

**CITY COUNCIL AGENDA  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
JULY 1, 2014, 5:30 P.M.**

Call to Order  
Roll Call

**ORAL COMMUNICATIONS**

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

**CITY COUNCIL CLOSED SESSION:**

- A. Closed Session Pursuant to:
- 1-** Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs 253-192-006, 253-192-007, 253-192-008, 253-192-009 and 253-192-010. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Smith Commercial Properties, Inc. Under Negotiation: Terms and Price.
  - 2 -** Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 8.20 miles/line of railroad between Strathmore, CA milepost 268.60 and Porterville, CA milepost 276.80 in Tulare County. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Union Pacific Railroad. Under Negotiation: Terms and Price.
  - 3 -** Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association; Management and Confidential Series; Porterville Police Officers Association; Fire Officer Series; Porterville City Firefighters Association; Public Safety Support Unit; and all Unrepresented Management Employees.

**6:30 P.M. RECONVENE OPEN SESSION**

**REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION**

Pledge of Allegiance Led by Mayor Cameron J. Hamilton  
Invocation

**PRESENTATIONS**

Employee of the Month – Luisa Zavala

**PROCLAMATIONS**

National Parks & Recreation Month – July 2014

**AB 1234 REPORTS**

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

1. Tulare County Association of Governments (TCAG) – June 30, 2014
2. Tulare County Economic Development Corporation (TCEDC) – June 25, 2014

## **REPORTS**

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

- I. City Commission and Committee Meetings:
  1. Parks & Leisure Services Commission (Summer Hiatus)
  2. Library & Literacy Commission (Summer Hiatus)
  3. Arts Commission – June 25, 2014
  4. Youth Commission (Summer Hiatus)
  5. Transactions and Use Tax Oversight Committee (TUTOC)

## **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.

## **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. **Consideration of Request for Proclamation – 75<sup>th</sup> Anniversary of First Southern Baptist Church of Porterville**  
Re: Considering approval of a request to proclaim July 8, 2014, as First Southern Baptist Church Day.
2. **Review of Local Emergency Status – December 26, 2013**  
Re: Reviewing status of local emergency that was declared following a significant fire event at 14 N. Main Street on December 26, 2013.
3. **Review of Local Emergency Status – December 21, 2010**  
Re: Reviewing the City's status of local emergency pursuant to Article 14, Section 8630 of the California Emergency Services Act.
4. **Council Member Requested Agenda Item – Consideration of Plaque Policy**  
Re: Considering approval of a request to add as a Scheduled Matter on the July 15, 2014, City Council Agenda, an item considering the establishment of a policy regarding dedication plaques for City facilities.

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

## **SECOND READINGS**

5. **Ordinance 1815, Repealing Porterville Municipal Code Chapter 18, Article V Relating to Registered Sex Offender Restrictions**  
Re: Considering adoption of Ordinance No. 1815, An Ordinance of the City Council of the City of Porterville Repealing Porterville Municipal Code Chapter 18, Article V, Relating to Registered Sex Offender Restrictions, which was given first reading on June 17, 2014, and has been printed.

### **SCHEDULED MATTERS**

- 6. Acceptance of Official Canvass of Votes – Election of June 3, 2014**  
Re: Accepting canvass from Tulare County Elections Office and declaring results thereof pursuant to Porterville City Charter.
- 7. Presentation of Service Award to Departing Council Member Greg Shelton**
- 8. Administration of Oath and Presentation of Certificates of Election to New Council Member; and Seating of New City Council**
- 9. Recognition of Pete V. McCracken**
- 10. Reorganization of the City Council**  
Re: Appointment of Mayor and Vice Mayor by Council Members.
- 11. Council Member Appointments on Boards and Committees**  
Re: Consideration of appointments to various boards and committees on which the Council Members serve.
- 12. Consideration of Options to Fill City Council Vacancy**  
Re: Consideration of options regarding the appointment of an individual to fill a Council vacancy with a term to expire November of 2016.

### **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 July 15, 2014.

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](http://www.ci.porterville.ca.us).

CITY COUNCIL AGENDA – JULY 1, 2014

SUBJECT: REQUEST FOR PROCLAMATION – 75<sup>TH</sup> ANNIVERSARY OF FIRST BAPTIST CHURCH OF PORTERVILLE


SOURCE: ADMINISTRATIVE SERVICES DEPT/CITY CLERK DIVISION


COMMENT: At its meeting of October 1, 2013, the Council amended the process by which proclamations are approved. The new process requires that all proclamations must be sponsored by one Council Member, after which the request is then placed on the Council's agenda for consideration and approval by a majority of the Council.

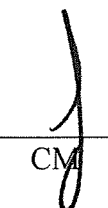
Dr. Jerry L. Lanford, Pastor of the First Baptist Church of Porterville, has requested that the Council consider approval of a proclamation to recognize the 75<sup>th</sup> Anniversary of the First Baptist Church of Porterville. Mayor Hamilton is sponsoring this proclamation request. If approved, the proclamation will be presented by the Mayor at a Celebration Service to be held on Sunday, July 6, 2014.

RECOMMENDATION: That the City Council consider approval of the proclamation to acknowledge the 75<sup>th</sup> Anniversary of the First Baptist Church of Porterville.

ATTACHMENT: 1. Request for Proclamation  
2. Draft Proclamation

  
Dir

  
Approp./  
Funded

  
CM

Item No. 1



City of Porterville  
REQUEST FOR PROCLAMATION

Date of Request: June 24, 2014  
 Name of Event/Individual: 75<sup>th</sup> Anniversary  
i.e. "Porterville Tourism Week", "Mr. John Doe"  
 Name of Sponsoring Organization: First Southern Baptist Church  
 Name of Contact Person: Dr. Jerry L. Lanford (Pastor)  
 Address: 1295 N. Mathew St  
 Phone: 791-1290 FAX: \_\_\_\_\_  
 E-mail: lanford\_5@msn.com

I would like the proclamation: ☒ presented at a Council Meeting ☐ mailed ☐ call for pick-up  
 Date(s) of Event: July 6<sup>th</sup>, 2014 *the 75<sup>th</sup> Anniversary Celebration the Mayor will be attending.*

Date of Council Meeting to be presented, if applicable: \_\_\_\_\_  
(Council meets 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of each month.)

