +36" W/ SOLID SURFACE COUNTERTOP WITH TILE BACKSPLASH

6. 30" COOKTOP WITH 30" HOOD & FAN WITH 300 CMF V.T.R

7. DOUBLE COMPARTMENT SINK WITH GARBAGE DISPOSAL

8. LAUNDRY SINK.

5

CURTAIN.

10. 200AMP METER AND SERVICE WITH #4 COPPLE TO UFFER GROUND AND BEND CEARANCE AROUND PANEL. PANEL TO METAL WATER PIPE. PROVIDE

11. 6" SQUARE DRYER VENT TO EXTERIOR WITH BACK DRAFT DAMPER SEE DETAIL 51/A6.2.

12. LAVATORY.

13. PROVIDE AN OPENING OF NOT LESS THAN 100 SQUARE INCES FOR LAUNDRY MAKEUP AIR ABOVE DOOR OR BY OTHER APPROVED MEANS PER 2019 CMC.

14. CERAMIC TILE SHOW R WALLS UP +7'-0" C/ W.P. GYP. BD. W/ TEMPERED GLASS ENCLOSURE.

15. LINES OF LOFT ABOVE.

16. BROOM FINISH CONCRETE.

17. BATHROOM CABINETS +36" HIGH W/ 22" DEEP SOLID SURFACE COUNTER TOP.

18. FAU PLATFORM IN ATTIC.

19. TOILET PAPER HOLDER - PROVIDE BACKING.

20. TOWEL BAR - PROVIDE 2X BACKING.

21. 30" MICROWAVE / OVEN COMBO.

22. EXPOSED BEAMS IN CEILING.

23. FULL HEIGHT BUILT-IN LINEN.

24. MIRROR IS TO BE 36" TALL BY THE FULL LENGTH OF VANITY.

25. PAINTED PANTRY SHELVES.

26. DISHWASHER.

27. 2X PONY WALL.

28. REFRIGERATOR SPACE.

29. ATTIC ACCESS (22" X 30" MIN.)

30. PROVIDE CONDENSATE DRAIN AND PAN AT FAU IN ATTIC.

31. TANKLESS WATER HEATER.

32. SHELF AND POLE.

33. 24" DEEP LOWER CABINET W/ GRANITE COUNTERTOP AT LAUNDRY.

34. SHOWER DOOR TO BE A MIN. OF 22" WIDE TEMP. GL.

35. HOSE BIB TO BE EQUIPPED WITH NON-REMOVABLE BACK-FLOW PREVENTERS,

TYP.

36. 12" DEEP UPPER CABINETS.

37. SOFFIT W/ SIDE STORAGE CUBBIES.

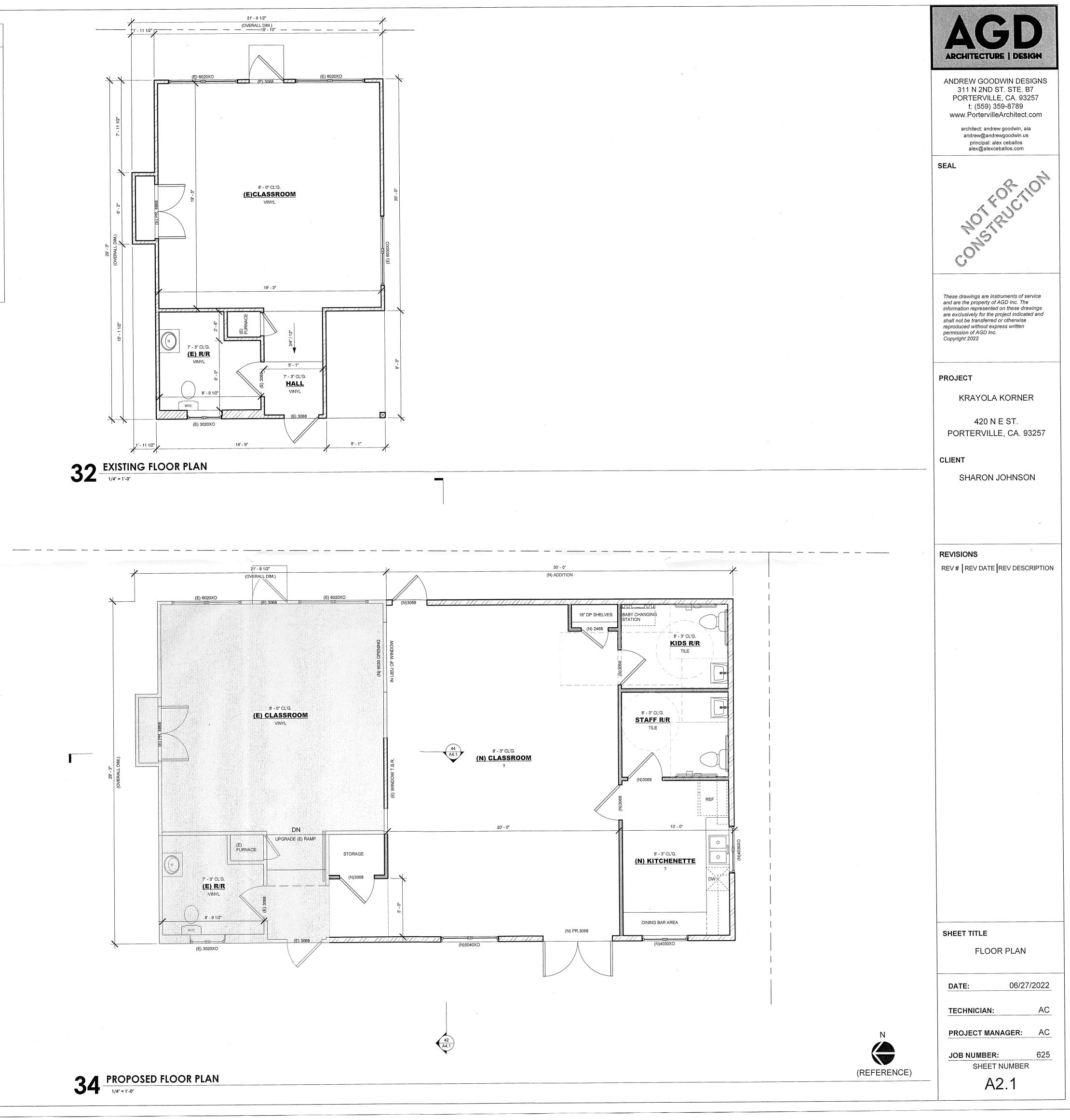
38. 100 SUBPANEL.

39. TOILET W/ TOILET SEAT (FIELD VERIFY W/ OWNER ON TYPE OF TOILET AND IF POWER REQ'D).

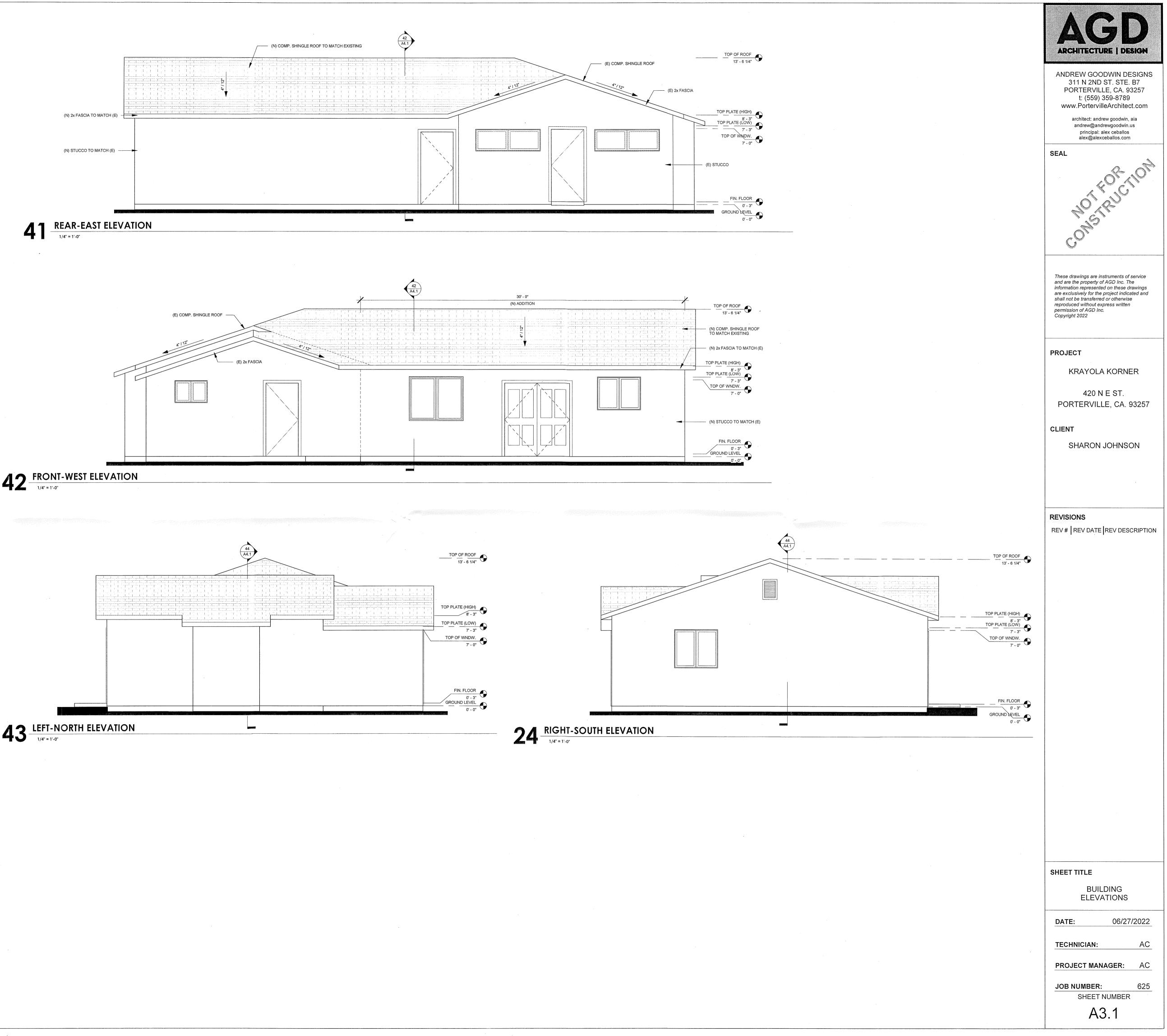
__40. CONDENSER UNIT FOR AC CONDENSER 36"x36" CONCRETE PAD.

