

**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
NOVEMBER 18, 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: APN 261-020-010. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Linda Mourton. Under Negotiation: Terms and Price.

2 - 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.

3- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. Corridor Group LLC, Tulare Superior Court No. PCU255344

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

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

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

Pledge of Allegiance Led by Mayor Stowe
Invocation

PRESENTATIONS

Outstanding Business
Employee Service Awards
Rocky Hill Speedway Local Dignitary Race

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) – November 17, 2014
2. Local Agency Formation Committee (LAFCO) – November 5, 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 – November 6, 2014
 2. Library & Literacy Commission – November 13, 2014
 3. Arts Commission
 4. Youth Commission – November 10, 2014
 5. Transactions and Use Tax Oversight Committee (TUTOC) – November 12, 2014
- II. Staff Informational Reports
 1. Water Conservation Phase II, Water System Status
 2. Groundwater Management Legislative Summary

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. **City Council Minutes of November 4, 2014**
2. **Authorization to Advertise for Bids – Tomah Storm Drain Project**
Re: Considering of staff's Plans and Project Manual for the projecting consisting of the construction of approximately 398 lineal feet of storm drain piping, connection to existing storm drain manhole and drop inlets, construction of a new storm drain manhole, trench patching and related appurtenances on Tomah between Wisconsin Street and Porter Road.
3. **Acceptance of Project – Transit Fiber Optic Conduit Installation Project**
Re: Considering acceptance of project from Bill Nelson Engineering Construction, Inc., and authorizing the filing of the Notice of Completion for the project consisting the construction of a 2" conduit and related appurtenances in Division Street, Mill Avenue and Hockett Street.
4. **Amendment of Dee Jaspar and Associates Water Well Design and Inspection Service Agreement – Water System Modeling**
Re: Considering authorization to execute Addendum No. 3 to Dee Jaspar & Associates Service Agreement at an agreed fee of \$11,110 for hydraulic modeling of the City's water system.

5. **Federally Designated Promise Zone for Tulare County**
Re: Considering authorization to sign a letter of commitment to participate in the Promise Zone federal initiative.
6. **Request to Reschedule a Public Hearing for the Consideration of a Conditional Use Permit (PRC 2014-011-C) to Allow the Upgrade to a Type 21 General Off-Sale License for Alcohol Sales Located at 1187 West Henderson Avenue**
Re: Considering authorization to schedule a Public Hearing on December 2, 2014.
7. **Request for Street Closure – Myers’ Twentieth Annual Christmas Tree Memorial Service**
Re: Considering approval of the closure of "E" Street, between Putnam and Cleveland, on December 9, 2014, from 5:00 p.m. to 9:00 p.m.
8. **Approval for Community Civic Event – Porterville Chamber of Commerce and Rotary Club of Porterville – Children’s Christmas Parade – December 4, 2014**
Re: Considering approval of an event to take place on Thursday, December 4, 2014, from 5:00 p.m. to 9:00 p.m., along Main Street from Morton Avenue to Olive Avenue.
9. **Cancelling January 6, 2015 City Council Meeting**
Re: Considering approval of the cancellation of the first Council meeting in January.

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

PUBLIC HEARINGS

10. **Request for a Conditional Use Permit (PRC 2014-019-C) to Allow for the Sale of Alcohol Under a Type 41 Beer and Wine License in Conjunction with a Restaurant for Applebee’s Located at 892 W. Henderson Avenue**
Re: Consideration of a resolution to allow for the sale of alcohol under a Type 41 Beer and Wine license in conjunction with a restaurant for Applebee’s located at 892 W. Henderson Avenue, within the former Blockbuster Video tenant space.

SCHEDULED MATTERS

11. **Consideration of City Council Procedural Handbook**
Re: Consideration of City Council’s handbook.
12. **Consideration of Appointment to Library and Literacy Commission**
Re: Consideration of the appointment of an individual to the Library and Literacy Commission to fill a vacancy with a term to expire in October of 2015.
13. **Consideration of Alternatives for Upgrades to the Council Chambers**
Re: Consideration of options pertaining to proposed A/V upgrades within the Council Chambers and the potential utilization of live/video/audio streaming of City Council Meetings

Adjourn to a meeting of the Porterville Public Financing Authority.

PORTERVILLE PUBLIC FINANCING AUTHORITY AGENDA

November 18, 2014

Roll Call: Public Financing Authority

WRITTEN COMMUNICATION

ORAL COMMUNICATIONS

PUBLIC FINANCING SCHEDULED MATTER

PFA-1. Annual Meeting of the Porterville Public Financing Authority

Re: Consideration of the 2013 Status Report for the Redevelopment Bond Issue #1 and refinance of Tax Allocation Bond Projects.

Adjourn to a meeting of the Porterville City Council.

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 December 2, 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.

COUNCIL AGENDA: NOVEMBER 18, 2014

SUBJECT: WATER CONSERVATION PHASE II, WATER SYSTEM STATUS

SOURCE: Public Works Department - Field Services Division

COMMENT: Phase II water conservation efforts for 2014 began in March. Actions were prompted by the governor on January 17, 2014, proclaiming a State of Emergency and asking all Californians to reduce water consumption by 20% and referring residents and water agencies to the Save Our Water campaign. Staff has responded by early implementation of our media campaign with newspaper, radio messages and website information provided.

An emergency regulation to increase conservation practices for all Californians became effective July 29, 2014. The new conservation regulation targets outdoor urban water use. This regulation establishes the minimum level of activity that residents, businesses and water suppliers must meet as the drought deepens and will be in effect for 270 days unless extended or repealed.