Individual or representative attending Council Meeting to receive proclamation:

Pastor Dr. Jerry L. Lanford

Please attach a sample of your proclamation, or the pertinent information needed to formulate your proclamation 3-4 weeks in advance. If assistance is needed, or if you need a sample provided, or to return this form, contact:

Office of City Clerk  
 291 North Main Street  
 Porterville, CA 93257  
 (559) 782-7464 / Fax (559) 782-7452

All requests require a sponsorship by a member of the Council prior to being placed on a City Council Agenda for consideration, and are subject to approval by a majority of the Council.

City Clerk's Section

Request Received: 6/24/14 Sponsored by: Mayor Hamilton Date: 6/24/14

Approved by Council: yes ☐ no ☐ Date: \_\_\_\_\_

Notification to Contact person done (date): \_\_\_\_\_ in writing ☐ by phone ☐

Items (s) ☐ mailed \_\_\_\_\_ ☐ faxed \_\_\_\_\_ ☐ picked up \_\_\_\_\_

Comment: \_\_\_\_\_

## DRAFT PROCLAMATION

WHEREAS: The First Southern Baptist Church was originally formed on July 8, 1939, and followed with incorporation on October 6, 1944, under the name of First Southern Missionary Baptist Church; and

WHEREAS: The Porterville congregation is one of the oldest Southern Baptist churches in the state and one of the thirteen churches that took part in the formation and organization of the California Baptist Convention; and

WHEREAS: First Southern Baptist Church has maintained its residency in Porterville, first meeting in the home of charter member Joe Hamilton, building its first building on Sycamore Street (now East Orange Street), relocating to Leggett Drive, and then to its current location at 1641 W. Henderson Avenue; and

WHEREAS: The church carries on the long history of contributing to the spiritual formation of men, women, boys and girls from the city of Porterville and surrounding communities; and

WHEREAS: The First Southern Baptist Church has a long legacy of supporting missions prayerfully, financially, and with personal involvement; sending members on trips to Europe, Asia, Africa, Central America, and North America.

NOW, THEREFORE, I, CAMERON J. HAMILTON, Mayor of the City of Porterville, on behalf of the Porterville City Council, do hereby proclaim July 8, 2014, as,

### FIRST SOUTHERN BAPTIST CHURCH OF PORTERVILLE DAY

in the city of Porterville and urge all Porterville residents to congratulate the members of this congregation on the memorable occasion of its 75<sup>th</sup> Anniversary.

PROCLAIMED this 1<sup>ST</sup> day of July, 2014.

SUBJECT: REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 26, 2013

SOURCE: Administration

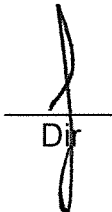
COMMENT: In its adoption of the Resolution of Local Emergency on December 26, 2013, the City Council declared the existence of a local emergency as a result of a significant fire event that occurred at the Porterville Hotel (14 N. Main Street) during the early morning hours of December 26, 2013, and found that the remaining damaged structure posed a serious threat to the health, safety and welfare of the public and as such required immediate safety mitigation of the structure. In accordance with the Resolution and per the Council's authorization, a Contractor (Bowen Engineering & Environmental) was secured to perform the emergency demolition of the burned structure sufficient to mitigate the immediate threat to public safety.

Due to the damaged structure's proximity to public right-of-way, the adjacent roadways and intersection of Main Street and Olive Avenue were closed to the public. With the demolition and mitigation of the threat to public safety, the intersection and roadways were opened to the public by approximately 6:00 PM on December 26, 2013. City staff continued its coordination with the San Joaquin Valley Air Pollution Control District and the Contractor on additional mitigation measures to protect the safety of the public, and minor additional demolition work subsequently occurred in an effort to open affected pedestrian walkways.

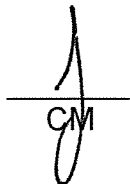
The property owner has continued his coordination with his insurance company toward the removal of the existing debris, as well as paying the costs of mitigation from December 26, 2013. The property owner solicited bids from qualified contractors, with his selection of local firm Valley Cleaning & Restoration, Inc. (VCR) as the lowest bidding contractor. VCR began the debris removal on Monday, May 5, 2014, and is anticipated that completion of the removal of debris will be certified this month.

RECOMMENDATION: That the Council receive the status report and review of the designated local emergency.

ATTACHMENT: None

  
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Item No. 2

COUNCIL AGENDA: July 1, 2014

SUBJECT: REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 21, 2010

SOURCE: Administration

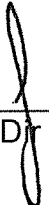
COMMENT: In accordance with the City Council's Resolution of Local Emergency adopted on December 21, 2010, and pursuant to Article 14, Section 8630 of the California Emergency Services Act, the Council must review the status of its local emergency at every regularly scheduled meeting and make a determination whether to continue or terminate the local emergency declaration.

Since its last review on June 17, 2014, City staff has continued its coordination with both State and Federal representatives in having made claims for reimbursement for public areas reported as suffering flood damage. An estimated total of \$361,750 in damage repair projects were defined and accepted by both State (CEMA) and Federal (FEMA) emergency agencies, which after final FEMA administrative review, a total of approximately \$270,000 was approved. Although all repair projects were originally to be completed by no later than July 2012, the City received a one (1)-year extension to July 2013.

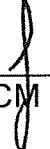
At its meeting on October 16, 2012, the Council awarded a contract in the amount of \$95,391.71 to Greg Bartlett Construction (Porterville), beginning CEMA repairs to Plano Street (south of Thurman Avenue), El Granito Street (near Zalud Park), E. Grand Avenue (at Henrahan Street), and W. Grand Avenue (at Hawaii Street). At its meeting on December 18, 2012, the Council accepted the completion of these identified CEMA repairs, including \$90,295.53 in final construction costs.