54 KEYNOTES - FLOOR PLAN

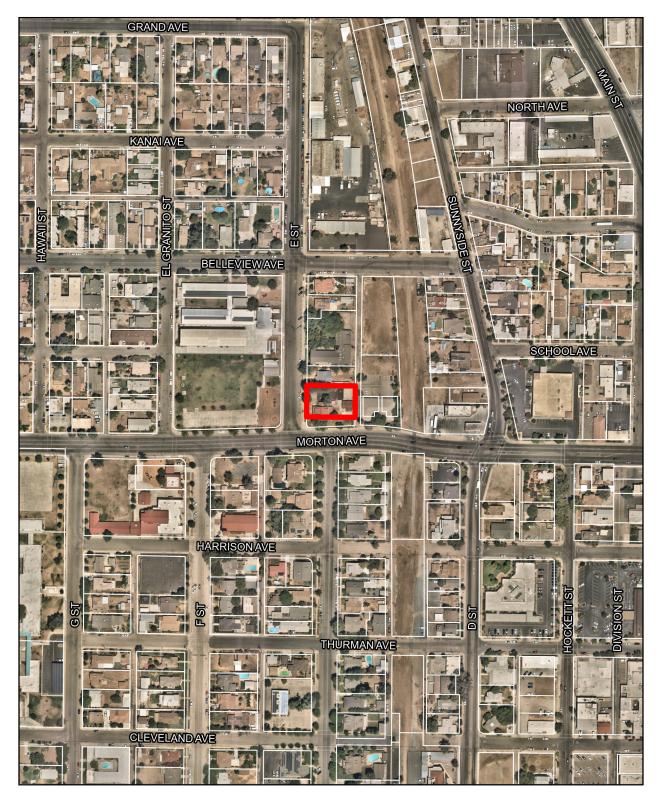
	(E) AREA (N) ADDED AREA	<u>545</u> S.F. 925 S.F.
TO TO	TAL CONDITIONED AREA: TAL ROOF COVERED AREAS:	<u>1,470</u> S.F. 1,470 S.F.
	2X4 D.F. #2 CONTINUOUS STUD W. BLOCKING AT WALLS OVER 10'-0")	ALL @ 16" O.C. (PROVIDE 2x FIR
	2X6 D.F. #2 CONTINUOUS STUD W. BLOCKING AT WALLS OVER 10'-0")	ALL @ 16" O.C. (PROVIDE 2x FIR
	2x8 OR 2x12 D.F. #3 STUD WALL - F WIDTH	RE: FLOOR PLAN FOR WALL
	2X HALF WALL	
•	STUB FOR NATURAL GAS/PROPAN	NE
-# ^Ħ . 8.	HOSE BIB LOCATION	
WATEI MAIN	LOCATION OF WATER MAIN INTO	HOME
	LOCATION OF GAS MAIN INTO HO	ME
FIRE =>	LOCATION OF FIRE SPRINKLER LI	NE INTO HOME
	ELECTRICAL MAIN PANEL - RE: EL	ECT. DWGS.
	ELECTRICAL SUB-PANEL (IF APPL	ICABLE)-RE: ELECT. DWGS.
60	TV/CABLE BOX INTO HOME	







Locator Map PRC 2022-017



Krayola Korner Expansion



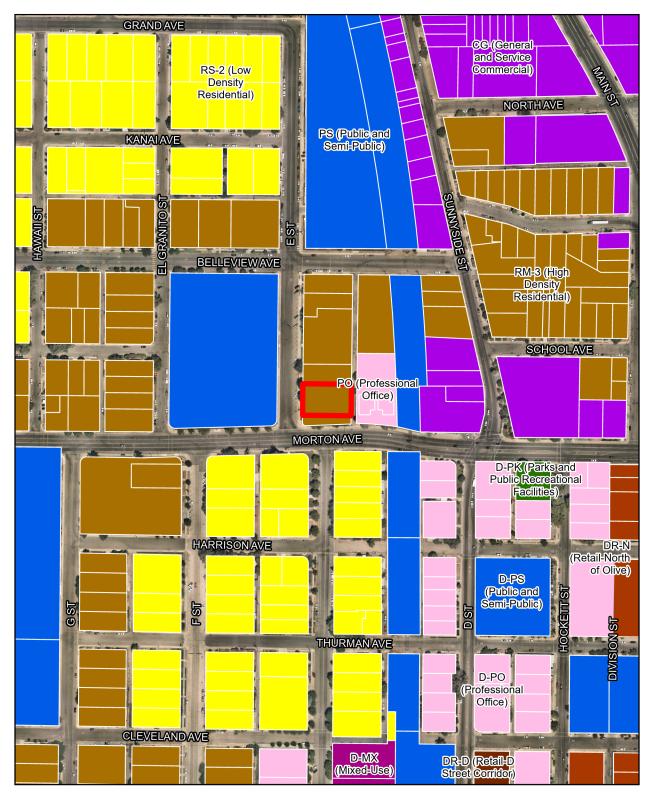
Project Location



Ν

1 in = 300 feet

Zoning PRC 2022-017



Krayola Korner Expansion

Project Location



Ν

1 in = 300 feet



SUBJECT: 2022 Housing Element Annual Performance Report

- SOURCE: Community Development
- COMMENT: Pursuant to Government Code Section 65400(a)(2), each governing body is required to prepare an annual report on the status and progress of implementing the jurisdiction's Housing Element of the General Plan. Housing Element Annual Progress Reports (APR), using forms and definitions adopted by HCD, are due annually by April 1st, covering the preceding calendar year. The attached report evaluates the progress made towards implementation of the 2015-2023 Housing Element programs and housing production during the time period between January 1, 2022 and December 31, 2022.

In 2015, the City Council adopted, and the California Department of Housing & Community Development (HCD) certified, the City of Porterville 2015-2023 General Plan Housing Element. The Housing Element is one of the many chapters of the City's General Plan. The General Plan is a State-mandated comprehensive, long-term planning document that addresses a multitude of land use-related issues designed to provide policy guidance. The Housing Element addresses present and future housing opportunities for Porterville residents. The Housing Element is the only General Plan Element that requires review and certification by HCD. Additionally, State law requires local jurisdictions to update the Housing Element every eight years and to file an annual Housing Element progress report to HCD and the Governor's Office of Planning & Research (OPR) by April 1 of each year.

The Annual Report, identifies Porterville's Regional Housing Needs Assessment (RHNA) allocation and self-stated housing production goals (referred to as the "Quantified Objective"). The completed Housing Element Annual Progress Report describes the following:

- Progress made towards meeting these goals, quantified by the total number of building permits issued for new housing units during the reporting year, and the total number of housing units entitled and completed; and
- Status of other action items outlined in the Housing Element's Implementation Program.

During the 5th RHNA (Regional Housing Needs Assessment) planning period, the City has made progress on Housing Element program implementation and has seen an increase in housing unit approvals and production. The RHNA goal for the 5-year period was 3,196 housing units and the City was able to achieve 830 housing units. For the time period of January 1, 2022 through December

31, 2022, the City deemed complete and approved planning entitlement applications for 201 new units, including single family residential and accessory dwelling units of which 128 are low income units. The City is also currently working to process entitlement applications for four multi-family residential projects and six Single family units that total fifty-six (56) new housing units.

Following Council receipt of the Housing Element Progress Report, the Report will be sent to OPR and HCD for their review/filing.

RECOMMENDATION: 1. That the City Council review the 2022 Annual Housing Element Progress Report and direct the Community Development Department to submit the report to the California Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR).

ATTACHMENTS:	1.	Draft 2022 Housing Element Annual Progress Report
	2.	California Government Code 65400

Appropriated/Funded:

Review By:

Department Director: Jason Ridenour, Assistant City Manager

Final Approver: John Lollis, City Manager

Jurisdiction	Porterville	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table A Housing Development Applications Submitted

Total Total Date Density Bonus Law Approved Disapproved Application Project Identifier Unit Types Application Proposed Units - Affordability by Household Incomes Streamlining Notes Units by Units by Applications Status Submitted Project Project 1 2 4 5 7 9 10 11 12 3 6 Did the housing Were incentives Was APPLICATION development application seek Date or concessions Tenure Very Low-Moderate SUBMITTED Unit Category (SFA,SFD,2 to Application Submitted+ Very Low-Low-Incon Low-Income Moderate-Above Total Total reaested Please indicate Pursuant to GC Local Jurisdiction ncome Nor Income Total PROPOSED incentives or Income Deed Income Deed DISAPPROVED Units by Project the status of the Prior APN* Current APN Street Address Project Name* Deed Non Deed Moderate-APPROVED pursuant to Notes* R=Renter O=Owner Tracking ID* Deed Non Deed Units by Project 65913.4(b)? concessions 4,5+,ADU,MH) (see Restricted Restricted Restricted Restricted Government Income nits by projec application. Restricted Restricted (SB 35 pursuant to instructions Code section Streamlining overnment Code 65915 approved? section 65915? Summary Row: Start Data Entry Below 2296 Henderson Pending Pending Final Map 245-040-038 Smee Homes PRC2020-001 5+ No No No 1/17/2020 Pending Project was not approved not 253-080-025, -026 685 E. Morton Shires Subdivision PRC2020-011 SFD 61 No No No o 3/19/2020 61 245-410-090 104 104 104 No No No Unassigned Henderson Village PRC2020-018 5+ 6/5/2020 Approved Pending Building Permits SFD 240-060-00 327 327 No Pending Project was not approved not Unnamed Subdivision PRC2020-030 8/26/2020 No No Unassigned 261-294-006 5+ Approved Pending Building Permits Unassigned Unnamed MultiFamily PRC2020-040 10/21/2020 10 No No No SFD 245-010-087 261 261 No No Unassigned Lombardi Subdivision PRC2020-044 12/11/2020 No Pending Pending Final Map and Buidi 261-322-064 PRC2020-047 SFD No No No Pending Pending Final Map and Buidi Unassigned River View Villas 12/16/2020 SEL 269-060-020 No NL No Pendina Villas at Sierra Meadows PRC2020-048 Unassigned 4 & 5 Subdivision 12/16/2020 Project was not approved no 245-150-055 PRC2021-014 Unassigned Mission Communities 5+ 4/7/2021 120 120 No No No Pending Project was not approved not 246-112-014 861 W Mulberry No No No Pending 5+ 9 98 PRC2021-020 Mulberry Gardens Ave 6/2/2021 Project was not approve nor 246-080-03 PRC2021-023 5+ No No Pending Currently under construction Unassigned Carolita Apartments No 2/23/2022 2 to 4 240-092-01 115 N Westwood No No No Pending Link MFR PRC2022-002 Ave 45 N Westw Project was not approved not 240-102-00 Gundran Apartmer PRC2022-013 7/6/2022 2 to 4 No No No Pending Project was not approved not PRC2022-022 246-070-09 Unassigned Westfield Apartments 5+ 8/31/2022 No No No No Pending Project was not approved not 247-160-03 PRC2022-025 5+ Unassigned Evergreen Apartmen 10/12/2023 No No Pending Project was not approved not 245-540-05 Unassign Bareng Subdivisio PRC2022-053 SFD 11/19/2022 No No No Pending Project was not approved not No 358 South E Stree 260-242-01 Finca Serer PRC2022-033 9/27/2019 Approved Under Construction to be cor 5+ 80 Yes Yes 253-050-00 Unassigned PRC2017-048 9/15/2017 Terraz 5+ No No Pending Applicant is resubmitting a te No 245-550-001 & 245-520-1120 N. Westwood Westwood Para PRC2018-049 10/5/2018 No Approved Building permit issued, pendi 58 No No