As a result of the emergency regulation, the City has implemented a Water Conservation Plan update that was approved by Council on August 19, 2014, as part of the resolution adopting the 2010 Urban Water Management Plan update. The City will continue a water awareness campaign providing water conservation information and water-saving ideas to the public. Staff also directly notifies any customer observed over using water by serving them with a door hanger advising them of our mandatory watering schedule and user restrictions.

The water system has been impacted from the lack of rain the last three years. Well yields have shown reductions in gallons per minute of about 25% compared to the 5-year average through October. Water production for the month of October 2014, continues an 11% decrease on the 5-year average and an 18% decrease from 2013. Staff will continue to monitor ground water levels and production, and will inform Council if conditions change, requiring Council action.

RECOMMENDATION: Informational Item.

ATTACHMENT: Drought Response Phase II Flyer
Production Graph

P:\pubworks\General\Council\Water Conservation Phase II Water System Status 2014-11-18.doc

Dis 78 Appropriated/Funded N/A CM

Report No. II.1



Drought Response Phase II

At-a-Glance

- Mandatory Odd/Even Watering Schedule, based on address. Residents will be allowed three days a week to water lawns and landscapes. No watering allowed on Mondays.
- Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM.
- Excessive water runoff is prohibited.
- The washing of sidewalks and driveways is prohibited.
- Vehicles shall only be washed on designated watering days and with a hose equipped with a shut-off nozzle.
- The operation of ornamental water features is prohibited unless the fountain uses a recycling system.
- Non-compliance with Phase II water conservation regulations could result in citations up to \$500.

DROUGHT RESPONSE PHASE II

The City of Porterville has adopted a Phase II Drought Response Plan. As part of the Phase II plan, the City has restricted watering days to three days per week, based on address.

Mandatory Odd/Even Watering Schedule

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

 Odd Address  Even Address

ODD NUMBER ADDRESSES

If your address ends with an "odd" number, 1, 3, 5, 7, or 9, Your watering days are Tuesday, Thursday, and Saturday.

OR

EVEN NUMBER ADDRESSES

If your address ends with an "even" number, 0, 2, 4, 6, or 8, Your watering days are Wednesday, Friday, and Sunday.

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

Mandatory Odd/Even Watering Schedule

Excessive water runoff prohibited

The washing of sidewalks and driveways is prohibited

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

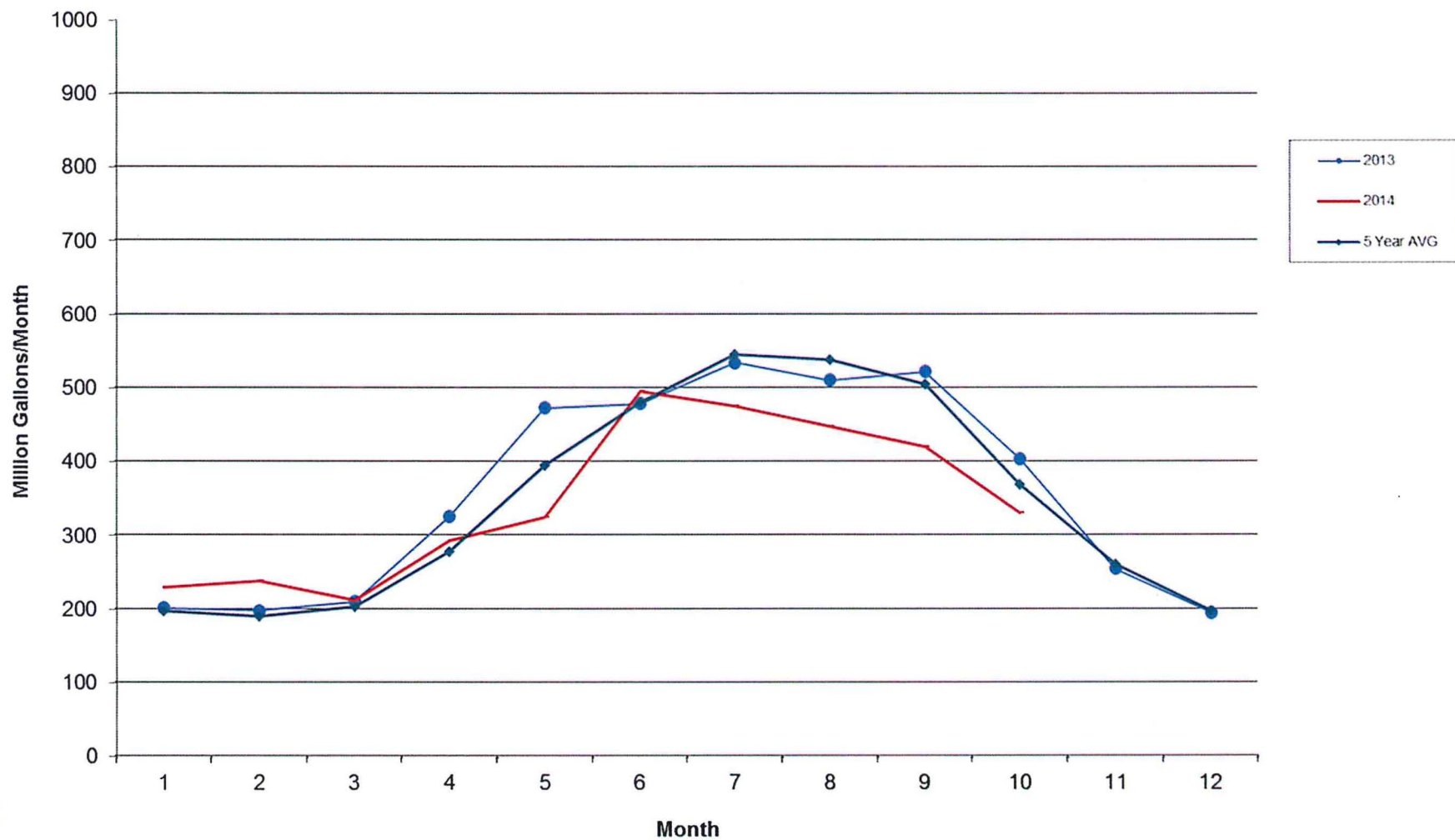
Ornamental water features are prohibited unless the fountain uses a recycling system