At its meeting on March 5, 2013, the Council awarded a contract in the amount of \$29,997.25, also to Greg Bartlett Construction (Porterville), for CEMA repairs of West Street and related storm drain improvements between Scranton and Tea Pot Dome Avenues. At its meeting on May 7, 2013, the Council accepted the completion of these identified CEMA repairs, including \$19,392.25 in final construction costs.

At its meeting on April 2, 2013, the Council awarded a contract in the amount of \$138,350 to Intermountain Slurry Seal, Inc. (Reno, Nevada), for the CEMA repair of Henderson Avenue between Patsy and Balmoral Streets. At its meeting on August 6, 2013, the Council accepted the completion of the identified CEMA repairs, which staff continues to work with the State to finalize repair reimbursements.

  
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Item No. 3



RECOMMENDATION:

That the Council:

1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8630 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

ATTACHMENT: None

COUNCIL AGENDA: July 1, 2014

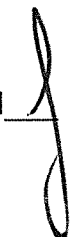
SUBJECT: COUNCIL MEMBER REQUESTED AGENDA ITEM – Request for the City Council to Consider Establishing a Policy Regarding Dedication Plaques for City Facilities

SOURCE: City Manager

COMMENT: Council Member Shelton has requested that the City Council consider establishing a policy regarding dedication plaques for City facilities.

RECOMMENDATION: Council Member Shelton makes the motion that the City Council authorize a Scheduled Matter on the next Council Agenda to consider establishing a policy regarding dedication plaques for City facilities.

ATTACHMENT: None

C/M 

Item No. 4

COUNCIL AGENDA – JULY 1, 2014



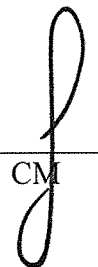
SUBJECT: SECOND READING – ORDINANCE 1815, REPEALING PORTERVILLE MUNICIPAL CODE CHAPTER 18, ARTICLE V, RELATING TO REGISTERED SEX OFFENDER RESTRICTIONS

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT/CITY CLERK DIVISION

COMMENT: Ordinance No. 1815, An Ordinance of the City Council of the City of Porterville Repealing Porterville Municipal Code Chapter 18, Article V, Relating to Registered Sex Offender Restrictions, was given first reading on June 17, 2014, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1815, waive further reading, and adopt said Ordinance.

ATTACHMENT: Ordinance No. 1815

		
Dir	Approp./ Funded	CM

Item No. 5

**ORDINANCE NO. 1815**

**AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF PORTERVILLE REPEALING  
CHAPTER 18, ARTICLE V OF THE PORTERVILLE  
MUNICIPAL CODE RELATING TO  
REGISTERED SEX OFFENDER RESTRICTIONS**

WHEREAS, the City Council of the City of Porterville, California ("the City Council") adopted Ordinance No. 1707 to impose safety precautions to reduce the potential risk of harm to children in our community by restricting the ability of sex offenders to be in contact with children in locations that are primarily used by children; and

WHEREAS, Article XI, Section 7 of the California Constitution and Government Code Section 37100 provide that a legislative body may pass ordinances not in conflict with the Constitution and laws of the State of the United States; and

WHEREAS, a conflict exists between State law and otherwise valid local legislation if the local legislation enters an area fully occupied by general law, either expressly or by legislative implication; and

WHEREAS, on January 10, 2014, two unanimous rulings were issued by the Fourth District Court of Appeal, Division Three, that held that California's statutory scheme imposing restrictions on a sex offender's daily life fully occupies the field and therefore preempts a local agency's effort to impose further restrictions on sex offenders; and

WHEREAS, as a result of these rulings and the threat of a legal challenge to Ordinance No. 1707, the City Council finds that it is in the best interest of the City of Porterville, California to repeal Ordinance No. 1707 as it has been codified in the Porterville Municipal Code.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES  
ORDAIN AS FOLLOWS:**

**Section 1. Repeal.** Chapter 18, Article V (Sections 18-55 through 18-60) of the Porterville Municipal Code is hereby repealed.

**Section 2. Effective Date.** This Ordinance shall take effect thirty (30) days from and after its adoption as provided by Porterville Charter Section 12.

**Section 3. Certification.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_\_ day of July, 2014.

\_\_\_\_\_  
Cameron J. Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk

By: \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk

COUNCIL AGENDA: JULY 1, 2014

SUBJECT: ACCEPTANCE OF OFFICIAL CANVASS OF VOTES – ELECTION  
OF JUNE 3, 2014

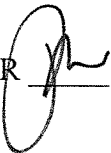
SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT/CITY CLERK

COMMENT: Pursuant to the provisions of the City Charter, after any municipal election, the election official must duly canvass the returns and declare the results thereof. As the City consolidates its election with Tulare County, the County Registrar of Voters completes the official canvass and has, by statute, 28 days or by July 1, 2014 to do so. The County has completed its canvass and certified said results, which are attached hereto.

RECOMMENDATION: That the City Council approve the draft resolution accepting the official canvass of the Municipal Election of June 3, 2014.

ATTACHMENTS: 1) Certified Canvass  
2) Draft Resolution

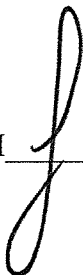
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N/A

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Item No. 6

5951 South Mooney Blvd. – Visalia, CA 93277  
TEL: (559) 624-7300 FAX: (559) 737-4498  
[www.tularecounty.ca.gov/registrarofvoters](http://www.tularecounty.ca.gov/registrarofvoters)



**RITA A. WOODARD**  
Registrar of Voters

Ann Turner, Elections Division Manager  
Kari McCully, Deputy Elections Supervisor  
Office Hours:  
Monday - Thursday 7:30 AM to 5:30 PM and Friday 8:00 to Noon

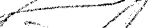
**CERTIFICATION OF RESULTS**  
STATEWIDE DIRECT PRIMARY ELECTION  
JUNE 3, 2014

[illegible]

I, Rita A. Woodard, Registrar of Voters of said County, do hereby certify that, pursuant to section 15301 and following sections of the Elections Code, I did canvass the returns of the votes cast in the said County at the Statewide Direct Primary Election held on June 3, 2014, and that the Statement of Votes Cast, to which this certificate is attached, shows the total number of votes cast in said County and in each of the respective precincts therein are full, true, and correct.