	Jurisdiction Porteville Reporting Year 2022 (Jan. 1 - Dec. 31) Planning Partied Str. Cyclis 12013018				ANNUAL ELEMENT PRO Housing Element Imple		EPORT			Note: "+" Indica Cells in gray con	tes an optional field ain auto-calculation formulas																		
N N N N N N N N N N N N N<			,	nnual Building Acth	Table A2 ity Report Summary - New Construction, E	ntitled, Permits a	and Completed Un	ita																					
	Project Identifier		Unit 1	ypes	Affordability by Househ	hold Incomes - C	Completed Entitlem	unt		Afford	lability by Household Incom	is - Building Permits				Affordability by H	usehold Incomes - Certif	icates of Occupancy			Streamlining Inf	Housing with Financi and/or Deed Res	al Assistance Housing without Finan Assistance or Deed Restrictions	Term of Affordability or Deed Restriction	Demolished/Destr	royed Units		1	Notes
	Price APR" Current APR Street Address F	Project Name* Local Aurind Tracking I	2 ction D [*] (SFASED 210 4.5+ ADUM0)	3 Tenure R=Renter O=Owner	Low-Income Low-Income Low-In- Devel Doca Nas Dead Cied Restricted Restricted Rest	ncome Modenat Deed Income D Restricts	fe- Need Ind Restricted	Above E Noderste- Income	5 6 Cectilement Follutin insue Exciliemente	d Very Low- Income Deed Restricted Restricted	Low-income Low-income Deed Restricted Restricted	Moderste- income Deed Restricted			Very Low- Income Deed Restricted	Low-Income Dead Restricted	Moderate- Income Dead Restricted	Above Certil Moderati- Iscome East	st 12 cates of second cy or other fractions) desund certificates o occupancy o other other often other nadioese	13 How many of the units were Cuthenely Low Income?	14 15 Max Project <u>A090000</u> using GC 6351-Alb/7 (SB 35 Streamlining) YN		For units affordable witho francial assistance or de restrictions, esclaim how f	d d Deed Restriction (years) Deed Restriction (years)	umber of olished/Des yed Units	ed or Units Renti	21 Total Dannily Bonus Appled Is the Project (Percentage Units or Tation State (Percentage Units or Tation Maximum Adowable Residentiation Flicer Area)	24 Did the project receive a reduction or waiver of parking standards? (YN)	25 Notas"
	269-190-022 473 W JOAN AVE Unit UNIT 8				0 0 68		0 0			a 1	64 5/							3 3		_									
	269-190-021 465 W.LIARAVIL 259-400-018 455 SWALCH ST 259-400-018 455 SWALCH ST	BLDR1221-	e75 SFD	0						0	1	1	1/11/202	2 1		1		7/2	0022	1 0	N N		Rental Point Comparison HLD MaxPurchase Price at Sales Point Comparison	d					
										0	1					1							HUD Machuchase Hide an Sales Point Comparison HUD MacPunchase Price an Sales Point Comparison	d		-			
	259-300-013 384 S MATHEW 57 259-400-027 AVE	BLDR11214 BLDR12214	851 SFD 885 SFD	0						0	1		1 1/19/20	2 1 2 1		1		1 7/1	0022 0022		N N		HLD MaxPurchase Price at Solar Doint Connection HLD MaxPurchase Price at Price Price Connection	d d		_			
	259-400-013 AVE	BLDR1221-0	es7 SFD	•						0	1		22202	2 1		1					N N		HLD MaxPurchase Price at Sales Point Comparison	d					
									_	0	1					1		72	0022				HLD MaxPurchase Price at Sales Point Comparison HLD MaxPurchase Price at	d		_			
	772 WPN QAK									0	1			_						_			Sales Point Comparison HLD MaxPurchase Price ar Sales Point Comparison	d		-			
N N	289-180-043 775 W RED CAK AVE 1925 W DATE									0		4																	
N N	259-400-028 AVE 259-400-035 AVE									0	1	1				1	1			_						-			
	259-400-010 AVE	BLDR1221-	873 SFD	•						a 	1		2/16/202	2 1						o 0									
No	259-400-030 1917 W DATE AVE 490 5 BELMONT		_							•										-	+		LI D May Durbase Drive or			_			
No	259-400-019 SPRINGS AVE										1					1		-		-			Sales Point Comparison	-		-			
No	259-400-036 1926 WRVER AVE									0	1					1				_			HLD MaxPurchase Price at Sales Point Comparison	d					
1 1 <t< td=""><td>243-250-028 NEWCOMB ST</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>_</td><td>0 1</td><td></td><td></td><td></td><td></td><td>1</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>Rental point companiaon</td><td></td><td></td><td>+</td><td></td><td></td><td></td></t<>	243-250-028 NEWCOMB ST								_	0 1					1								Rental point companiaon			+			
No	259-400-017 1999 WDATE AVE									0	- 1									_									
										•	1					1				_						_			
	259-400-042 476 S PARKWEST ST									•	1					1										-			
										0	1					1													
	259-400-015 AVE 259-400-015 IP/5 W/RVER 259-400-015 IP/5 W/RVER 259-400-015 AVE									a	1					1		-		-						_			
	229-400-082 1942 WDATE AVE	BLDR0322-	930 SFD	•						0	1		4/13/202	2 1				10/	0022	1 0	N N		HLD MaxPushase Print Comparison HLD MaxPushase Price at Sales Point Comparison	d					
			931 SFD 939 SFD	0						0	1					1		101	10022				HUD Max Purchase Price at Sales Point Comparison	d					
1 1	259-400-003 HERITAGE AVE									•		4	4/27/202	2 1			4	105	72022							_			
										•	1			_												-			
	269-180-039 1109 S ROYAL CAK ST		983 SFD	•						0	1												HLD MaxPurchase Price at Sales Point Comparison	d					
	289-120-015 483 W RCHARD AVE									0	1												HLD MaxPuchase Price at Sales Duint Commission HLD MaxPuchase Price at Sales Point Comparison	d d					
1 1	289-120-015 493 W RICHARD AVE									0	1									_			HLD MaxPurchase Price ar Sales Point Comparison	d					
	289-120-015 AVE									•										_									
in an and a begin and a	269-120-015 S17 W RCHARD AVE									0	1									_						-			
										a	1									-									
1 1	289-120-015 544 W JOAN AVE		990 SFD 021 SFD	0						0	1 1																		
1 </td <td>209-120-015 AVE</td> <td>BLDR0822-</td> <td>026 SFD</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>0</td> <td>1</td> <td></td> <td>9/19/202</td> <td>2 1</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>_</td> <td>N N</td> <td></td> <td>HLD MaxPuchase Price at Sales Point Comparison HLD MaxPuchase Price at</td> <td>d d</td> <td></td> <td></td> <td></td> <td></td> <td></td>	209-120-015 AVE	BLDR0822-	026 SFD							0	1		9/19/202	2 1						_	N N		HLD MaxPuchase Price at Sales Point Comparison HLD MaxPuchase Price at	d d					
1 1	269-120-015 S67 W RCHARD AVE	BLDR0822-	030 SFD	•						0	1		100/20	2 1						0 0	N N		HLD Max Purchase Price at Sales Point Comparison	d					
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	243-203-006 ST									a 1	1				1			197	12122							+		 	<u> </u>
1 </td <td>269-120-015 S48 W RCHARD AVE</td> <td>BLDR0922-</td> <td>039 SFD</td> <td>•</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>0</td> <td>1</td> <td></td> <td>10/17/20</td> <td>12 1</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>0 0</td> <td>N Y</td> <td></td> <td>HLD MaxPurchase Price at Sales Point Comparison</td> <td>d</td> <td></td> <td></td> <td></td> <td></td> <td></td>	269-120-015 S48 W RCHARD AVE	BLDR0922-	039 SFD	•						0	1		10/17/20	12 1						0 0	N Y		HLD MaxPurchase Price at Sales Point Comparison	d					
1 1										0	1									_									
1 1	243-220-004 9585 N BEVERLY 243-220-004 ST									0	1			_						_				+ +		-			
a a	10101822 437 N COTTAGE	BLDR0922-	036 ADU	R						0	1		10/28/20	12 1						0 0	N N		Rental point companies						
1 1	000-000-000 559 W RCHARD AVE 1029 5 MESA									0																_		 	
1 1	454 W MULBERRY 247-210-025 AVE									0	1																		
1 1	269-120-015 S35 W RCHARD AVE	BLDR0922-	053 SFD	•						0	- 1		11/14/20	12 1						_	N N		HLD MaxPurchase Price at Sales Point Comparison	d					
1 1	283-120-015 0AK 5T 283-200,005 2822 N LOWERY 255,282,005 2822 N LOWERY									0	1									-				d					
	000-000-000 734 W RED CAK									0	1			_						-				d		-			
										0	1									_			HLD MaxPurchase Price at Sales Point Comparison	d					
1 1	000-000-000 AVE AVE 000-000 AVE									0																-			
	000-000-000 765 W RED CAK									0	1																		

Juritediction Ponewlle Reporting Year 2022 (Jan. 1 - Dec. 31) Planning Parlod Sith Cycle 12013018, 12013023					T PROGRESS				Note: "+" indicate Cells in grey contain	e an optional field nauto-calculation formulae]																
000-000-000 744 W RED CAK AVE	BLDR1022-10	a SFD	0					0		1		12113/2022					0	۰	N	N	HLD MaxPurchase Price and Sales Point Comparison						
000-000-000 724 W RED CAK	BLDR1022-10	2 SFD	0							1		12113/2022					0	•	N	N	HLD MaxPurchase Price and Sales Point Comparison						
000-000-000 735 W RED CAK	BLDR1022-10	s SFD	0					0		1		12113/2022					0	•	N	N	HLD MaxPurchase Price and Sales Point Comparison						
000-000-000 764 W RED CAK AVE	BLDR1022-10	o SFD	0							1		12/13/2022					0	•	N	N	HUD Max Purchase Price and Sales Point Comparison						
000-000-000 725 W RED CAK AVE	BLDR1022-10	9 SFD	0							1		12/13/2022					0	0	N	N	HLD MaxPurchase Price and Sales Point Comparison						
200-310-008 215 W DATE AVE I SUT AAD 1055 W Pioneer	BLDR0621-07	7 5+	R					0			5	4/29/2022					0	0	N	N	Rental point comparison						
	olita Apartments BLDR1221-08	8 5+	R	60			4/8/2022	60		68		4/8/2022	6				0	0	N	Other		30					
245-550-001 Westwood Parad	adise Apartments BLDR1120-05	9 54	R					0			50	6/22/2022	5				0	0	N	N			1	Demolished			
								0									0									 _	

Jurisdiction	Porterville	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

Extremely Low-Income Units*

Need

312

ANNUAL ELEMENT PROGRESS REPORT **Housing Element Implementation**

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.

Date

Remaining

273

Please contact HCD if your data is different than the material supplied here

39

						Tab	le B								
					Regional	Housing Nee	ds Allocation	Progress							
Permitted Units Issued by Affordability															
Inc	come Level	RHNA Allocation by Income Level		2015 2016		2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level	
	Deed Restricted	623	-	-	-	-	-	-	-	63	-	-	76	547	
Very Low	Non-Deed Restricted	020	-	-	-	-	10	-	-	-	3	-			
	Deed Restricted	576		3	2	2	1	8	-	15	68	-	186	390	
Low	Non-Deed Restricted	0.0	-	-	-	-	24	4	-	2	57	-	100		
	Deed Restricted	566	-	-	-	-	-	-	-	2	-	-	271	295	
Moderate	Non-Deed Restricted		-	97	40	15	41	2	31	33	10	-	2/1		
Above Moderate		1,431	-	8	1	2	11	64	30	118	63	-	297	1,134	
Total RHNA		3,196													
Total Units			-	108	43	19	87	78	61	233	201	-	830	2,366	
	Progress toward extremely low-income housing need, as determined pursuant to Government Code 65583(a)(1).														
		5											6	7	
		Extremely low-Income		2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to	Total Units Remaining	

*Extremely low-income houising need determined pursuant to Government Code 65583(a)(1). Value in Section 5 is default value, assumed to be half of the very low-income RHNA. May be overwritten.

Note: units serving extremely low-income households are included in the very low-income RHNA progress and must be reported as very low-income units in section 7 of Table A2. They must also be reported in the extremely low-income category (section 13) in Table A2 to be counted as progress toward meeting the extremely low-income housing need determined pursuant to Government Code 65583(a)(1).

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th

cycle, Table B will only include units that were permitted since the start of the planning period. Projection Period units are in a separate column.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

Jurisdiction	Porterville			ANNUAL ELEMENT PROGR						Note: "+" indicates an optional field							
Reporting Year	2022	(Jan. 1 - Dec. 31)		Housing Element Implementa					on		Cells in grey contain auto-calculation formulas						
Planning Period	5th Cycle	12/31/2015 - 12/31/2023]													-	
	Table C																
						Sites Identifi	ed or Rezoned to	Accommodate	Shortfall Housir	g Need and No	Net-Loss Law						
	Project Ide	ntifier	Date of Rezone RHNA Shortfall by Household Income Category					Rezone Type	Sites Description								
	1			2			3		4	5	6	7		8	9	10	11
APN	Street Address	Project Name*	Local Jurisdiction Tracking ID ⁺	Date of Rezone	Very Low-Income	Low-Income	Moderate-Income	Above Moderate- Income	Rezone Type	Parcel Size (Acres)	General Plan Designation	Zoning	Minimum Density Allowed	Maximum Density Allowed	Realistic Capacity	Vacant/Nonvacant	Description of Existing Uses
Summary Row: Start D	Data Entry Below																

ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

Jurisdiction Reporting Year	Porterville 2022	(Jan. 1 - Dec. 31)	1
	Program Impl	Table D ementation Status purs	suant to GC Section 65583
Describe progress of all prog	- · ·	Housing Programs Prog	
1	2	3	4
Name of Program Housing Rehabilitation Program	Objective Assist approximately 5 low-income households with current funding through 2020, with an objective of assisting 1-2 households annually if additional funding becomes available	Timeframe in H.E	Status of Program Implementation While the City had established a goal of assisting two (2) households for 2022 PY, one (1) household was assisted, one (1) is in the rehabilitation construction work and five (5) applications were received that did not meet the Program guidelines.
Home Buyer Assistance	Assist 5 households to purchase first home, with an objective of assisting 1 households annually if additional funding becomes available.	Yearly	The City had a goal of 1 household for the 2022 PY and assisted one (1) household, two (2) are in progress, and three (3) applications were received that did not meet the Program guidelines. The City assisted 1 household, which represents and investment of \$54,250 in Federal CDBG and HOME, & CalHome state grant funds.
Home Buyer Education Classes	4 classes held per year.	Yearly	The City held 7 classes and 62 individuals participated in virtual instruction. First Time Homebuyer classes were held virtually due to the State Covid-19 social distancing mandates & to slow the spread of the virus.
Mortgage Credit Certificate Program	1 family from Porterville guided to HATC's program per year	Yearly	The Housing Authority of Tulare County no longer offers this program.
Local, State, and Federal Funding	3 programs developed in 5th Cycle.	2015-2023	The City has partnered with Upholdings to develop an 80 unit affordable housing apartment complex using a variety of public funds, in October 2021 they broke ground on the project. They are in the leasing phase so they can begin the lease and move tenants in as soon as the Certificate of Ocupancy is issued, expected in the spring of 2023
Expedited Entitlement Process for Special Populations Housing	3 projects developed during 5th Cycle	2015-2023	The City worked with Self Help Enterprises and the Tule River Tribe to open the affordable 40 unit Nupchi Xo' Oy Apartments that opened in 2021 following completion. Project continues to operate successfully.
Remove Constraints and Provide Reasonable Accommodations for Housing Designed for Persons with Disabilities	1 outreach effort to disabled community per year to encourage renovations. Establish new comment period for development projects to educate and encourage developers regarding adapted housing.	Yearly	In 2022, the City did not authorize any rehabilitation monies to rehabilitate homes to have accessibility ramps. There were at least 10 inquiries about the program; however, due to the Program guidelines, they did not meet the requirements, such as home on a permanent foundation or home within City limits.
Case Management	Provide case management for Permanent Supportive Housing in order to provide life skills to individuals who have experienced chronic homelessness and have a verifiable disability, mental health issue, substance abuse, or HIV/AIDS. Funds are awarded as they are available and vary by year.	Yearly	The City allocates CDBG funds for case manager salaries for the Permanent Supportive Housing (PSH) Program administered by Family Services of Tulare County, which provides the following services: referrals to counseling and dentist, life skills training, transportation, home visits/case management and delivery of food and hygiene products. Six (6) individuals received new or continued access to these services, five (5) of whom have been housed while enrolled in the program. One is in a referral status and currently looking for housing, but receives case management services. The annual goal of two persons assisted has been consistently met. A second PSH program (11 units) is supported with (Permanent Local Housing Allocation) PLHA funds received by the City of Porterville. First year they received \$34,275.40, the second year they received: \$53,274.50 and the third year RFP is expected to be published in March 2023, where they can apply for more funding.
Fair Housing	Fair Housing Education aims to promote equal and fair access to housing opportunities for all individuals regardless of their race, ethnicity, national origin, religion, gender, age, familial status, or disability. The objective of Fair Housing Education is to raise awareness about these laws and regulations and to provide information and resources to help individuals and housing providers understand and comply with them. This includes educating people on their rights and responsibilities under the law, as well as providing training to housing providers on how to avoid discrimination and promote fair housing practices.	Yearly	On January 18, 2022, the City Council authorized staff to distribute a joint Request for Proposals (RFP) for Fair Housing education services. Community Services Employment Training (CSET) was awarded the contract to provide culturally appropriate outreach and fair housing education opportunities for families and individuals within the City of Porterville and provide landlords and property managers with education in fair housing law and practice to reduce the incidence of housing discrimination. In June of 2022, CSET began its efforts, which focused on program setup and implementation, and marketing of the program via social media and community partner agencies. A community presentation and one-to- one session were held, with a total of 7 community partners and 1 community member served. During the reporting period, our organization provided Fair Housing Education to 19 individuals. While the goal of 30 individuals assisted was not met due to the new program starting in June. Also, due to both staff shortages and the impact of COVID-19. These factors created numerous challenges for the organization, making it difficult to maintain normal operations. Increased numbers are anticipated moving forward.
Infrastructure Improvements	Pursue 4 grants in the 5th cycle.	2015-2023	The Draft Consolidated Plan for 2020 implemented a formal program to authorize funds for infrastructure improvements. The Environmental Review Report (ERR) Phase for the Henrahan/Grand project was completed. The project was expanded and is ready to begin now that the ERR has been completed. The next step is to obtain the bids and once those are received, the construction should occur sometime in July 2023. The project should be completed by the end of 2023. The bond for \$13 million for infrastructure improvement in under developed areas of the City for sewer projects is near completed. Annexation Area 457 has been completed to be complete by April 2023. The ERR has been completed to be complete by April 2023.
Energy Conservation	Provide two referrals per year.	Yearly	As rehabilitation loans are approved and expended, the City also authorizes new roofs, windows and HVAC systems. Additionally, 10 households have been referred to the Weatherization program administered by a local-nonprofit to assist them in weatherization of their homes. Additionally, as the City partners with CSET for the FTHB Education class, those attending the course are informed of CSET's programs which include a weatherization program
LINC Services	To connect persons experiencing homelessness with critical services, such as housing assistance, legal services, social services and access to mainstream benefits, and provide consumables and supplies. Funds are awarded as they are available and amount varies by year.	Yearly	LINC serves as a mini-resource fair and is held twice a month at the Porterville Welcome Center (PWC). The committee will support the PWC and KTHA to faciliate connections to the services needing to be made available, volunteer at events, fundraise and provide ongoing planning and coordination of services that LINC may be missing. The intention of LINC is to connect persons experiencing homelessness with critical services, such as housing assistance, legal services, social services and access to mainstream benefits, and provide consumables and supplies. In 2022, the progran served 444 individuals.

Navigation Center c	To serve adults experiencing homelessness and link them to community resources. Funds are awarded as they are available and amount varies by year.		The City partnered with Turning Point of Central California Inc. (TPOCC) to provide open a Navigation Center in Porterville. The site of the center was purchased by the City from the Porterville Unified School District and continues to be leased to TPOCC for \$1/year. The Porterville Welcome Center (PWC) consists of 15 emergency shelter beds and 15 bridge housing beds that serve adults experiencing hoomelessness along with their partner and pets. Program guests are provided space for storage of their possessions, allowed, one dog on site, and offered services that are voluntary and include case management, housing locations, meals, life skills training, laundry, and linkages to community resources. Bridge housing beds are referred exclusively by the Coordinated Entry System. Emergency shelter beds can be self-referred by someone experiencing homelessness, through CES, or by another service provider. In 2022, the program served 2,373 unduplicated unsheltered in the community of Porterville. The Center is supported with (Permanent Local Housing Allocation) PLHA funds received by the City of Porterville. The first year they received: \$154,239; 2nd year they received: \$277,733 and the 3rd year RFP is expected to be published in March 2023, where they can apply for more funding.
Emergency Shelter i Operating Expenses a	To provide Emergency Shelter for individuals and families in crisis. Funds are awarded as they are available and amount varies by year.	Yearly	The Central California Family Crisis Center (CCFCC) is an Emergency Shelter that is supported with (Permanent Local Housing Allocation) PLHA funds received by the City of Porterville. First year they received: \$137,101.59; 2nd year they received: \$175,099.80 and the 3rd year RFP is expected to be published in March 2023, where they can apply for more funding.

Jurisdiction	Porterville	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation (CCR Title 25 §6202)

Note: "+" indicates an optional field Cells in grey contain auto-calculation formulas

	Table E Commercial Development Bonus Approved pursuant to GC Section 65915.7										
	Project I	dentifier			Units Construc	cted as Part of Agre	Description of Commercial Development Bonus	Commercial Development Bonus Date Approved			
		1				2	3	4			
APN	Street Address	Project Name ⁺	Local Jurisdiction Tracking ID ⁺	Very Low Income	Low Income	Moderate Income	Description of Commercial Development Bonus	Commercial Development Bonus Date Approved			
Summary Row: Star	rt Data Entry Below										

Jurisdiction	Porterville	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

 Table F

 Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1(c)

Please note this table is optional: The jurisdiction can use this table to report units that have been substantially rehabilitated, converted from non-affordable to affordable by acquisition, and preserved, including mobilehome park preservation, consistent with the standards set forth in Government Code section 65583.1, subdivision (c). Please note, motel, hotel, hostel rooms or other structures that are converted from non-residential to residential units pursuant to Government Code section 65583.1(c)(1)(D) are considered net-new housing units and must be reported in Table A2 and not reported in Table F.

Activity Type		Units that Do Not Co Listed for Information	ount Towards RHNA onal Purposes Only	, *	Note - Because the counted, please con	e statutory requir tact HCD at apr(The description should adequately document how each unit complies with subsection (c) of Government Code Section 65583.1 ⁺ . For detailed reporting requirements, see the chcklist here:	
	Extremely Low- Income ⁺	Very Low-Income ⁺	Low-Income ⁺	TOTAL UNITS ⁺	Extremely Low- Income ⁺	Very Low- Income ⁺	Low-Income ⁺		https://www.hcd.ca.gov/community- development/docs/adequate-sites-checklist.pdf
	1	1		1	1				
Rehabilitation Activity		1							
Preservation of Units At-Risk									
Acquisition of Residential Units									
Mobilehome Park Preservation									
Total Units by Income		1		1					

Jurisdiction	Porterville	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation Note: "+" indicates an optional field Cells in grey contain auto-calculation formulas

 Table F2

 Above Moderate Income Units Converted to Moderate Income Pursuant to Government Code section 65400.2

For up to 25	percent of a jurisdiction's	moderate-income regional housing r	eed allocation, the pla	nning agency may in					were converted to dee requirements describe			ncome households b	y the imposit	ion of affordability covenants and r	estrictions for the ur	it. Before adding information to this
	Project Identifier				Unit T	ypes	Affordability by Household Incomes After Conversion							Units credited toward At	ove Moderate	Notes
														RHNA		
		1			2	3		4						5		6
Prior APN	* Current APN	Street Address	Project Name ⁺	Local Jurisdiction Tracking ID ⁺		Tenure R=Renter	Very Low- Income Deed Restricted	Very Low- Income Non Deed Restricted	Low- Income Deed Restricted	Low- Income Non Deed Restricted	Moderate- Income Deed Restricted	Moderate- Income Non Deed Restricted	Above Moderate- Income	Total Moderate Income Units Converted from Above Moderate	Date Converted	<u>Notes</u>
Summary Ro	v: Start Data Entry Bel	W														
											1					
			1								1					
		1		1		1										

Jurisdiction	Porterville		NOTE: This table must only be filled out if the housing element sites inventory contains a site which is or was owned by the reporting	Note: "+" indicates an optional field
Reporting Period	2022			Cells in grey contain auto-calculation formulas
Planning Period	5th Cycle	12/31/2015 - 12/31/2023	ANNUAL ELEMENT PROGRESS REPORT	

Housing Element Implementation

				Table G		
	Locally Owned La	nds Included in the	Housing Element Sit	tes Inventory that ha	ive been sold, leased, or other	wise disposed of
	Project	ldentifier				
		1		2	3	4
APN	APN Street Address Project Name ⁺			Realistic Capacity Identified in the Housing Element	Entity to whom the site transferred	Intended Use for Site
Summary Row: Star	t Data Entry Below	•				

Jurisdiction	Porterville	
Reporting Period	2022	(Jan. 1 - Dec. 3

NOTE: This table is meant to contain an invenory of ALL surplus/excess lands the reporting jurisdiction owns

Note: "+" indicates an optional field Cells in grey contain auto-calculation formulas

ANNUAL ELEMENT PROGRESS REPORT

1)

Housing Element Implementation

	For Tulare County jurisdictions, please format the APN's as follows:999-999-999							
	Table H							
		Locally O	wned Surplus Sit	es				
Parcel Identifier				Designation	Size	Notes		
1	2	3	4	5	6	7		
APN	Street Address/Intersection	Street Address/Intersection Existing Use Units		Surplus Designation	Parcel Size (in acres)	Notes		
Summary Row: Start Data Entry Below								

Jurisdiction	Porterville	NOTE: SB 9 PROJECTS ONLY. This table only	ANNUAL ELEMENT PROGRESS REPORT	optional field
Reporting Period	2022		Housing Element Implementation	Cells in grey contain auto-calculation formulas
Planning Period	5th Cycle	Units entitled/permitted/constructed must also be reported in Table A2. Applications for these units must be reported in Table A.		