**WATERING PROHIBITED
BETWEEN THE HOURS OF**

5:00 – 10:00 AM
5:00 – 10:00 PM

**THERE IS NO WATERING
ON MONDAYS.**

Monthly Production Status 2014 Comparison to 2013 & 5 Year Average



CITY COUNCIL AGENDA: NOVEMBER 18, 2014

STAFF INFORMATIONAL REPORT

SUBJECT: GROUNDWATER MANAGEMENT LEGISLATIVE SUMMARY

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: On September 16, 2014, Governor Brown approved the Sustainable Groundwater Management Act, a three-bill legislative package that establishes short-term and long-term policies focused on groundwater management at a regional level. The intent of this report is to summarize the major points of the new laws as they may affect the City of Porterville, including new responsibilities that result from the legislation. The Community Development and Public Works Departments are working to provide a detailed report of specific options related to the City's implementation or involvement at a regional level; that report is anticipated to be a scheduled matter on the meeting of December 16, 2014.

Senate Bill 1168 results in three major changes to existing law. First, the bill modified the language of the California Constitution establishing water policy by stating that groundwater resources be managed sustainably for long-term reliability, and that sustainable groundwater management is best achieved locally through the development, implementation, and updating of plans and programs based on the best available science. Secondly, the bill directs the Department of Water Resources (DWR) with other agencies to include additional details when monitoring groundwater basins, and to categorize each basin as high, medium, low, or very low priority not later than January 31, 2015. Finally, the bill changed the way groundwater management plans are prepared. Currently, groundwater management plans are prepared at a local level, often without much input from other large water users in the region. The new law requires that all basins designated as high or medium priority and subject to critical conditions of overdraft be managed under a groundwater sustainability plan by January 31, 2020. Further, it requires creation of a groundwater sustainability agency which would have authority to regulate groundwater usage within the boundaries of the agency.

Assembly Bill 1739 was written to partner with Senate Bill 1168 and as such, many of its components serve to provide further details of the new requirements of its partner bill. The bill provides authority to a groundwater sustainability agency as defined in SB 1168 to impose fees, provide technical assistance, promote water conservation, and protect groundwater resources. It requires DWR to publish best management practices for groundwater management and to prepare a report regarding water available for replenishment. The bill authorizes the State Water Resources Control Board to conduct inspections and to designate probationary basins in order to require correction of deficiencies. Effectively, the bill authorizes the Board to step in as the groundwater sustainability agency if they find that the local agency is not adequately implementing the policy of the State. The timeframe

for adoption of a groundwater sustainability plan is linked to any substantial amendment of a local agency's general plan, allowing an interim plan in certain situations.

Senate Bill 1319 was crafted by the author of SB 1168 with the intent to make minor modifications to the language of the first bill; the deadline to modify a bill had passed, requiring use of a subsequent bill as the mechanism to "clean up" certain elements of the law. It clarifies the situations in which the State Water Resources Control Board may designate a basin as probationary and allows a portion of a basin to have the probationary status removed if it demonstrates compliance with the sustainability goal.

As noted above, staff's intent is to introduce the legislative package with this report and then schedule a more detailed report that presents staff's initial plan for action at a later meeting.

RECOMMENDATION: Informational only.

ATTACHMENTS:

1. Senate Bill 1168- Groundwater Management
2. Assembly Bill 1739- Groundwater Management
3. Senate Bill 1319- Groundwater Management

Senate Bill No. 1168

CHAPTER 346

An act to amend Sections 10927, 10933, and 12924 of, to add Sections 113 and 10750.1 to, and to add Part 2.74 (commencing with Section 10720) to Division 6 of, the Water Code, relating to groundwater.

[Approved by Governor September 16, 2014. Filed with
Secretary of State September 16, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1168, Pavley. Groundwater management.

(1) The California Constitution requires the reasonable and beneficial use of water. Existing law establishes various state water policies, including the policy that the people of the state have a paramount interest in the use of all the water of the state and that the state is required to determine what water of the state, surface and underground, can be converted to public use or be controlled for public protection.

This bill would state the policy of the state that groundwater resources be managed sustainably for long-term reliability and multiple economic, social, and environmental benefits for current and future beneficial uses. This bill would state that sustainable groundwater management is best achieved locally through the development, implementation, and updating of plans and programs based on the best available science.

(2) Existing law requires the Department of Water Resources, in conjunction with other public agencies, to conduct an investigation of the state's groundwater basins and to report its findings to the Legislature not later than January 1, 2012, and thereafter in years ending in 5 and 0. Existing law requires the department to identify the extent of monitoring of groundwater elevations that is being undertaken within each basin or subbasin and to prioritize groundwater basins and subbasins based on specified considerations, including any information determined to be relevant by the department.