WITNESS my hand and Official Seal this 20<sup>th</sup> day of June, 2014.



  
RITA A. WOODARD  
REGISTRAR OF VOTERS  
County of Tulare  
State of California

## TULARE COUNTY Statement of Vote

TUL\_20140603\_E

2 - 87

June 3, 2014

PORTERVILLE MEMBER CITY COUNCIL															
	Registration	Ballots Cast	Turnout (%)		CHRISTOPHER MORTON	PETE V. MC CRACKEN	SHAWN CABLE	RUSSELL R. FLETCHER	LARRY A. HARPER	JOHN "JUAN" DURAN	MATTHEW GREEN	SHAWN R. SCHWARTZENBERGER	MILT STOWE		
504001 1ST BAPTIST PORT	955	93	9.74		7	27	8	2	9	25	19	4	41		
504001 - Vote by Mail	955	106	11.10		7	35	19	16	5	23	22	4	41		
504002 1ST UNTD METHODIST	1890	253	13.39		6	83	16	14	36	59	53	16	143		
504002 - Vote by Mail	1890	300	15.87		9	115	16	10	36	41	54	5	207		
504005 PORTERVILLE MEM 1	1236	173	14.00		2	49	11	18	26	23	44	7	124		
504005 - Vote by Mail	1236	250	20.23		10	93	29	18	30	18	54	17	167		
504801 MB PORTERVILLE	1938	40	2.06		2	12	4	4	6	8	11	3	21		
504801 - Vote by Mail	1938	0	0.00		0	0	0	0	0	0	0	0	0		
504801 - All-Mail Precincts	1938	500	25.80		10	174	69	35	58	80	104	34	274		
504802 MB PORTERVILLE	2243	46	2.05		0	15	6	2	11	7	5	3	30		
504802 - Vote by Mail	2243	0	0.00		0	0	0	0	0	0	0	0	0		
504802 - All-Mail Precincts	2243	636	28.35		14	230	57	36	77	108	137	23	410		
504901 SOUTHERN BAPTIST	1259	191	15.17		6	60	26	10	19	28	42	13	114		
504901 - Vote by Mail	1259	176	13.98		3	62	25	12	17	16	34	8	116		
504904 GRAND AVE METHODIST	446	122	27.35		4	41	9	7	18	16	24	3	91		
504904 - Vote by Mail	446	92	20.63		4	35	7	2	10	8	13	5	71		
504905 1ST CHRISTIAN PORT	1800	240	13.33		6	81	14	16	43	23	58	7	156		
504905 - Vote by Mail	1800	349	19.39		11	109	43	20	50	47	78	16	230		
504907 HENDERSON BAPT	1698	322	18.96		8	90	25	23	56	42	79	10	209		
504907 - Vote by Mail	1698	334	19.67		5	111	35	28	50	33	79	16	226		
504907 - All-Mail Precincts	1698	1	0.06		0	0	0	0	0	0	1	0	1		
504935 TRINITY LUTHERAN	1054	167	15.84		6	48	12	11	26	22	37	6	114		
504935 - Vote by Mail	1054	173	16.41		9	61	15	13	21	22	31	7	120		
Precinct Totals	14519	1647	11.34		47	506	131	107	250	253	372	72	1043		
Vote by Mail Totals	14519	1780	12.26		58	621	189	119	219	208	365	78	1178		
All-Mail Precincts Totals	5879	1137	19.34		24	404	126	71	135	188	242	57	685		
Grand Totals	14519	4564	31.43		129	1531	446	297	604	649	979	207	2906		
California	14519	4564	31.43		129	1531	446	297	604	649	979	207	2906		
23rd Congressional District	14519	4564	31.43		129	1531	446	297	604	649	979	207	2906		
14th State Senate District	14519	4564	31.43		129	1531	446	297	604	649	979	207	2906		
26th State Assembly District	14519	4564	31.43		129	1531	446	297	604	649	979	207	2906		
1st Equalization Board	14519	4564	31.43		129	1531	446	297	604	649	979	207	2906		
5th Supervisorial District	14519	4564	31.43		129	1531	446	297	604	649	979	207	2906		
Tulare County	14519	4564	31.43		129	1531	446	297	604	649	979	207	2906		
City of Porterville	14519	4564	31.43		129	1531	446	297	604	649	979	207	2906		