	Table I Units Constructed Pursuant to Government Code 65852.21 and Applications for Lot Splits Pursuant to Government Code 66411.7 (SB9)									
Project Identifier			Project Type	Date	Unit Constructed			Notes		
		1		2	3			4		
APN	Street Address	Project Name ⁺	Local Jurisdiction Tracking ID ⁺	Activity	Date	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Notes
Summary Row: Star	Summary Row: Start Data Entry Below									

		Proje

Porterville

2022

5th Cycle

Jurisdiction

Reporting Period

Planning Period

ANNUAL ELEMENT PROGRESS REPORT

Note: "+" indicates an optional field

NOTE: STUDENT HOUSING WITH DENSITY BONUS ONLY. This table only needs to be completed if there were student housing projects WITH a density bonus approved pursuant to Government Code65915(b)(1)(F) (Jan. 1 - Dec. 31) 12/31/2015 - 12/31/2023

Cells in grey contain auto-calculation formulas

	Table J												
	Student housing development for lower income students for which was granted a density bonus pursuant to subparagraph (F) of paragraph (1) of subdivision (b) of Section 65915												
	Project	Identifier		Project Type	Date	Units (Beds/Student Capacity) Approved			Units (Beds/Student Capacity) Granted Density Bonus	Notes			
		1		2	3	4				5	6		
APN	Street Address	Project Name ⁺	Local Jurisdiction Tracking ID ⁺	Unit Category (SH - Student Housing)	Date	Very Low- Income Deed Restricted	Very Low- Income Non Deed Restricted	Low- Income Deed Restricted	Low- Income Non Deed Restricted	Moderate- Income Non Deed Restricted	Above Moderate- Income	Total Additional Beds Created Due to Density Bonus	Notes
Summary Row: S	tart Data Entry Below												

Jurisdiction	Porterville	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

Building Permits Issued by Affordability Summary					
Income Level		Current Year			
	Deed Restricted	0			
Very Low	Non-Deed Restricted	3			
Low	Deed Restricted	68			
Low	Non-Deed Restricted	57			
Moderate	Deed Restricted	0			
Moderate	Non-Deed Restricted	10			
Above Moderate		63			
Total Units		201			

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

Units by Structure Type	Entitled		Permitted	Completed
SFA		0	0	0
SFD		0	65	30
2 to 4		0	0	0
5+		68	131	0
ADU		0	5	2
MH		0	0	0
Total		68	201	32

Housing Applications Summary				
Total Housing Applications Submitted:	5			
Number of Proposed Units in All Applications Received:	56			
Total Housing Units Approved:	0			
Total Housing Units Disapproved:	0			

Use of SB 35 Streamlining Provisions				
Number of Applications for Streamlining	0			
Number of Streamlining Applications Approved	0			
Total Developments Approved with Streamlining	0			
Total Units Constructed with Streamlining	0			

Units Constructed - SB 35 Streamlining Permits					
Income	Rental	Ownership	Total		
Very Low	0	0	0		
Low	0	0	0		
Moderate	0	0	0		
Above Moderate	0	0	0		
Total	0	0	0		

Cells in grey contain auto-calculation formulas

Jurisdiction	Porterville	
Reporting Year	2022	(Jan. 1 - Dec. 31)

ANNUAL ELEMENT PROGRESS REPORT Local Early Action Planning (LEAP) Reporting					
(CCR Title 25 §6202) Please update the status of the proposed uses listed in the entity's application for funding and the corresponding impact on housing within the region or jurisdiction, as applicable, categorized based on the eligible uses specified in Section 30515.02 or 50515.03, as applicable.					
Total Award Amount \$ 264,374.00 Total award amount is auto-populated based on amounts entered in rows 15-26.					
Task	\$ Amount Awarded	\$ Cumulative Reimbursement Requested	Task Status	Other Funding	Notes
SoTu Plan and EIR	\$264,374.00	\$0.00	In Progress	Local General Fund	Re-scope in progress to do a Master Plan instead of a SoTu Plan.

Summary of entitlements, building permits, and certificates of occupancy (auto-populated from Table A2)

Completed Entitlement Issued by Affordability Summary				
Income Level		Current Year		
Very Low	Deed Restricted	0		
Very Low	Non-Deed Restricted	0		
Low	Deed Restricted	68		
Low	Non-Deed Restricted	0		
Moderate	Deed Restricted	0		
Moderate	Non-Deed Restricted	0		
Above Moderate		0		
Total Units		68		

Building Permits Issued by Affordability Summary			
Income Level		Current Year	
Very Low	Deed Restricted	0	
Very Low	Non-Deed Restricted	3	
QW	Deed Restricted	68	
LOW	Non-Deed Restricted	57	
Moderate	Deed Restricted	0	
Moderate	Non-Deed Restricted	10	
Above Moderate		63	
Fotal Units		201	

Certificate of Occupancy Issued by Affordability Summary			
Income Lev	Income Level		
Versileus	Deed Restricted	0	
Very Low	Non-Deed Restricted	2	
Low	Deed Restricted	0	
LOW	Non-Deed Restricted	20	
Moderate	Deed Restricted	0	
Moderate	Non-Deed Restricted	5	
Above Moderate		5	
Total Units		32	

State of California

GOVERNMENT CODE

Section 65400

65400. (a) After the legislative body has adopted all or part of a general plan, the planning agency shall do both of the following:

(1) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.

(2) Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes all of the following:

(A) The status of the plan and progress in its implementation.

(B) (i) The progress in meeting its share of regional housing needs determined pursuant to Section 65584, including the need for extremely low income households, as determined pursuant to paragraph (1) of subdivision (a) of Section 65583, and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to paragraph (3) of subdivision (c) of Section 65583.

(ii) The housing element portion of the annual report, as required by this paragraph, shall be prepared through the use of standards, forms, and definitions adopted by the Department of Housing and Community Development. The department may review, adopt, amend, and repeal the standards, forms, or definitions to implement this article. Any standards, forms, or definitions adopted to implement this article shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2. Before and after adoption of the forms, the housing element portion of the annual report shall include a section that describes the actions taken by the local government towards completion of the programs and status of the local government's compliance with the deadlines in its housing element. The report shall be considered at an annual public meeting before the legislative body where members of the public shall be allowed to provide oral testimony and written comments.

(iii) The report may include the number of units that have been completed pursuant to subdivision (c) of Section 65583.1. For purposes of this paragraph, committed assistance may be executed throughout the planning period, and the program under paragraph (1) of subdivision (c) of Section 65583.1 shall not be required. The report shall document how the units meet the standards set forth in that subdivision.

(iv) The planning agency shall include the number of units in a student housing development for lower income students for which the developer of the student housing

development was granted a density bonus pursuant to subparagraph (F) of paragraph (1) of subdivision (b) of Section 65915.

(C) The number of housing development applications received in the prior year, including whether each housing development application is subject to a ministerial or discretionary approval process.

(D) The number of units included in all development applications in the prior year.

(E) The number of units approved and disapproved in the prior year.

(F) The degree to which its approved general plan complies with the guidelines developed and adopted pursuant to Section 65040.2 and the date of the last revision to the general plan.

(G) A listing of sites rezoned to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory required by paragraph (1) of subdivision (c) of Section 65583 and Section 65584.09. The listing of sites shall also include any additional sites that may have been required to be identified by Section 65863.

(H) (i) The number of units of housing demolished and new units of housing, including both rental housing and for-sale housing and any units that the County of Napa or the City of Napa may report pursuant to an agreement entered into pursuant to Section 65584.08, that have been issued a completed entitlement, a building permit, or a certificate of occupancy, thus far in the housing element cycle, and the income category, by area median income category, that each unit of housing satisfies. That production report shall do the following:

(I) For each income category described in this subparagraph, distinguish between the number of rental housing units and the number of for-sale units that satisfy each income category.

(II) For each entitlement, building permit, or certificate of occupancy, include a unique site identifier that must include the assessor's parcel number, but may also include street address, or other identifiers.

(ii) For the County of Napa and the City of Napa, the production report may report units identified in the agreement entered into pursuant to Section 65584.08.

(I) The number of applications submitted pursuant to subdivision (a) of Section 65913.4, the location and the total number of developments approved pursuant to subdivision (c) of Section 65913.4, the total number of building permits issued pursuant to subdivision (c) of Section 65913.4, the total number of units including both rental housing and for-sale housing by area median income category constructed using the process provided for in subdivision (c) of Section 65913.4.

(J) If the city or county has received funding pursuant to the Local Government Planning Support Grants Program (Chapter 3.1 (commencing with Section 50515) of Part 2 of Division 31 of the Health and Safety Code), the information required pursuant to subdivision (a) of Section 50515.04 of the Health and Safety Code.

(K) The progress of the city or county in adopting or amending its general plan or local open-space element in compliance with its obligations to consult with California Native American tribes, and to identify and protect, preserve, and mitigate impacts

to places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code, pursuant to Chapter 905 of the Statutes of 2004.

(L) The following information with respect to density bonuses granted in accordance with Section 65915:

(i) The number of density bonus applications received by the city or county.

(ii) The number of density bonus applications approved by the city or county.

(iii) Data from all projects approved to receive a density bonus from the city or county, including, but not limited to, the percentage of density bonus received, the percentage of affordable units in the project, the number of other incentives or concessions granted to the project, and any waiver or reduction of parking standards for the project.

(M) The following information with respect to each application submitted pursuant to Chapter 4.1 (commencing with Section 65912.100):

(i) The location of the project.

(ii) The status of the project, including whether it has been entitled, whether a building permit has been issued, and whether or not it has been completed.

(iii) The number of units in the project.

(iv) The number of units in the project that are rental housing.

(v) The number of units in the project that are for-sale housing.

(vi) The household income category of the units, as determined pursuant to subdivision (f) of Section 65584.

(b) (1) (A) The department may request corrections to the housing element portion of an annual report submitted pursuant to paragraph (2) of subdivision (a) within 90 days of receipt. A planning agency shall make the requested corrections within 30 days after which the department may reject the report if the report is not in substantial compliance with the requirements of that paragraph.

(B) If the department rejects the housing element portion of an annual report as authorized by subparagraph (A), the department shall provide the reasons the report is inconsistent with paragraph (2) of subdivision (a) to the planning agency in writing.

(2) If a court finds, upon a motion to that effect, that a city, county, or city and county failed to submit, within 60 days of the deadline established in this section, the housing element portion of the report required pursuant to subparagraph (B) of paragraph (2) of subdivision (a) that substantially complies with the requirements of this section, the court shall issue an order or judgment compelling compliance with this section within 60 days. If the city, county, or city and county fails to comply with the court's order within 60 days, the plaintiff or petitioner may move for sanctions, and the court may, upon that motion, grant appropriate sanctions. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment is not carried out within 60 days, the section are fulfilled. This subdivision applies to proceedings initiated on or after the first day of October following the adoption of forms and definitions by the Department of Housing and Community Development pursuant to paragraph (2) of subdivision (a), but no sooner than six months following that adoption.

(c) The Department of Housing and Community Development shall post a report submitted pursuant to this section on its internet website within a reasonable time of receiving the report.

(Amended by Stats. 2022, Ch. 657, Sec. 1.7. (AB 2653) Effective January 1, 2023.)



CITY COUNCIL AGENDA - MARCH 21, 2023

SUBJECT: Porterville Development Ordinance Comprehensive Update

- SOURCE: Community Development
- COMMENT: On February 27, 2020, the State of California issued a Notice of Funding Availability for the Regional Early Action Planning (REAP) grant program to help regions and jurisdictions with planning activities to meet the sixth cycle of the regional housing needs assessment, and to spur affordable housing production. A total of \$18,975,323.00 in Regional Early Action Planning (REAP) grant funds were made available to the eight San Joaquin Valley Regional Planning Agencies for housing planning activities through 2023. Each regional planning agency was responsible, through their respective boards, to determine funding amounts and policies for Regional Housing Needs Allocation (RHNA) planning, jurisdictional grants, and other related activities.