This bill would specify that this relevant information may include adverse impacts on local habitat and local streamflows. This bill would require the department to categorize each basin as high-, medium-, low-, or very low priority and would require the initial priority for each basin to be established no later than January 31, 2015. This bill would authorize a local agency to request that the department revise the boundaries of a basin and would require the department, by January 1, 2016, to adopt regulations on the methodology and criteria to be used to evaluate the proposed revision. This bill would require the department to provide a copy of its draft revision of a basin's boundaries to the California Water Commission and would require the commission to hear and comment on the draft revision.

(3) Existing law authorizes local agencies to adopt and implement a groundwater management plan. Existing law requires a groundwater management plan to contain specified components and requires a local agency seeking state funds administered by the Department of Water Resources for groundwater projects or groundwater quality projects to do certain things, including, but not limited to, preparing and implementing a groundwater management plan that includes basin management objectives for the groundwater basin.

This bill, with certain exceptions, would prohibit, beginning January 1, 2015, a new groundwater management plan from being adopted or an existing groundwater management plan from being renewed.

This bill would require all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and would require all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. This bill would require a groundwater sustainability plan to be developed and implemented to meet the sustainability goal, established as prescribed, and would require the plan to include prescribed components. This bill would encourage and authorize basins designated as low- or very low priority basins to be managed under groundwater sustainability plans.

This bill would authorize any local agency, as defined, or combination of local agencies to elect to be a groundwater sustainability agency and would require, within 30 days of electing to be or forming a groundwater sustainability agency, the groundwater sustainability agency to inform the department of its election or formation and its intent to undertake sustainable groundwater management. This bill would provide that a county within which an area unmanaged by a groundwater sustainability agency lies is presumed to be the groundwater sustainability agency for that area and would require the county to provide a prescribed notification to the department. This bill would provide specific authority to a groundwater sustainability agency, including, but not limited to, the ability to require registration of a groundwater extraction facility, to require that a groundwater extraction facility be measured with a water-measuring device, and to regulate groundwater extraction.

This bill would authorize a groundwater sustainability agency to conduct inspections and would authorize a groundwater sustainability agency to obtain an inspection warrant. Because the willful refusal of an inspection lawfully authorized by an inspection warrant is a misdemeanor, this bill would impose a state-mandated local program by expanding the application of a crime.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(5) This bill would make its operation contingent on the enactment of both AB 1739 and SB 1319 of the 2013–14 Regular Session.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares as follows:

(1) The people of the state have a primary interest in the protection, management, and reasonable beneficial use of the water resources of the state, both surface and underground, and that the integrated management of the state's water resources is essential to meeting its water management goals.

(2) Groundwater provides a significant portion of California's water supply. Groundwater accounts for more than one-third of the water used by Californians in an average year and more than one-half of the water used by Californians in a drought year when other sources are unavailable.

(3) Excessive groundwater extraction can cause overdraft, failed wells, deteriorated water quality, environmental damage, and irreversible land subsidence that damages infrastructure and diminishes the capacity of aquifers to store water for the future.

(4) When properly managed, groundwater resources will help protect communities, farms, and the environment against prolonged dry periods and climate change, preserving water supplies for existing and potential beneficial use.

(5) Failure to manage groundwater to prevent long-term overdraft infringes on groundwater rights.

(6) Groundwater resources are most effectively managed at the local or regional level.

(7) Groundwater management will not be effective unless local actions to sustainably manage groundwater basins and subbasins are taken.

(8) Local and regional agencies need to have the necessary support and authority to manage groundwater sustainably.

(9) In those circumstances where a local groundwater management agency is not managing its groundwater sustainably, the state needs to protect the resource until it is determined that a local groundwater management agency can sustainably manage the groundwater basin or subbasin.

(10) Information on the amount of groundwater extraction, natural and artificial recharge, and groundwater evaluations are critical for effective management of groundwater.

(11) Sustainable groundwater management in California depends upon creating more opportunities for robust conjunctive management of surface water and groundwater resources. Climate change will intensify the need to recalibrate and reconcile surface water and groundwater management strategies.

(b) It is, therefore, the intent of the Legislature to do all of the following:

(1) To provide local and regional agencies the authority to sustainably manage groundwater.

(2) To provide that if no local groundwater agency or agencies provide sustainable groundwater management for a groundwater basin or subbasin, the state has the authority to develop and implement an interim plan until the time the local groundwater sustainability agency or agencies can assume management of the basin or subbasin.

(3) To require the development and reporting of those data necessary to support sustainable groundwater management, including those data that help describe the basin's geology, the short- and long-term trends of the basin's water balance, and other measures of sustainability, and those data necessary to resolve disputes regarding sustainable yield, beneficial uses, and water rights.

(4) To respect overlying and other proprietary rights to groundwater.

(5) To recognize and preserve the authority of cities and counties to manage groundwater pursuant to their police powers.

SEC. 2. Section 113 is added to the Water Code, to read:

113. It is the policy of the state that groundwater resources be managed sustainably for long-term reliability and multiple economic, social, and environmental benefits for current and future beneficial uses. Sustainable groundwater management is best achieved locally through the development, implementation, and updating of plans and programs based on the best available science.

SEC. 3. Part 2.74 (commencing with Section 10720) is added to Division 6 of the Water Code, to read:

PART 2.74. SUSTAINABLE GROUNDWATER MANAGEMENT

CHAPTER 1. GENERAL PROVISIONS

10720. This part shall be known, and may be cited, as the "Sustainable Groundwater Management Act."

10720.1. In enacting this part, it is the intent of the Legislature to do all of the following:

(a) To provide for the sustainable management of groundwater basins.