**TULARE COUNTY Statement of Vote**  
**TUL\_20140603\_E**

June 3,2014

2 - 98

	CITY OF PORTERVILLE														
	Registration	Ballots Cast	Turnout (%)		MEASURE L - PORTERVILLE YES	NO		MEASURE M - PORTERVILLE YES	NO		MEASURE N - PORTERVILLE YES	NO		MEASURE O - PORTERVILLE YES	NO
504001 1ST BAPTIST PORT	955	93	9.74		41	41		43	40		51	34		57	28
504001 - Vote by Mail	955	106	11.10		34	56		56	37		55	43		67	29
504002 1ST UNTD METHODIST	1890	253	13.39		99	121		127	96		139	92		140	90
504002 - Vote by Mail	1890	300	15.87		137	121		182	86		161	113		200	72
504005 PORTERVILLE MEM 1	1236	173	14.00		75	70		83	68		77	76		96	54
504005 - Vote by Mail	1236	250	20.23		116	103		161	65		135	94		186	43
504801 MB PORTERVILLE	1938	40	2.06		19	17		23	15		18	20		26	11
504801 - Vote by Mail	1938	0	0.00		0	0		0	0		0	0		0	0
504801 - All-Mail Precincts	1938	500	25.80		196	233		272	180		236	213		302	147
504802 MB PORTERVILLE	2243	46	2.05		25	18		31	13		31	12		29	13
504802 - Vote by Mail	2243	0	0.00		0	0		0	0		0	0		0	0
504802 - All-Mail Precincts	2243	636	28.35		269	293		373	210		315	275		419	170
504901 SOUTHERN BAPTIST	1259	191	15.17		72	96		92	72		84	91		114	56
504901 - Vote by Mail	1259	176	13.98		77	72		116	42		99	62		133	27
504904 GRAND AVE METHODIST	446	122	27.35		41	59		57	40		43	52		61	36
504904 - Vote by Mail	446	92	20.63		38	35		61	24		39	45		57	27
504905 1ST CHRISTIAN PORT	1800	240	13.33		107	90		134	71		125	84		131	74
504905 - Vote by Mail	1800	349	19.39		170	139		226	92		179	139		209	101
504907 HENDERSON BAPT	1698	322	18.96		138	140		183	105		155	135		188	98
504907 - Vote by Mail	1698	334	19.67		159	125		218	90		181	125		219	86
504907 - All-Mail Precincts	1698	1	0.06		0	1		0	1		0	1		1	0
504935 TRINITY LUTHERAN	1054	167	15.84		69	84		86	68		82	79		102	54
504935 - Vote by Mail	1054	173	16.41		78	79		112	49		94	67		112	49
Precinct Totals	14519	1647	11.34		686	736		859	588		805	675		944	514
Vote by Mail Totals	14519	1780	12.26		809	730		1132	485		943	688		1183	434
All-Mail Precincts Totals	5879	1137	19.34		465	527		645	391		551	489		722	317
Grand Totals	14519	4564	31.43		1960	1993		2636	1464		2299	1852		2849	1265
California	14519	4564	31.43		1960	1993		2636	1464		2299	1852		2849	1265
23rd Congressional District	14519	4564	31.43		1960	1993		2636	1464		2299	1852		2849	1265
14th State Senate District	14519	4564	31.43		1960	1993		2636	1464		2299	1852		2849	1265
26th State Assembly District	14519	4564	31.43		1960	1993		2636	1464		2299	1852		2849	1265
1st Equalization Board	14519	4564	31.43		1960	1993		2636	1464		2299	1852		2849	1265
5th Supervisorial District	14519	4564	31.43		1960	1993		2636	1464		2299	1852		2849	1265
Tulare County	14519	4564	31.43		1960	1993		2636	1464		2299	1852		2849	1265
City of Porterville	14519	4564	31.43		1960	1993		2636	1464		2299	1852		2849	1265

## TULARE COUNTY Statement of Vote

TUL\_20140603\_E

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June 3,2014

	CITY OF PORTERVILLE													
	Registration	Ballots Cast	Turnout (%)		MEASURE P - PORTERVILLE			MEASURE Q - PORTERVILLE			MEASURE R - PORTERVILLE			MEASURE S - PORTERVILLE
					YES	NO		YES	NO		YES	NO		YES
504001 1ST BAPTIST PORT	955	93	9.74		52	33		39	42		36	48		34
504001 - Vote by Mail	955	106	11.10		52	40		37	57		29	65		34
504002 1ST UNTD METHODIST	1890	253	13.39		141	83		98	124		82	140		87
504002 - Vote by Mail	1890	300	15.87		195	77		147	119		97	172		115
504005 PORTERVILLE MEM 1	1236	173	14.00		105	48		69	79		64	85		64
504005 - Vote by Mail	1236	250	20.23		164	60		130	88		72	152		102
504801 MB PORTERVILLE	1938	40	2.06		25	12		18	19		14	24		22
504801 - Vote by Mail	1938	0	0.00		0	0		0	0		0	0		0
504801 - All-Mail Precincts	1938	500	25.80		283	161		234	196		162	287		159
504802 MB PORTERVILLE	2243	46	2.05		32	12		27	16		20	23		23
504802 - Vote by Mail	2243	0	0.00		0	0		0	0		0	0		0
504802 - All-Mail Precincts	2243	636	28.35		413	170		306	264		232	338		246
504901 SOUTHERN BAPTIST	1259	191	15.17		109	59		94	74		68	101		75
504901 - Vote by Mail	1259	176	13.98		129	29		86	68		68	89		85
504904 GRAND AVE METHODIST	446	122	27.35		56	38		49	38		38	60		47
504904 - Vote by Mail	446	92	20.63		55	23		39	39		27	55		31
504905 1ST CHRISTIAN PORT	1800	240	13.33		151	54		111	88		88	113		92
504905 - Vote by Mail	1800	349	19.39		222	92		178	137		119	196		119
504907 HENDERSON BAPT	1698	322	18.96		183	100		144	137		119	158		125
504907 - Vote by Mail	1698	334	19.67		224	73		171	128		135	164		146
504907 - All-Mail Precincts	1698	1	0.06		1	0		1	0		0	1		0
504935 TRINITY LUTHERAN	1054	167	15.84		103	54		88	66		62	97		65
504935 - Vote by Mail	1054	173	16.41		115	42		92	65		80	79		67
Precinct Totals	14519	1647	11.34		957	493		737	692		591	849		634
Vote by Mail Totals	14519	1780	12.26		1156	436		880	701		627	972		699
All-Mail Precincts Totals	5879	1137	19.34		697	331		541	460		394	626		405
Grand Totals	14519	4564	31.43		2810	1260		2158	1853		1612	2447		1738
California	14519	4564	31.43		2810	1260		2158	1853		1612	2447		1738
23rd Congressional District	14519	4564	31.43		2810	1260		2158	1853		1612	2447		1738
14th State Senate District	14519	4564	31.43		2810	1260		2158	1853		1612	2447		1738
26th State Assembly District	14519	4564	31.43		2810	1260		2158	1853		1612	2447		1738
1st Equalization Board	14519	4564	31.43		2810	1260		2158	1853		1612	2447		1738
5th Supervisorial District	14519	4564	31.43		2810	1260		2158	1853		1612	2447		1738
Tulare County	14519	4564	31.43		2810	1260		2158	1853		1612	2447		1738
City of Porterville	14519	4564	31.43		2810	1260		2158	1853		1612	2447		1738