The Fresno County Council of Governments (FCOG) serves as the fiscal agent and the Tulare County Association of Governments (TCAG) serving as the Regional Planning Agency for Tulare County received approximately \$1,613,803.00 of such grant funds under the REAP MOU and designated \$225,000.00 of such funds to prepare the RHNA Plan and provide technical assistance and regional planning coordination for the provision of housing. TCAG suballocated the balance of the REAP Grant to the County of Tulare and to each of the Cities within Tulare County (the member agencies) to carry out the purposes of the grant. The City applied for and has been awarded Regional Early Action Planning Grant (REAP) funds to be used for strategies to improve the local process to speed up housing production. The City of Porterville received a total of \$163,000.00 as its allocation from TCAG.

At its meeting on August 17, 2021, the City Council approved entering into a Services Agreement for Regional Early Action Planning Grant Program with the Tulare County Association of Governments (TCAG) and provided direction for the REAP funds to be used on updating the Development Ordinance to reflect recent changes in State law and to facilitate the accelerated production of housing units within the city of Porterville.

At its meeting on April 5, 2022, the Council authorized staff to distribute a Request for Proposals (RFP) for consultant urban planning services to undertake a comprehensive update of the Development Ordinance.

At its meeting on July 19, 2022, the Council authorized staff to negotiate a contract with Provost and Pritchard Consulting Group (P&P) to complete the comprehensive Development Ordinance. The project includes a comprehensive

update to Chapter 21 (Development Ordinance) of the Municipal Code, with an emphasis on updates to the Housing Policies, Standards and Procedure of the Development Ordinance. The goal of the comprehensive update is to reduce excessive regulatory standards, eliminate conflicting standards, improve document organization for the development community, helps streamline the housing entitlement and permitting process, and ensure adherence with new State laws regarding housing and planning regulations (the last comprehensive update was in 2010).

The project commenced on September 2022. Subsequently in November 2022, P&P organized a discussion with City staff for the purpose of setting a timeline and to review the comprehensive Development Ordinance update process. As part of the process, P&P conducted Stakeholder interviews during December 2022 and January 2023.

From February through March 2023, with assistance from City staff, the Consultant has been finalizing the Draft Audit Report and conducting a public process to update the Development Ordinance for the City. The Consultant is developing a final work program in conjunction with City staff and has initiated the drafting of the Development Ordinance Code and is currently actively undertaking that phase.

Staff is prepared to provide a presentation on the progress of the comprehensive Development Ordinance update to be received by Council and provided direction as determined.

RECOMMENDATION:	That the City Council provide direction on the development of the
	update to the City's Development Ordinance.

ATTACHMENTS: 1. Development Code Update Audit Report

Appropriated/Funded:

Review By:

Department Director: Jason Ridenour, Assistant City Manager

Final Approver: John Lollis, City Manager



City of Porterville

Development Code Update Audit Report

March 2023

PREPARED FOR:

City of Porterville Community Development Department 291 North Main Street Porterville, CA 93257

PREPARED BY:

Provost & Pritchard Consulting Group



Table of Contents

Introduction and Purpose	1
What is the Development Code?	1
What Development Codes Do	1
What Development Codes Don't Do	
Why is the Development Code Being Updated?	2
Approach and Organization	2
Considerations in the Audit Report Analysis	
General Plan Consistency	
Compliance with State and Federal Law	
Best Practices	
Audit Report Organization	
How Will this Audit Report Be Used?	
Audit Report Analysis	
Code Usability and Accessibility	
Summary Observations	5
Recommendations	6
Permit Processing and Administration	6
Summary Observations	
Recommendations	9
Zones	9
Summary Observations	
Recommendations	
General Development Regulations	
Summary Observations	
Recommendations	
Specific Use Regulations	
Summary Observations	
Recommendations	
Compliance with State and Federal Law	
Appendix A	A-1
General Plan Land Use Designation Descriptions	A-1

Introduction and Purpose

The City of Porterville has initiated a comprehensive Development Code update. The primary role of the Development Code is to implement the goals and policies established in the General Plan. The Code establishes the regulations and procedures that guide development and ensures that it is consistent with the General Plan vision. Upon completion of the Code update, these regulations will help to streamline development procedures. Additionally, the update will address changes in State law to ensure consistency and compliance.

What is the Development Code?

The Development Code is one of the primary implementing documents of the General Plan, as it establishes standards for the creation of new parcels, the types of buildings and uses that are allowed on parcels, and the physical and operational standards that buildings and uses must comply with. In Porterville, the Development Code is adopted as Chapter 21 in the Porterville Municipal Code and includes both zoning and subdivision regulations.

What Development Codes Do

As the primary implementing tool for the General Plan, the Development Code establishes regulations and procedures guiding development and ensuring consistency with the General Plan vision. Development Codes:

Establish zones. Each land use designation identified in the General Plan needs at least one implementing zone. The zone dictates how a property can be used and developed. It is the primary implementation tool for determining consistency with the intent of the General Plan land use designations. Zones are applied to properties and approved on a zoning map as part of a zoning ordinance.



Determine what uses can go on a property. Each zone has a list of allowed uses that are permitted within that zone. The allowed use listings also determine the type of approval that is required prior to establishing a particular use.

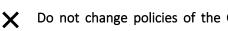
Define application procedures. The processing procedure for each type of application is established so users of the code, including the public, City staff, and decision-makers, understand the expectations and requirements associated with development review and approval.

Establish standards of development. Standards of development include both physical property development standards (e.g., setbacks, height, parking requirements) and operational standards (e.g., hours of operation, lighting standards, noise impacts) of permitted uses on a property. The standards can be designated by zone, general use type (e.g., residential, commercial, industrial), or by specific use type (e.g., accessory dwelling units, manufactured housing, temporary uses).

What Development Codes Don't Do

Understanding what Development Codes don't do is equally important as understanding their purpose. Development Codes:

Do not establish the vision or policies for the community. These are determined through the General X Plan process.



Do not change policies of the General Plan. The processes and regulations established in the ordinances must be consistent with the General Plan.

- Do not change the zoning requirements adopted in specific plan areas. Specific plans are tools used X to allow a customized set of development standards to be legally adopted for a specific property or area. As such, specific plans are adopted with their own standards for development. Changes to the Development Code would not affect previously adopted specific plans unless the plans require compliance with regulations in place at the time of proposed development.
- Do not contain guidelines. Development Codes are local laws that establish objective and X enforceable rights, responsibilities, standards, requirements, and procedures. They are required and compulsory. Guidelines, while very useful and important in the development review and approval process, are subjective statements of preference and desirable and negotiable outcomes, not compulsory standards and requirements.

Why is the Development Code Being Updated?

The City of Porterville last completed a comprehensive update to the Development Code in 2013. While there have been some updates since the code was originally adopted, these updates have been drafted on a case-by-case basis in response to particular issues, resulting in several instances of similar yet conflicting regulations and internal inconsistencies. These inconsistencies have made the Code complicated for the public to navigate and difficult for City staff and decision makers to administer. The Code update will focus on streamlining the development process, adding clarity to established procedures, and ensuring compliance with recent legislative updates as well as the City's Housing Element. Specifically, the objectives of this update are to:

- Prepare codes that are user-friendly and easy to navigate. •
- Streamline and define development review processes.
- Comply with State law.

Approach and Organization

This Audit Report (Report) presents an analysis of the existing Development Code. The analysis includes summary observations of the existing code, with recommendations that identify a preferred approach in preparing the Development Code Update.

More detailed analysis will be conducted during preparation of the Code. Consultation with City staff will occur as specific issues arise. Staff may consult with City decision-makers, as needed, during preparation of the Development Code Update as well.

Considerations in the Audit Report Analysis

The analysis conducted as part of this Report considered many inputs including key issues identified through conversations with City staff and key stakeholder interviews, updates required for consistency with the adopted General Plan, a review for compliance with State and federal law, as well as best practices. These considerations informed the summary observations included in this Report and the recommendations for moving forward in the Code update process.

The process for this report included the following steps:

• **City staff input**. City staff provided insight on known areas of concern, based on implementation of existing regulations and previous experience. The feedback from staff identified initial topics areas for further review.

• **Preliminary analysis of existing regulations**. The consultant team identified preliminary audit findings based on analysis of the existing Code regulations, including an evaluation and comparison of allowed uses across base zones, permit and approvals procedures, and development standards.

• Stakeholder input. Stakeholders provided their comments and concerns during a series of meetings held to receive input on the current Development Code. Stakeholders included various members of the Porterville community, such as land developers, local consulting firms, and real estate professionals.



General Plan Consistency

As the primary implementation document of the general plan, it is necessary to ensure the development code contains standards consistent with the general plan. Consistency with the general plan is also legally required by Government Code Section 65860. In the event the development code becomes inconsistent due to an amendment of the general plan, local jurisdictions must reflect those changes in the development code within a "reasonable" timeframe. For purposes of this Report, a preliminary review of Porterville's Development Code was conducted for consistency with existing General Plan land use designations and density and intensity standards. The summary observations and recommendations reflect this review.

Compliance with State and Federal Law

In California, it is generally left to cities and counties to determine how to best regulate land uses and development in their jurisdiction. However, there are certain exceptions that require local regulations to be either consistent with or preempted by State or federal law. Updates to permit procedures, zones and allowed uses, definitions, general development regulations, specific use regulations, and subdivision

regulations will be required for consistency with applicable laws and will be addressed as part of the Code update process, as summarized in this Audit Report Analysis.

Best Practices

Many of the observations and recommendations included in this Report are reflective of best practices in preparing and administering codes. These are primarily exhibited in the organizational recommendations and will be considered during drafting of the Code.

Audit Report Organization

This Report summarizes general observations and identifies a set of recommendations organized around the following topics:

- Code usability and accessibility
- Permit processing and administration
- Zones
- General development regulations
- Specific use regulations
- Compliance with State and federal law

How Will this Audit Report Be Used?

This Audit Report is a key step towards updating the Development Code. This Report will be distributed to and presented at a City Council hearing. An Annotated Outline will be prepared based on the recommendations contained in this Report and will be the basis for preparation of the Draft Development Code. Staff may consult with decision-makers during preparation of the Code. The Draft Development Code will be presented to the public and decision-makers for review and comment as part of the update process prior to adoption.

Audit Report Analysis

Code Usability and Accessibility

Rules and regulations are not effective if people cannot find the information they are looking for or if they do not understand the rules and regulations. Given zoning and subdivision regulation's central role in shaping the community, the Development Code should be logically organized, well-formatted, and easy to use.

A user-friendly document should have the following minimum features:

- A **table of contents** that provides descriptive chapter and section titles, so a user can quickly find the information they are looking for. Chapters are generally organized by topic.
- Headers and footers that allow readers to navigate the document.
- A **consistent organizational structure** across chapters, creating predictability and increased awareness of where to find similar information across like chapters or sections.

• An **index of terms** that is generally consolidated in one location for easy reference with cross-references for specialty terms defined elsewhere in the code.

This section contains general observations about the existing organization, format, and usability, as well as strategies for improving these aspects in the Code update.

Summary Observations

Observation 1: Chapter Groupings

The Development Code update process provides an opportunity to bring a predictable structure and logical progression to the Code.

A typical code structure includes the following hierarchal organization:

- **Title.** Municipal Codes are comprised of individual ordinances, or titles. Title numbering is dictated by existing Municipal Code organization.
- Article. Titles are typically divided into articles that cover various topics. Articles may be adopted formally with assigned numbering within the overall code structure, but it is not necessary to do so. Regardless of how articles are treated within the code, they provide important structure for how chapters of the code are organized. The article name identifies the topic around which like chapters are organized.
- Chapter. Articles are divided into chapters. It is useful to group chapters that address like topics together so that they may be numbered and listed consecutively in the table of contents. For example, all residential zones should be grouped consecutively, followed by all commercial zones, so on and so forth. This prevents chapters from getting "lost" in the overall structure of the code and provides a more user friendly and efficient experience for both applicants and staff. The numbering of chapters ideally reserves space to accommodate new chapters as additions to the Code are adopted. Although this is not mandatory, it does help ensure that the organizational structure of the code is not disrupted as new chapters may be adopted in the future.
- **Section.** Chapters are divided into sections. Section titles should be descriptive enough to allow for easy navigation of content.

Although Porterville's Development Code does not follow this hierarchy, instead opting for a naming convention of Chapter, Series, Article, Section, the current structure used remains generally consistent throughout the entirety of the Portville Municipal Code.