(b) To enhance local management of groundwater consistent with rights to use or store groundwater and Section 2 of Article X of the California Constitution. It is the intent of the Legislature to preserve the security of water rights in the state to the greatest extent possible consistent with the sustainable management of groundwater.

(c) To establish minimum standards for sustainable groundwater management.

(d) To provide local groundwater agencies with the authority and the technical and financial assistance necessary to sustainably manage groundwater.

(e) To avoid or minimize subsidence.

- (f) To improve data collection and understanding about groundwater.
- (g) To increase groundwater storage and remove impediments to recharge.
- (h) To manage groundwater basins through the actions of local governmental agencies to the greatest extent feasible, while minimizing state intervention to only when necessary to ensure that local agencies manage groundwater in a sustainable manner.

10720.3. (a) This part applies to all groundwater basins in the state.

(b) To the extent authorized under federal or tribal law, this part applies to an Indian tribe and to the federal government, including, but not limited to, the United States Department of Defense.

(c) The federal government or any federally recognized Indian tribe, appreciating the shared interest in assuring the sustainability of groundwater resources, may voluntarily agree to participate in the preparation or administration of a groundwater sustainability plan or groundwater management plan under this part through a joint powers authority or other agreement with local agencies in the basin. A participating tribe shall be eligible to participate fully in planning, financing, and management under this part, including eligibility for grants and technical assistance, if any exercise of regulatory authority, enforcement, or imposition and collection of fees is pursuant to the tribe's independent authority and not pursuant to authority granted to a groundwater sustainability agency under this part.

(d) In an adjudication of rights to the use of groundwater, and in the management of a groundwater basin or subbasin by a groundwater sustainability agency or by the board, federally reserved water rights to groundwater shall be respected in full. In case of conflict between federal and state law in that adjudication or management, federal law shall prevail. The voluntary or involuntary participation of a holder of rights in that adjudication or management shall not subject that holder to state law regarding other proceedings or matters not authorized by federal law. This subdivision is declaratory of existing law.

10720.5. (a) Groundwater management pursuant to this part shall be consistent with Section 2 of Article X of the California Constitution. Nothing in this part modifies rights or priorities to use or store groundwater consistent with Section 2 of Article X of the California Constitution, except that in basins designated medium- or high-priority basins by the department, no extraction of groundwater between January 1, 2015, and the date of adoption of a groundwater sustainability plan pursuant to this part, whichever is sooner, may be used as evidence of, or to establish or defend against, any claim of prescription.

(b) Nothing in this part, or in any groundwater management plan adopted pursuant to this part, determines or alters surface water rights or groundwater rights under common law or any provision of law that determines or grants surface water rights.

10720.7. (a) (1) By January 31, 2020, all basins designated as high- or medium-priority basins by the department that have been designated in Bulletin 118, as may be updated or revised on or before January 1, 2017, as basins that are subject to critical conditions of overdraft shall be managed

under a groundwater sustainability plan or coordinated groundwater sustainability plans pursuant to this part.

(2) By January 31, 2022, all basins designated as high- or medium-priority basins by the department that are not subject to paragraph (1) shall be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans pursuant to this part.

(b) The Legislature encourages and authorizes basins designated as low- and very low priority basins by the department to be managed under groundwater sustainability plans pursuant to this part. Chapter 11 (commencing with Section 10735) does not apply to a basin designated as a low- or very low priority basin.

10720.8. (a) Except as provided in subdivision (e), this part does not apply to the following adjudicated areas or a local agency that conforms to the requirements of an adjudication of water rights for one of the following adjudicated areas:

- (1) Beaumont Basin.
- (2) Brite Basin.
- (3) Central Basin.
- (4) Chino Basin.
- (5) Cucamonga Basin.
- (6) Cummings Basin.
- (7) Goleta Basin.
- (8) Lytle Basin.
- (9) Main San Gabriel Basin.
- (10) Mojave Basin Area.
- (11) Puente Basin.
- (12) Raymond Basin.
- (13) Rialto-Colton Basin.
- (14) Riverside Basin.
- (15) San Bernardino Basin Area.
- (16) San Jacinto Basin.
- (17) Santa Margarita River Watershed.
- (18) Santa Maria Valley Basin.
- (19) Santa Paula Basin.
- (20) Scott River Stream System.
- (21) Seaside Basin.
- (22) Six Basins.
- (23) Tehachapi Basin.
- (24) Upper Los Angeles River Area.
- (25) Warren Valley Basin.
- (26) West Coast Basin.

(b) The Antelope Valley basin at issue in the Antelope Valley Groundwater Cases (Judicial Council Coordination Proceeding Number 4408) shall be treated as an adjudicated basin pursuant to this section if the superior court issues a final judgment, order, or decree.

(c) Any groundwater basin or portion of a groundwater basin in Inyo County managed pursuant to the terms of the stipulated judgment in City

of Los Angeles v. Board of Supervisors of the County of Inyo, et al. (Inyo County Case No. 12908) shall be treated as an adjudicated area pursuant to this section.

(d) The Los Osos Groundwater Basin at issue in Los Osos Community Service District v. Southern California Water Company [Golden State Water Company] et al. (San Luis Obispo County Superior Court Case No. CV 040126) shall be treated as an adjudicated basin pursuant to this section if the superior court issues a final judgment, order, or decree.