**TULARE COUNTY Statement of Vote**  
**TUL\_20140603\_E**

June 3,2014

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	CITY OF PORTERVILLE													
	Registration	Ballots Cast	Turnout (%)		MEASURE T - PORTERVILLE			MEASURE U - PORTERVILLE			MEASURE V - PORTERVILLE			MEASURE W - PORTERVILLE
					YES	NO		YES	NO		YES	NO		YES
504001 1ST BAPTIST PORT	955	93	9.74		57	26		34	47		43	38		37
504001 - Vote by Mail	955	106	11.10		48	42		39	56		55	40		36
504002 1ST UNTD METHODIST	1890	253	13.39		115	105		104	118		94	125		91
504002 - Vote by Mail	1890	300	15.87		140	117		134	126		146	112		99
504005 PORTERVILLE MEM 1	1236	173	14.00		87	59		66	81		83	61		54
504005 - Vote by Mail	1236	250	20.23		141	75		110	107		140	79		94
504801 MB PORTERVILLE	1938	40	2.06		18	17		18	16		18	19		14
504801 - Vote by Mail	1938	0	0.00		0	0		0	0		0	0		0
504801 - All-Mail Precincts	1938	500	25.80		225	197		184	235		210	207		182
504802 MB PORTERVILLE	2243	46	2.05		29	15		22	19		25	17		17
504802 - Vote by Mail	2243	0	0.00		0	0		0	0		0	0		0
504802 - All-Mail Precincts	2243	636	28.35		312	239		276	278		288	266		221
504901 SOUTHERN BAPTIST	1259	191	15.17		104	62		86	82		84	80		61
504901 - Vote by Mail	1259	176	13.98		102	49		98	51		102	49		69
504904 GRAND AVE METHODIST	446	122	27.35		42	52		43	51		42	53		38
504904 - Vote by Mail	446	92	20.63		34	38		34	39		37	38		31
504905 1ST CHRISTIAN PORT	1800	240	13.33		117	78		108	89		102	91		82
504905 - Vote by Mail	1800	349	19.39		186	119		151	153		184	120		102
504907 HENDERSON BAPT	1698	322	18.96		146	128		125	142		132	139		121
504907 - Vote by Mail	1698	334	19.67		158	131		154	133		155	131		110
504907 - All-Mail Precincts	1698	1	0.06		0	1		0	1		0	1		0
504935 TRINITY LUTHERAN	1054	167	15.84		87	69		73	80		76	77		53
504935 - Vote by Mail	1054	173	16.41		99	54		78	76		78	76		65
Precinct Totals	14519	1647	11.34		802	611		679	725		699	700		568
Vote by Mail Totals	14519	1780	12.26		908	625		798	741		897	645		606
All-Mail Precincts Totals	5879	1137	19.34		537	437		460	514		498	474		403
Grand Totals	14519	4564	31.43		2247	1673		1937	1980		2094	1819		1577
California	14519	4564	31.43		2247	1673		1937	1980		2094	1819		1577
23rd Congressional District	14519	4564	31.43		2247	1673		1937	1980		2094	1819		1577
14th State Senate District	14519	4564	31.43		2247	1673		1937	1980		2094	1819		1577
26th State Assembly District	14519	4564	31.43		2247	1673		1937	1980		2094	1819		1577
1st Equalization Board	14519	4564	31.43		2247	1673		1937	1980		2094	1819		1577
5th Supervisorial District	14519	4564	31.43		2247	1673		1937	1980		2094	1819		1577
Tulare County	14519	4564	31.43		2247	1673		1937	1980		2094	1819		1577
City of Porterville	14519	4564	31.43		2247	1673		1937	1980		2094	1819		1577

**TULARE COUNTY Statement of Vote**  
**TUL\_20140603\_E**

June 3,2014

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	CITY OF PORTERVILLE															
	Registration	Ballots Cast	Turnout (%)		MEASURE X - PORTERVILLE YES	NO		MEASURE Y - PORTERVILLE YES	NO							
504001 1ST BAPTIST PORT	955	93	9.74		47	35		50	32							
504001 - Vote by Mail	955	106	11.10		42	48		44	51							
504002 1ST UNTD METHODIST	1890	253	13.39		109	107		113	112							
504002 - Vote by Mail	1890	300	15.87		143	114		155	111							
504005 PORTERVILLE MEM 1	1236	173	14.00		73	70		80	68							
504005 - Vote by Mail	1236	250	20.23		128	83		125	92							
504801 MB PORTERVILLE	1938	40	2.06		22	14		22	15							
504801 - Vote by Mail	1938	0	0.00		0	0		0	0							
504801 - All-Mail Precincts	1938	500	25.80		216	203		227	210							
504802 MB PORTERVILLE	2243	46	2.05		25	17		22	21							
504802 - Vote by Mail	2243	0	0.00		0	0		0	0							
504802 - All-Mail Precincts	2243	636	28.35		292	257		294	279							
504901 SOUTHERN BAPTIST	1259	191	15.17		85	79		89	80							
504901 - Vote by Mail	1259	176	13.98		93	58		93	59							
504904 GRAND AVE METHODIST	446	122	27.35		39	56		46	53							
504904 - Vote by Mail	446	92	20.63		34	37		48	33							
504905 1ST CHRISTIAN PORT	1800	240	13.33		109	81		107	92							
504905 - Vote by Mail	1800	349	19.39		166	133		163	148							
504907 HENDERSON BAPT	1698	322	18.96		129	139		144	133							
504907 - Vote by Mail	1698	334	19.67		171	113		174	118							
504907 - All-Mail Precincts	1698	1	0.06		0	1		1	0							
504935 TRINITY LUTHERAN	1054	167	15.84		78	69		78	81							
504935 - Vote by Mail	1054	173	16.41		89	67		89	67							
Precinct Totals	14519	1647	11.34		716	667		751	687							
Vote by Mail Totals	14519	1780	12.26		866	653		891	679							
All-Mail Precincts Totals	5879	1137	19.34		508	461		522	489							
Grand Totals	14519	4564	31.43		2090	1781		2164	1855							
California	14519	4564	31.43		2090	1781		2164	1855							
23rd Congressional District	14519	4564	31.43		2090	1781		2164	1855							
14th State Senate District	14519	4564	31.43		2090	1781		2164	1855							
26th State Assembly District	14519	4564	31.43		2090	1781		2164	1855							
1st Equalization Board	14519	4564	31.43		2090	1781		2164	1855							
5th Supervisorial District	14519	4564	31.43		2090	1781		2164	1855							
Tulare County	14519	4564	31.43		2090	1781		2164	1855							
City of Porterville	14519	4564	31.43		2090	1781		2164	1855							