While one goal of this update is to reorganize information to follow the preferred hierarchy listed above, doing so would disrupt the established organization of the Municipal Code as a whole. It is recommended that the current structure remain in place for the Development Code.

Observation 2: Not All Use Classifications Have an Implementing Zone

Article 701 of the existing Development Code provides use classifications and descriptions of the different uses allowed throughout the many zone districts in the City. Various use classifications listed in this article are not reflected in the allowed use tables within the base districts, either by right or through a discretionary approval. Examples of these use classifications include massage establishments, cottage food operations, emergency ambulance services and transitional housing. Reviewing the Use Classifications to

ensure that the code provides a zone district for all listed uses is recommended to ensure consistency and predictability for users.

Observation 3: Terms and Definitions Shown in Multiple Sections and Chapters

The inclusion of two separate sections to show and define terms used in the code is unnecessarily redundant. Section 700.01 provides a list of terms only, while Section 700.02 provides the same list of terms with accompanying definitions. Consolidating these two sections would reduce redundancy and help ensure easy reference for applicants reading the code. Further, it is not necessary to separate out use definitions from list of terms definitions. Separating definitions out for these two categories is cumbersome as many users may not know to look for a use definition in a section maintained separately from the more traditional list of terms.

Recommendations

- 1. Maintain current naming convention of Chapter, Series, Article, and Section for the Development Code to maintain general consistency with the rest of the Municipal Code.
- 2. Update allowed use listings for each zone to ensure that all uses listed in Chapter 701 have an implementing zone.
- 3. Consolidate list of terms and definitions into one location for ease of reference and to minimize redundancies. Consider consolidating the use definitions into the same location to create one comprehensive definitions section.

Permit Processing and Administration

An effective Development Code provides predictability in how permits are processed. This includes identifying specific procedures for each permit type, as well as identifying common processing procedures that may apply to all or most types of permits. Identifying common processing procedures in one location eliminates redundancy, makes changes to those procedures easier to implement, and creates consistency for the user. Each step in the process should be clearly outlined so there is no ambiguity in the requirements.

The level of review required for each permit type also greatly influences how much time (and therefore, effort and money) will be expended to approve a proposed development. Approvals that can be completed at the counter (e.g., building permit or business license approvals) are generally the simplest and least expensive reviews. Next are the staff level reviews (i.e., permits that may be approved by the Director or Zoning Administrator), which are not immediately handled at the

Level of Review

Over the Counter Reviews are simple and efficient and can be approved by planning staff in person, without additional oversight.

Staff Level Reviews are generally approved by the Community Development Director or Zoning Administrator and require additional processing time but do not require a public hearing.

Public Reviews apply to complex, subjective approvals carried out by the City Council and require public hearings.

counter but don't require a public hearing. Procedures that require public hearings before the Planning Commission or City Council take the longest. However, even the simplest approvals can become complicated without a clear procedure or standards to guide review and decision-making. The City of Porterville has the following approving authority bodies and officers established, which does not include a Planning Commission.

- Zoning Administrator. The Zoning Administrator is the Community Development Director or his/her designated appointee. The Zoning Administrator may take final action on administrative permits such as Zoning Adjustments and Temporary Use Permits. No public hearings are required. Discretionary decisions approved by the Zoning Administrator are subject to appeal to the City Council.
- **City Council.** The City Council generally delegates authority for implementation of the Development Code to the Zoning Administrator. However, it retains final decision-making authority for legislative decisions such as general plan amendments and zoning ordinance amendments. City Council also hears and has approval authority of discretionary permits such as conditional use permits, variances, and tentative maps. Public hearings are required.
- **Parcel Map Committee.** The Parcel Map Committee is the decision-making body for Tentative Parcel Maps. This committee is comprised of the Zoning Administrator, City Engineer and Fire Chief or their designee. When a Parcel Map application requires additional discretionary permits, the Parcel Map Committee actions will be in the form of a recommendation to the City Council.

While not a decision-making body, the City of Porterville also consults with a Project Review Committee. The Project Review Committee is intended to provide information on relevant general or specific plan policies, zoning and subdivision regulations, and procedures related to projects. The committee consists of the Zoning Administrator, City Planner, City Engineer, Chief Building Official, and Fire Chief or their designees. The Project Review Committee reviews and makes recommendations on specific development proposals, which are outlined in the Code.

 Table 1 below shows the permit procedures as listed in the Code, along with the approving authority bodies.

	Code	Approving Authority			
Permit Type	Chapter	Parcel Map Committee	Zoning Administrator	City Council	
Zoning Conformance Review	602	-	А	-	
Hillside Development Review	603	-	R	А	
Conditional Use Permit, Minor	604	-	R	А	
Conditional Use Permit, Major	604	-	R	А	
Temporary Use Permits	605	-	А	-	
Variances	606	-	R	А	
Amendments to General Plan	607	-	R	А	
Amendments to Zoning Map and Text	608	-	R	А	
Development Agreements	609	-	R	А	
Adjustments	610	-	А	-	
Parcel Map	400	А	-	-	
Tentative Tract Map	402	-	R	А	
Vesting Tentative Tract Map	403	-	R	А	
Final Map	404	-	-	А	

 Table 1. Existing Permit Procedures (Series 600, Series 400)

R = Recommending Body

A = Approval Authority

This section contains general observations about the existing permitting procedures and administration of regulations, as well as strategies for improving these aspects in the Code update.

Summary Observations

Observation 1: Lack of Clear Administrative Responsibilities

While the overall responsibilities of the approval authority bodies are outlined in Series 600 of the Code, it is not clear within the individual permit sections which approval authority renders a decision. Additionally, Series 600 details that within the responsibilities of the Project Review Committee any project requiring a discretionary approval must be reviewed by the committee, this however is not mentioned in any of the individual permit sections. Confirming approval authorities within the individual application procedures as well as confirming the need for a Project Review Committee review would provide clarity for users of the Code.

Further, the Land Divisions procedures (Series 400) are not clearly spelled out within the individual permit procedure chapters making it difficult to understand the recommending and approval authorities of the Parcel Map Committee, Zoning Administrator, and City Council.

Observation 2: Hillside Development Procedures

The Hillside Development Permit was a recurring topic that was flagged for discussion during the stakeholder interviews. Comments received identified the process as cumbersome and in need of an overhaul. Furthermore, stakeholders believe that the Hillside Development process in Porterville restricts developers and, due to the time and cost of the permitting process, development becomes too costly to be feasible. In the review of the Hillside Development Overlay Zone, Chapter 501, and Hillside Development Permit, Chapter 603, a few issues were identified during review that could present challenges for potential applicants.

One such issue that is recommended for review and consideration are the number of technical maps, reports, and site analysis to be prepared and submitted as part of the application process, including an architectural and landscaping design guidelines manual and visual simulations, as required by Section 501.03, Required Plans and Materials. The amount of documentation required at submittal may be cost prohibitive and dissuade development in the areas subject to the Hillside Development Overlay District. While certain technical information is warranted at applicant submittal to evaluate the application, some of the items required at application submittal may not be warranted. It is recommended that this section be reviewed and revised to remove items that could be produced and submitted at a later time or may be eliminated from the Code requirements completely.

Observation 3: Minimal Flexibility in Code Requirements

While the Code does have provisions in place to review and approve minor exceptions to requirements or confirm conformance with previous approvals at the staff level, some are buried within the Code. Having such procedures to allow for some flexibility in code requirements is a best practice that allows staff to respond to special circumstances and changing markets without requiring amendments to the code. Outlining the existing procedures within Series 600, Administration and Permits, would allow for more predictable and consistent application. These procedures include:

Similar Use Determinations. Allows for uses not listed on the allowed use table to be added and processed without requiring a text amendment. The Code currently contains a standards statement within each zone district's land use regulations that allows for uses not specifically listed. This is often referred to as a similar use determination process. The current Code does not provide much direction on how this determination is made, which could result in inconsistent application. It is recommended that a similar use determination process be added to Series 600.

Substantial Conformance Determinations. Allows for minimal changes in project designs to occur under a previously approved permit without requiring an applicant to start over with a new application. Porterville's Code does allow the Zoning Administrator to authorize minor modifications to approved reviews.

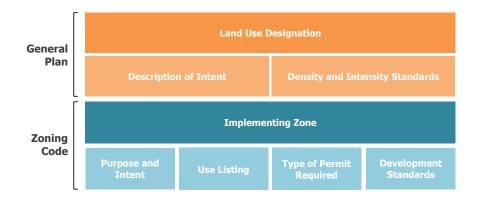
Recommendations

- 1. Include approval authority and review requirements into the individuals permit procedure chapters.
- 2. Determine which permit types and procedures can be eliminated, amended, or confirmed to reflect current practice.
- 3. Review and revise Hillside Development Permit Process to encourage hillside development in Porterville.
- 4. Clearly document procedures for flexibility in the application and interpretation of Code requirements.

Zones

The Porterville General Plan has 20 land use designations, each with a description of the types of uses and development intended for the designation. As the primary implementing tool, the Development Code needs to identify at least one implementing zone per General Plan land use designation. The General Plan land use designation description and density and intensity standards serve as the basis for the allowed uses and development standards in the implementing zone. Each zone establishes development standards and identifies the uses allowed within that zone. There are currently 29 different zones in the Porterville Development Code.

The following figure provides an illustration of the relationship of a General Plan land use designation to an implementing zone.



This section contains general observations about the existing zones, allowed uses, and development standards, as well as strategies for improving these aspects in the Code update.

Summary Observations

Observation 1: An Abundance of Zone Districts

There are currently 29 different base zones in the Porterville Development Code as listed in the table below, including 9 different zone districts in the downtown area alone. Additionally, there are three overlay districts, including Airports Environs (AE), Hillside Development Zone (HZ), and Single Story (S). In the interest of creating a concise and user-friendly Code, the total number of zones should be reviewed for distinctions in allowed uses, in how uses are permitted, or in development standards to determine if any zones are repetitive or have minimal distinctions. These zones would present an opportunity for removal and/or consolidation., resulting in fewer implementing zones for each General Plan land use designation The Zoning Map would be updated accordingly.

Agriculture/F	Rural/Conservation Districts
AC	Agricultural/Conservation
RR	Rural Residential
Residential D	vistricts
RS-1	Very Low Density Residential
RS-2	Low Density Residential
RM-1	Low-Medium Density Residential
RM-2	Medium Density Residential
RM-3	High Density Residential
Downtown D	Districts
DR-N	Downtown Retail – North of Olive Avenue
DR-S	Downtown Retail – South of Olive Avenue
DR-D	Downtown Retail – D Street Corridor
D-MX	Downtown Mixed-Use
D-CG	Downtown General Commercial
D-PO	Downtown Professional Office
D-PS	Downtown Public and Semi-Public
DRM-2	Downtown Medium Density Residential
DRM-3	Downtown High Density Residential
Commercial	Districts
CN	Neighborhood Commercial
CR	Retail Centers
CG	General and Service Commercial
CMX	Commercial Mixed-Use
Employment	Districts
PO	Professional Office
IP	Industrial Park
IG	General Industrial
IA	Airport Industrial
Public and O	pen Space Districts
PS	Public and Semi-Public
PK	Parks and Public Recreation Facilities
REC	Commercial Recreation

Table 2. Existing Base Zone Districts

Other Base D	istricts
RN	Residential Neighborhood
PD	Planned Development

Observation 2: Not All General Plan Land Use Designations Have an Implementing Zone

While there are a number of opportunities to consolidate and differentiate existing zones as noted above, the Resort Residential General Plan land use designation does not currently have a clear implementing zone. A new zone may be established to implement the intent of this designation. The zone would have a stated purpose, allowed use listing, and development standards that are directly related to the description and density standard adopted for the Resort Residential land use designation.

Recommendations

- 1. Consolidate zones where feasible.
- 2. Establish new zones as needed to implement General Plan land use designations.

General Development Regulations

Clear, detailed site planning and development standards are an important component of every Development Code. General development regulations augment the site-specific development standards associated with individual zones (e.g., lot size, height, setbacks).

This section contains observations about existing regulations relative to general development standards, as well as strategies for improving these aspects in the Code update.