(e) If an adjudication action has determined the rights to extract groundwater for only a portion of a basin, subdivisions (a), (b), (c), and (d) apply only within the area for which the adjudication action has determined those rights.

(f) The watermaster or a local agency within a basin identified in subdivision (a) shall do all of the following:

(1) By April 1, 2016, submit to the department a copy of a governing final judgment, or other judicial order or decree, and any amendments entered before April 1, 2016.

(2) Within 90 days of entry by a court, submit to the department a copy of any amendment made and entered by the court to the governing final judgment or other judicial order or decree on or after April 1, 2016.

(3) By April 1, 2016, and annually thereafter, submit to the department a report containing the following information to the extent available for the portion of the basin subject to the adjudication:

(A) Groundwater elevation data unless otherwise submitted pursuant to Section 10932.

(B) Annual aggregated data identifying groundwater extraction for the preceding water year.

(C) Surface water supply used for or available for use for groundwater recharge or in-lieu use.

(D) Total water use.

(E) Change in groundwater storage.

(F) The annual report submitted to the court.

10720.9. All relevant state agencies, including, but not limited to, the board, the regional water quality control boards, the department, and the Department of Fish and Wildlife, shall consider the policies of this part, and any groundwater sustainability plans adopted pursuant to this part, when revising or adopting policies, regulations, or criteria, or when issuing orders or determinations, where pertinent.

CHAPTER 2. DEFINITIONS

10721. Unless the context otherwise requires, the following definitions govern the construction of this part:

(a) "Adjudication action" means an action filed in the superior or federal district court to determine the rights to extract groundwater from a basin or store water within a basin, including, but not limited to, actions to quiet title

respecting rights to extract or store groundwater or an action brought to impose a physical solution on a basin.

(b) “Basin” means a groundwater basin or subbasin identified and defined in Bulletin 118 or as modified pursuant to Chapter 3 (commencing with Section 10722).

(c) “Bulletin 118” means the department’s report entitled “California’s Groundwater: Bulletin 118” updated in 2003, as it may be subsequently updated or revised in accordance with Section 12924.

(d) “Coordination agreement” means a legal agreement adopted between two or more groundwater sustainability agencies that provides the basis for coordinating multiple agencies or groundwater sustainability plans within a basin pursuant to this part.

(e) “De minimis extractor” means a person who extracts, for domestic purposes, two acre-feet or less per year.

(f) “Governing body” means the legislative body of a groundwater sustainability agency.

(g) “Groundwater” means water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water that flows in known and definite channels.

(h) “Groundwater extraction facility” means a device or method for extracting groundwater from within a basin.

(i) “Groundwater recharge” means the augmentation of groundwater, by natural or artificial means.

(j) “Groundwater sustainability agency” means one or more local agencies that implement the provisions of this part. For purposes of imposing fees pursuant to Chapter 8 (commencing with Section 10730) or taking action to enforce a groundwater sustainability plan, “groundwater sustainability agency” also means each local agency comprising the groundwater sustainability agency if the plan authorizes separate agency action.

(k) “Groundwater sustainability plan” or “plan” means a plan of a groundwater sustainability agency proposed or adopted pursuant to this part.

(l) “Groundwater sustainability program” means a coordinated and ongoing activity undertaken to benefit a basin, pursuant to a groundwater sustainability plan.

(m) “Local agency” means a local public agency that has water supply, water management, or land use responsibilities within a groundwater basin.

(n) “Operator” means a person operating a groundwater extraction facility. The owner of a groundwater extraction facility shall be conclusively presumed to be the operator unless a satisfactory showing is made to the governing body of the groundwater sustainability agency that the groundwater extraction facility actually is operated by some other person.

(o) “Owner” means a person owning a groundwater extraction facility or an interest in a groundwater extraction facility other than a lien to secure the payment of a debt or other obligation.

(p) “Personal information” has the same meaning as defined in Section 1798.3 of the Civil Code.

(q) “Planning and implementation horizon” means a 50-year time period over which a groundwater sustainability agency determines that plans and measures will be implemented in a basin to ensure that the basin is operated within its sustainable yield.

(r) “Public water system” has the same meaning as defined in Section 116275 of the Health and Safety Code.

(s) “Recharge area” means the area that supplies water to an aquifer in a groundwater basin.

(t) “Sustainability goal” means the existence and implementation of one or more groundwater sustainability plans that achieve sustainable groundwater management by identifying and causing the implementation of measures targeted to ensure that the applicable basin is operated within its sustainable yield.

(u) “Sustainable groundwater management” means the management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results.

(v) “Sustainable yield” means the maximum quantity of water, calculated over a base period representative of long-term conditions in the basin and including any temporary surplus, that can be withdrawn annually from a groundwater supply without causing an undesirable result.

(w) “Undesirable result” means one or more of the following effects caused by groundwater conditions occurring throughout the basin:

(1) Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply if continued over the planning and implementation horizon. Overdraft during a period of drought is not sufficient to establish a chronic lowering of groundwater levels if extractions and recharge are managed as necessary to ensure that reductions in groundwater levels or storage during a period of drought are offset by increases in groundwater levels or storage during other periods.

(2) Significant and unreasonable reduction of groundwater storage.

(3) Significant and unreasonable seawater intrusion.

(4) Significant and unreasonable degraded water quality, including the migration of contaminant plumes that impair water supplies.

(5) Significant and unreasonable land subsidence that substantially interferes with surface land uses.

(6) Surface water depletions that have significant and unreasonable adverse impacts on beneficial uses of the surface water.