RESOLUTION NO. \_\_\_\_\_-2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
PORTERVILLE ACCEPTING THE OFFICIAL CANVASS OF  
THE JUNE 3, 2014, GENERAL MUNICIPAL ELECTION  
CONDUCTED AS A CONSOLIDATED STATE PRIMARY ELECTION

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville  
that the City of Porterville does hereby accept the Official Canvass of Votes from the  
Consolidated State Primary District Election of June 3, 2014, by the Tulare County Registrar of  
Voters, as follows:

City Council Members:

Two (2) four-year terms:

<b>Milt Stowe*</b>	<b>2,906</b>	<b>votes</b>	<b>37.40%</b>
<b>Pete V. McCracken*</b>	<b>1,531</b>	<b>votes</b>	<b>19.70%</b>
Matthew Green	979	votes	12.60%
John "Juan" Duran	649	votes	8.35%
Larry Harper	604	votes	7.77%
Shawn Cable	446	votes	5.74%
Russell R. Fletcher	297	votes	3.82%
Shawn R. Schwartzenberger	207	votes	2.66%
Christopher Morton	129	votes	1.66%
Write-In	23	votes	0.30%

City Charter Amendment Ballot Measures:

	Yes		No	
Measure L	1,960	49.58%	<b>1,993</b>	<b>50.42%</b>
<b>Measure M</b>	<b>2,636</b>	<b>64.29%</b>	1,464	35.71%
<b>Measure N</b>	<b>2,299</b>	<b>55.38%</b>	1,852	44.62%
<b>Measure O</b>	<b>2,849</b>	<b>69.25%</b>	1,265	30.75%
<b>Measure P</b>	<b>2,810</b>	<b>69.04%</b>	1,260	30.96%
<b>Measure Q</b>	<b>2,158</b>	<b>53.80%</b>	1,853	46.20%
Measure R	1,612	39.71%	<b>2,447</b>	<b>60.29%</b>
Measure S	1,738	43.29%	<b>2,277</b>	<b>56.71%</b>
<b>Measure T</b>	<b>2,247</b>	<b>57.32%</b>	1,673	42.68%
Measure U	1,937	49.45%	<b>1,980</b>	<b>50.55%</b>
<b>Measure V</b>	<b>2,094</b>	<b>53.51%</b>	1,819	46.49%
Measure W	1,577	39.52%	<b>2,413</b>	<b>60.48%</b>
<b>Measure X</b>	<b>2,090</b>	<b>53.99%</b>	1,781	46.01%
<b>Measure Y</b>	<b>2,164</b>	<b>53.84%</b>	1,855	46.16%

Totals:

Registered Voters:	14,519
Total voters voting:	4,564
Total Percentage	31.43%

Adopted this 1<sup>st</sup> day of July, 2014.

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Cameron J. Hamilton, Mayor

ATTEST:  
John D. Lollis, City Clerk

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Patrice Hildreth, Chief Deputy City Clerk

CITY COUNCIL AGENDA – JULY 1, 2014



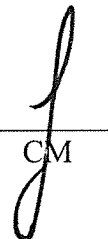
SUBJECT: COUNCIL MEMBER APPOINTMENTS ON BOARDS AND COMMITTEES

SOURCE: ADMINISTRATIVE SERVICES DEPT/CITY CLERK DIVISION

COMMENT: With the change in the composition of the City Council due to the recent election, vacancies have occurred on various boards and committees on which selected Council Members serve. Attached is a list of the current appointments, including any vacancies which need to be filled by Council appointment.

RECOMMENDATION: That the City Council appoint Council members to fill any existing vacancies, or change appointments, at the discretion of the Council.

ATTACHMENT: Appointment List as of September 17, 2013

		
Dir	Funded/ Appr.	CM

Item No. 11

### APPOINTMENT OF COUNCIL MEMBERS TO VARIOUS COMMITTEES & BOARDS

Committee/Board	Member/Alternate	Appointment Date	Meeting Information
Tulare Co. Association of Govts/ Transportation Planning Agency	Virginia Gurrola - Member Cameron Hamilton - Alternate	7/3/2012 7/3/2012	Board of Supervisors Conf. Room, Admin. Bldg 2800 W. Burrel Ave., Visalia; TCAG-Monday, 1pm; TAC-Thurs., 1:30pm (for exact dates see: <a href="http://www.tularecog.org/meetings.htm">www.tularecog.org/meetings.htm</a> )
Tulare County Local Agency Formation Commission ("LAFCO")	*Cameron Hamilton - Member (representing City Councils)	May-07 Re-appt'd 5/2012	Board of Supervisors Board Room 2800 W. Burrel Avenue, Visalia, First Wed. @ 2 p.m. <a href="http://www.co.tulare.ca.us/lafo/">www.co.tulare.ca.us/lafo/</a>
Tulare County E.D.C.	Cameron Hamilton Alternate Not Applicable	9/17/2013	Fourth Wed. @ 7:30 a.m. at the Heritage Complex International Agri-Center, 4500 S. Laspina, Tulare
Business Incentive Zone Council	Cameron Hamilton John Lollis - Alternate	9/17/2013	Quarterly (Feb., May, Aug., and Nov.) immediately following EDC.
Tule River Improvement JPA	Cameron Hamilton - Member Baldo Rodriguez - Alternate	7/6/2010	Quarterly; Lower Tule Irrigation District Conference Room, 357 E. Olive Avenue, Tipton
Consolidated Waste Management Authority	Pete McCracken - Member Brian Ward - Alternate	7/6/2010 7/6/2010	Third Thursday each month at 12pm; Visalia City Hall Council Chambers, 707 W. Acequia
Porterville Area Airport Development Corporation ("PAADA")	Cameron Hamilton - Member Greg Shelton - Member	7/6/2010 7/6/2010	Meets quarterly, or as needed. Notification of meetings is provided.
Indian Gaming Local Community Benefit Committee	Cameron Hamilton	3/2/2004	Meets as needed (no more than three times per year). Board of Supervisors' Conference Room, Admin. Building, 2800 W. Burrel Avenue, Visalia
Joint City/School Committee	Brian Ward - Member Greg Shelton - Member	7/6/2010 9/17/2013	Meets quarterly at the PUSD Board Room 600 W. Grand Avenue, Porterville