Summary Observations

Observation 1: Lack of Clear General Development Standards

The current code has minimal direction on general development standards such as fence and wall standards and provides little guidance to staff in requiring such improvements. Input during the issue identification phase highlighted a need to revise or prepare general development regulations for the following:

- **Driveway and Parking Lot Standards:** Update parking lot and driveway standards, including setback standards as applicable, to reflect emerging trends prevalent in Porterville, such as longer and wider vehicles.
- **Fencing and Walls:** Update to provide better guidance to staff regarding standards and requirements. The standards in the code currently focus on residential fence and wall heights with minimal direction for different zones (commercial, industrial, etc.)

The Development Code update provides the opportunity to include general development standards for those issues applicable to Porterville that reflect the desired type of development in a way that is appropriate to the local context.

Observation 2: Development Standards Appear in Multiple Locations

Development standards are located both within individual zone district chapters (Series 200, Base Districts and Series 500, Overlay Districts) and within Chapter 300, General Site Regulations. While not uncommon,

this organization may create opportunities for redundancy and/or inconsistency. All development standards will be reviewed to determine if consolidation of standards would help to minimize redundancies. Alternatively, additional cross references may be included to assist the user of the Code to navigate to relevant locations for development standards.

Recommendations

- 1. Review existing general development standards to ensure applicability is clear.
- 2. Coordinate development standards within Chapter 300, General Site Regulations, with zone specific development regulations contained with the zone districts chapters to ensure consistency and appropriate cross references exist for easy navigation.

Specific Use Regulations

Development Codes often provide additional site planning, development, and operational standards for a variety of specific land uses. Specific uses may warrant additional regulations for a variety of reasons, including compliance with State and federal laws, local preference on how specific uses are developed or operated, or in response to addressing issues in how specific uses are operated and maintained.

Specific use regulations are used as a strategy to increase predictability in the development review process and project implementation. Consistent development and operational standards applied to specific uses may also facilitate review of certain projects at a lesser level of review (e.g., Zoning Administrator review instead of City Council review) or transition projects from a discretionary approval to a ministerial approval (e.g., a zoning conformance review instead of a conditional use permit). This approach can reduce the

Specific Uses

Specific uses are types of land uses that may warrant special regulation beyond the rules outlined by the underlying zone district. Many specific uses are subject to compliance with State law or are of special concern to the community.

administrative burden on the City staff and elected officials while still achieving the desired outcome and protections for specific uses and surrounding uses.

Summary Observations

Observation 1: State Regulated Specific Uses are Covered in the Existing Code

As described above, specific use regulations are used to increase predictability in the development process. In addition to uses which may be of special importance locally, there are many uses which are also regulated at higher levels of government. The State of California regulates specific uses including accessory dwelling units, telecommunication facilities, and supportive housing. While design standards for these types of uses may be regulated at the state level, it is still beneficial for local ordinances to address them as well in order to clarify procedural process. Porterville's Code regulates several specific uses and process which are regulated by the State of California, including:

- Mobile Home Parks
- Accessory and Junior Accessory Dwelling Units
- Telecommunication facilities
- Manufactured Homes

These uses will be reviewed for consistency with State regulations, including allowed design standards and approval type (ministerial versus discretionary).

Observation 2: Specific Uses Should be Considered as a Method to Streamline Approvals

Porterville's Development Code identifies several specific uses which are not regulated at the state level, including crop cultivation and personal storage facilities. These are examples which have been determined at the local level to require additional operational oversight or specialized design standards. In doing so, it is possible to implement additional oversight while simultaneously increasing the level of predictability for the applicant and decreasing the level of review required for approval. This is beneficial because predictable standards and lower levels of approval are typically faster and less costly than the alternative. Moving forward, uses currently identified as conditional or administrative uses will be reviewed to determine which may benefit from having specific use regulations established.

Recommendations

- 1. Review specific uses for consistency with State regulations.
- 2. Determine which allowed uses may benefit from specific use standards.

Compliance with State and Federal Law

In California, it is generally left to cities and counties to determine how to best regulate land uses and development in their jurisdiction. However, there are certain exceptions that require local regulations to be either consistent with or preempted by State or federal law. Based on a preliminary review of the existing Code regulations, following are the items that will require updates of existing regulations or preparation of new regulations for consistency with applicable laws and will be addressed as part of the update process. Some of the items identified below are currently included Porterville's Development Code; however, reviews will be conducted of all existing language to ensure it reflects the latest legislative requirements.

Additional items may be addressed during a more detailed review of existing regulations and preparation of the Draft Development Code.

Items to be Addressed

Definitions. Definitions of various terms shall be updated for consistency with State and Federal law, including "accessory dwelling unit", "efficiency unit", "employee housing", "family", "mobile home unit", "multifamily residential unit", "single-family residential unit", "single room occupancy unit", "transitional and supportive housing", and "target population".

Reasonable accommodation procedure. Local jurisdictions are required to provide a process to make reasonable accommodations in rules, policies, practices, or services when such accommodations are necessary to afford an equal opportunity to use and enjoy a dwelling.

Solar energy systems. Local jurisdictions are required to have a permit procedure in place that expedites small residential rooftop solar energy systems. These are typically limited to ministerial approvals, unless a finding can be made based on substantial evidence that a specific, adverse impact on public health or safety would result. Approvals of solar energy systems for agricultural or commercial use are also required to be non-discretionary. Permit streamlining. Local jurisdictions may not enact growth management policies or prohibit or render infeasible housing development projects without making very specific findings. Local jurisdictions may hold no more than five hearings for certain applications and appeals.

Density bonus provisions. Jurisdictions are required to allow density bonuses for affordable housing developments. Specific guidance on allowances are provided.

Water efficient landscaping. Local jurisdictions are required to adopt the state's model water efficient landscape ordinance (WELO) or a local version in compliance with the WELO.

Transitional and supportive housing. Transitional and supportive housing shall be allowed in all zones that allow residential uses in the same manner as other residential uses are allowed in those zones.

Residential care facilities. Residential care facilities serving six or fewer clients shall be a by-right (ministerial) use allowed in all residential zones.

Employee Housing Act. Employee housing that serves six or fewer persons shall be treated as a single-family structure and shall be allowed in the same manner as other single-family structures in the same zones and in the same manner of approval. Employee housing that consists of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household shall be deemed an agricultural land use and shall be treated in the same manner as other agricultural activities in the same zone.

Manufactured homes and mobile homes. Local jurisdictions shall allow the installation of certified manufactured homes on a foundation system on lots zoned for conventional single-family structures.

Accessory dwelling units (ADUs). Accessory dwelling units are required to be ministerial and recent legislation has further refined the allowances for local jurisdictions to regulate such units, including restrictions on required parking if the ADU meets certain criteria, standards for lot coverage, and lot size. The time to process an application has been reduced from 120 to 60 days. Additionally, SB 68 now requires that one ADU and one Junior ADU be allowed per lot with a single-family dwelling, if certain requirements are met.

Adult-oriented business. Local jurisdictions may regulate adult-oriented businesses, including adopting specific standards that regulate the time, place, and manner of operation of sexually oriented businesses. Specific guidance on what the ordinance may limit is provided.

Mapping Procedures. Local jurisdictions shall allow for the development and creation of lot splits in accordance to State Law.

Appendix A

General Plan Land Use Designation Descriptions

General Plan Land Use Designation	Max Doncity /Intoncity
Rural Residential	Max. Density /Intensity
This designation is intended to allow opportunities for rural living on lots	0.2 du/ac
ranging in size from 2.5 to 10 acres or more.	0.2 du/ac
Resort Residential	
This designation is intended to allow residential development along the	5.0 du/ac
Lake Success shore and surrounding hillsides. There is an emphasis on	5.0 44/40
creating a resort community with supporting commercial and recreation	
uses	
Very Low Density Residential	
This designation is typical of large lot or executive home single-family	2.5 du/ac
subdivisions.	
Low Density Residential	
This density represents typical single-family subdivisions. The maximum	6.0 du/ac
residential density is 6.0 units per gross acre.	
Low-Medium Density Residential	
This density is also for typical single-family subdivisions, but allows for	9.0 du/ac
smaller lots. The maximum residential density is 9.0 units per gross acre.	
Medium Density Residential	
This density range would accommodate a variety of housing types, such as	12.0 du/ac
small-lot single-family homes, detached zero lot line developments,	
duplexes, townhouses, and garden apartments. Pedestrian-oriented design	
and clustered development can support higher levels of density. The	
maximum residential density is 12.0 units per gross acre.	
High Density Residential	
This classification is intended to accommodate attached homes, two- to	24.0 du/ac
four-plexes, and apartment buildings. The maximum residential density is	
24.0 units per gross acre.	
Downtown Mixed-Use	
Downtown Mixed-Use development allows for a mostly vertical mix of	30.0 du/ac
commercial, service, office, and residential uses. The vertical nature of this	
type of use may allow for a reduction in the minimum parking requirements.	
This designation allows a maximum FAR of 3.0. The maximum residential	
density is 30.0 units per gross acre.	
This designation allows for either horizontal or vertical mixed-use	
development. Commercial, service, office, and residential uses are allowed.	
Buildings more than one story are strongly encouraged. The designation	
allows a maximum FAR of 2.0. The maximum residential density is 24.0 units	
per gross acre.	
Pedestrian-oriented and "Main Street" design standards, a vertical mix of	
uses, and the retention of a unique retail environment is the focus in the Downtown area. This designation allows for a maximum FAR of 3.0	
Design and use standards will be established for regional shopping centers	
located at major circulation intersections. Large format or "big box" retail	
iocated at major circulation intersections. Large format of big box retain	

General Plan Land Use Designation	Max. Density /Intensity
and auto sales as well as travel related services, such as hotels and gas stations are allowed. This designation allows for a maximum FAR of 0.35 This designation is intended for retail and services uses that meet local and regional demand. Examples of allowable uses include: equipment rental and repair, commercial print shops, auto sales, storage facilities, and wholesale businesses, and specialized retail not normally found in shopping centers. Accessory office uses related to the primary commercial use are also allowed. This designation allows for a maximum FAR of 0.40. This designation is intended for small-scale commercial development that primarily provides office space and convenience retail for local neighborhoods. This designation allows for a maximum FAR of 0.30. Professional Office	
This designation is intended for office complex development, including professional and medical offices, as well as research and development activities. Small restaurants, support services, convenience retail and limited medium and high density residential are also allowed. This designation allows for a maximum FAR of 0.50	
Industrial Park This designation comprises a mix of light industrial, secondary office, bulk retail, and service uses. Typical uses include warehouse, mini-storage, research and development, wholesale, bulk retail, and office space with limited customer access. Other uses may be allowed, such as commercial recreation, distribution centers, or other uses that require large, warehouse-style buildings. Small-scale retail and service uses serving local employees and visitors are permitted as secondary uses. This designation allows for a maximum FAR of 0.40.	.40 FAR
Industrial This designation allows primary manufacturing, refining, and similar activities including those with outdoor facilities. It also accommodates warehousing, distribution, with support commercial services and ancillary office space. No retail uses are allowed. This designation allows for a maximum FAR of 0.60.	.60 FAR
Agriculture/Rural/Conservation This designation preserves agricultural and resource conservation areas. Incidental residential uses with septic systems are allowed, subject to health and environmental standards. Clustered housing is strongly encouraged because it makes the provision of other infrastructure, such as roads and electricity, more cost-effective and limits the impact on natural resources. Industrial gravel and aggregate mining is allowed in areas designated as Mineral Resource Zones.	NOT STATED
Public/Institutional This designation is intended for lands owned by public entities, including the Municipal Airport, City Hall, County buildings, and the hospital. At the Municipal Airport, industrial park uses will be allowed. It will provide for needed public facilities, including, but not limited to, recycling centers, sewage treatment ponds, and police and fire stations. This designation allows for a maximum FAR of 0.25. Education	.25 FAR

General Plan Land Use Designation

Max. Density /Intensity

This designation is intended for lands owned by public or private entities for NOT STATED educational purposes, including schools, colleges, vocational training facilities, and administrative offices.

Commercial Recreation

This designation is intended for campgrounds, off-road vehicle complexes, and other recreation areas where patrons usually pay to participate. The maximum FAR is 0.10.

Park

This designation applies to both public and private recreation sites and facilities. It .10 FAR allows for a maximum FAR of 0.10.