(x) “Water budget” means an accounting of the total groundwater and surface water entering and leaving a basin including the changes in the amount of water stored.

(y) “Watermaster” means a watermaster appointed by a court or pursuant to other law.

(z) “Water year” means the period from October 1 through the following September 30, inclusive.

(aa) “Wellhead protection area” means the surface and subsurface area surrounding a water well or well field that supplies a public water system

through which contaminants are reasonably likely to migrate toward the water well or well field.

CHAPTER 3. BASIN BOUNDARIES

10722. Unless other basin boundaries are established pursuant to this chapter, a basin's boundaries shall be as identified in Bulletin 118.

10722.2. (a) A local agency may request that the department revise the boundaries of a basin, including the establishment of new subbasins. A local agency's request shall be supported by the following information:

(1) Information demonstrating that the proposed adjusted basin can be the subject of sustainable groundwater management.

(2) Technical information regarding the boundaries of, and conditions in, the proposed adjusted basin.

(3) Information demonstrating that the entity proposing the basin boundary adjustment consulted with interested local agencies and public water systems in the affected basins before filing the proposal with the department.

(4) Other information the department deems necessary to justify revision of the basin's boundary.

(b) By January 1, 2016, the department shall adopt regulations regarding the information required to comply with subdivision (a), including the methodology and criteria to be used to evaluate the proposed revision. The department shall adopt the regulations, including any amendments thereto, authorized by this section as emergency regulations in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, or general welfare. Notwithstanding the Administrative Procedure Act, emergency regulations adopted by the department pursuant to this section shall not be subject to review by the Office of Administrative Law and shall remain in effect until revised by the department.

(c) Methodology and criteria established pursuant to subdivision (b) shall address all of the following:

(1) How to assess the likelihood that the proposed basin can be sustainably managed.

(2) How to assess whether the proposed basin would limit the sustainable management of adjacent basins.

(3) How to assess whether there is a history of sustainable management of groundwater levels in the proposed basin.

(d) Prior to adopting and finalizing the regulations, the department shall conduct three public meetings to consider public comments. The department shall publish the draft regulations on its Internet Web site at least 30 days before the public meetings. One meeting shall be conducted at a location

in northern California, one meeting shall be conducted at a location in the central valley of California, and one meeting shall be conducted at a location in southern California.

(e) The department shall provide a copy of its draft revision of a basin's boundaries to the California Water Commission. The California Water Commission shall hear and comment on the draft revision within 60 days after the department provides the draft revision to the commission.

10722.4. (a) Pursuant to Section 10933, for the purposes of this part the department shall categorize each basin as one of the following priorities:

- (1) High priority.
- (2) Medium priority.
- (3) Low priority.
- (4) Very low priority.

(b) The initial priority for each basin shall be established by the department pursuant to Section 10933 no later than January 31, 2015.

(c) Any time the department updates Bulletin 118 boundaries pursuant to subdivision (b) of Section 12924, the department shall reassess the prioritization pursuant to Section 10933.

(d) Any time the department changes the basin priorities pursuant to Section 10933, if a basin is elevated to a medium- or high-priority basin after January 31, 2015, a local agency shall have two years from the date of reprioritization to either establish a groundwater sustainability agency pursuant to Chapter 4 (commencing with Section 10723) and five years from the date of reprioritization to adopt a groundwater sustainability plan pursuant to Chapter 6 (commencing with Section 10727) or two years to satisfy the requirements of Section 10733.6.

CHAPTER 4. ESTABLISHING GROUNDWATER SUSTAINABILITY AGENCIES

10723. (a) Except as provided in subdivision (c), any local agency or combination of local agencies overlying a groundwater basin may elect to be a groundwater sustainability agency for that basin.

(b) Before electing to be a groundwater sustainability agency, and after publication of notice pursuant to Section 6066 of the Government Code, the local agency or agencies shall hold a public hearing in the county or counties overlying the basin.

(c) (1) Except as provided in paragraph (2), the following agencies created by statute to manage groundwater shall be deemed the exclusive local agencies within their respective statutory boundaries with powers to comply with this part:

(A) Alameda County Flood Control and Water Conservation District, Zone 7.

(B) Alameda County Water District.

(C) Desert Water Agency.

(D) Fox Canyon Groundwater Management Agency.

(E) Honey Lake Valley Groundwater Management District.

- (F) Long Valley Groundwater Management District.
- (G) Mendocino City Community Services District.
- (H) Mono County Tri-Valley Groundwater Management District.
- (I) Monterey Peninsula Water Management District.
- (J) Ojai Groundwater Management Agency.
- (K) Orange County Water District.
- (L) Pajaro Valley Water Management Agency.
- (M) Santa Clara Valley Water District.
- (N) Sierra Valley Water District.
- (O) Willow Creek Groundwater Management Agency.

(2) An agency identified in this subdivision may elect to opt out of being the exclusive groundwater management agency within its statutory boundaries by sending a notice to the department, which shall be posted pursuant to Section 10733.3. If an agency identified in paragraph (1) elects to opt out of being the exclusive groundwater management agency, any other local agency or combination of local agencies operating within the statutory boundaries of the agency that has elected to opt out may notify the department pursuant to subdivision (d) of its election to be the groundwater sustainability agency.

(3) A local agency listed in paragraph (1) may comply with this part by meeting the requirements of Section 10733.6 or electing to become a groundwater sustainability agency pursuant to this section. A local agency with authority to implement a basin-specific management plan pursuant to its principal act shall not exercise any authorities granted in this part in a manner inconsistent with any prohibitions or limitations in its principal act unless the governing board of the local agency makes a finding that the agency is unable to sustainably manage the basin without the prohibited authority.