**APPOINTMENT OF COUNCIL MEMBERS TO VARIOUS COMMITTEES & BOARDS**

<b>Committee/Board</b>	<b>Member/Alternate</b>	<b>Appointment Date</b>	<b>Meeting Information</b>
PDC Advisory Board	John Lollis - Member Mayor - Alternate	1/14/2009	Meets quarterly at Porterville Developmental Center 26501 Road 140, Room 59
Tulare County City Selection Committee	Mayor - City Member Mayor Pro Tem - Alt.		Meets as needed. Notification of meetings provided.
Internal City Audit Committee	Pete McCracken - Member	7/6/2010	Meets as needed in La Barca Conference Room, Porterville City Hall. Notification of meetings provided.
Council of Cities	Cameron Hamilton Pete McCracken - Member	9/17/2013 7/6/2010	Meets as needed. Location of meetings varies. Notification of meetings provided.
Public Safety Building Committee	Greg Shelton - Member	7/6/2010	Meets as needed. Location of meetings varies. Notification provided.
Chamber Branding Stewardship Committee	Brian Ward - Member Pete McCracken - Alternate	7/6/2010 7/6/2010	Meets as needed. Notification provided.
SJVAPCD's Special City Selection Committee	Greg Shelton - Member Brian Ward - Alternate	7/6/2010 7/6/2010	Notification of Meetings provided; Members can attend via video-teleconference in Bakersfield or Fresno District Office.
SJVUAPCD Citizens Advisory Committee	Greg Shelton - Member (City Industry Alt. Member)	7/6/2010	Meets 1st Tuesday of month via video conferencing Southern Region Office-24946 Flyover Ct., Bakersfield.
Ad Hoc Committee - Provision of Local Water Services	Cameron Hamilton - Member Brian Ward - Member	7/6/2010	Ad Hoc Committee to address local water issues. Meets as needed.

COUNCIL AGENDA: JULY 1, 2014

SUBJECT: CONSIDERATION OF OPTIONS TO FILL CITY COUNCIL VACANCY

SOURCE: ADMINISTRATIVE SERVICES DEPT/CITY CLERK

COMMENT: The recent passing of Council Member Pete V. McCracken has created a vacancy on the newly reorganized City Council. Section 16 of the City Charter sets forth that a vacancy "shall be filled by appointment by the Council..." The City Charter also provides that in the event the City Council does not fill the vacancy within 30 days, July 30<sup>th</sup> in this case, the vacancy shall be filled by the Mayor.

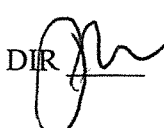

Also according to the City Charter, the appointee shall hold office until the next general municipal election. With the passage of Measure M on the June 3<sup>rd</sup> ballot, the City's general municipal elections have been moved from June to November of even years. As such, whoever is appointed to fill the vacancy will hold office until November 2016. For Council's information, that November 2016 ballot will consist of three 4-year term seats, and one 2-year term seat. At the time of pulling nomination papers, candidates will be required to select which office they will be seeking.

Inquiries have been made as to the potential of holding a special election to fill the vacancy; however, because the City Charter clearly sets forth that the City Council, or Mayor after 30 days, appoints, this is not an option for Council consideration.

With regard to the appointment process, there are a variety of options available to the Council to consider. In the past, processes have been as streamlined as accepting Council nominations and appointing an individual upon a majority vote. In the event the Council chooses this option, an individual could be appointed as early as this meeting. Another process utilized by the Council consists of soliciting requests for appointment for a defined time period; appointing an ad hoc committee comprised of two Council Members to create a short list of potential appointees; and conducting a public interview process at a special City Council Meeting after which a majority vote of the Council selects the appointee. The Council could proceed with one of these options, or any hybrid thereof, with consideration being given to the 30 day timeline.

RECOMMENDATION: That the City Council take action to fill the City Council vacancy, or provide further direction to staff.

ATTACHMENT: Section 16 of the City Charter

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Funded N/A CM 

Item No. 12

## **Porterville City Charter**

### **Sec. 16. Vacancies In Office; When Offices Declared Vacant.**

A vacancy in any legislative office, from whatever cause arising excluding any vacancy created due to a successful recall election, shall be filled by appointment by the council, such appointee to hold office until the next general municipal election, when a successor shall be chosen by the electors for the unexpired term; provided, that if the council fails to agree or for any other reason does not fill such vacancy within thirty days after the same occurs, then such vacancy shall be filled by the mayor; provided, however, that if for any reason the seats of a majority of the council shall become vacant, then the city clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantially in the manner provided for general municipal elections. (3-4-2003)

If, without permission from the City Council, any legislative officer of the city shall remove from the city or absent himself/herself therefrom for more than forty-five (45) days consecutively, or shall fail to attend five (5) consecutive regular city council meetings unless prevented from attending by sickness (but in no case for a period exceeding ninety (90) days), his/her officer shall thereupon become vacant. If for said forty-five (45) day period any legislative officer shall willfully fail or refuse to perform the duties of his office, though able to do so, or shall fail to qualify, or shall resign, or be convicted of a felony or a crime of moral turpitude, or be adjudged mentally incompetent, his/her office shall thereupon become vacant.

(6-3-2014)