(d) A local agency or combination of local agencies that elects to be the groundwater sustainability agency shall submit a notice of intent to the department, which shall be posted pursuant to Section 10733.3. The notice of intent shall include a description of the proposed boundaries of the basin or portion of the basin that the local agency or combination of local agencies intends to manage pursuant to this part.

10723.2. The groundwater sustainability agency shall consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing groundwater sustainability plans. These interests include, but are not limited to, all of the following:

- (a) Holders of overlying groundwater rights, including:
 - (1) Agricultural users.
 - (2) Domestic well owners.
- (b) Municipal well operators.
- (c) Public water systems.
- (d) Local land use planning agencies.
- (e) Environmental users of groundwater.
- (f) Surface water users, if there is a hydrologic connection between surface and groundwater bodies.

(g) The federal government, including, but not limited to, the military and managers of federal lands.

(h) California Native American tribes.

(i) Disadvantaged communities, including, but not limited to, those served by private domestic wells or small community water systems.

(j) Entities listed in Section 10927 that are monitoring and reporting groundwater elevations in all or a part of a groundwater basin managed by the groundwater sustainability agency.

10723.4. The groundwater sustainability agency shall establish and maintain a list of persons interested in receiving notices regarding plan preparation, meeting announcements, and availability of draft plans, maps, and other relevant documents. Any person may request, in writing, to be placed on the list of interested persons.

10723.6. (a) A combination of local agencies may form a groundwater sustainability agency by using any of the following methods:

(1) A joint powers agreement.

(2) A memorandum of agreement or other legal agreement.

(b) A water corporation regulated by the Public Utilities Commission may participate in a groundwater sustainability agency if the local agencies approve.

10723.8. (a) Within 30 days of electing to be or forming a groundwater sustainability agency, the groundwater sustainability agency shall inform the department of its election or formation and its intent to undertake sustainable groundwater management. The notification shall include the following information, as applicable:

(1) The service area boundaries, the basin the agency is managing, and the other groundwater sustainability agencies operating within the basin.

(2) A copy of the resolution forming the new agency.

(3) A copy of any new bylaws, ordinances, or new authorities adopted by the local agency.

(4) A list of interested parties developed pursuant to Section 10723.2 and an explanation of how their interests will be considered in the development and operation of the groundwater sustainability agency and the development and implementation of the agency's sustainability plan.

(b) Except as provided in subdivision (d), 90 days following the posting of the notice pursuant to this section, the groundwater sustainability agency shall be presumed the exclusive groundwater sustainability agency within the area of the basin the agency is managing as described in the notice, provided that no other notice was submitted.

(c) A groundwater sustainability agency may withdraw from managing a basin by notifying the department in writing of its intent to withdraw.

(d) This section does not preclude the board from taking an action pursuant to Section 10735.6.

(e) The department shall post all notices received under this section in accordance with Section 10733.3.

10724. (a) In the event that there is an area within a basin that is not within the management area of a groundwater sustainability agency, the

county within which that unmanaged area lies will be presumed to be the groundwater sustainability agency for that area.

(b) A county described in subdivision (a) shall provide notification to the department pursuant to Section 10723.8 unless the county notifies the department that it will not be the groundwater sustainability agency for the area. Extractions of groundwater made on or after July 1, 2017, in that area shall be subject to reporting in accordance with Part 5.2 (commencing with Section 5200) of Division 2 if the county does either of the following:

(1) Notifies the department that it will not be the groundwater sustainability agency for an area.

(2) Fails to provide notification to the department pursuant to Section 10723.8 for an area on or before June 30, 2017.

CHAPTER 5. POWERS AND AUTHORITIES

10725. (a) A groundwater sustainability agency may exercise any of the powers described in this chapter in implementing this part, in addition to, and not as a limitation on, any existing authority, if the groundwater sustainability agency adopts and submits to the department a groundwater sustainability plan or prescribed alternative documentation in accordance with Section 10733.6.

(b) A groundwater sustainability agency has and may use the powers in this chapter to provide the maximum degree of local control and flexibility consistent with the sustainability goals of this part.

10725.2. (a) A groundwater sustainability agency may perform any act necessary or proper to carry out the purposes of this part.

(b) A groundwater sustainability agency may adopt rules, regulations, ordinances, and resolutions for the purpose of this part, in compliance with any procedural requirements applicable to the adoption of a rule, regulation, ordinance, or resolution by the groundwater sustainability agency.

(c) In addition to any other applicable procedural requirements, the groundwater sustainability agency shall provide notice of the proposed adoption of the groundwater sustainability plan on its Internet Web site and provide for electronic notice to any person who requests electronic notification.

10725.4. (a) A groundwater sustainability agency may conduct an investigation for the purposes of this part, including, but not limited to, investigations for the following:

(1) To determine the need for groundwater management.

(2) To prepare and adopt a groundwater sustainability plan and implementing rules and regulations.

(3) To propose and update fees.

(4) To monitor compliance and enforcement.

(b) An investigation may include surface waters and surface water rights as well as groundwater and groundwater rights.

(c) In connection with an investigation, a groundwater sustainability agency may inspect the property or facilities of a person or entity to ascertain whether the purposes of this part are being met and compliance with this part. The local agency may conduct an inspection pursuant to this section upon obtaining any necessary consent or obtaining an inspection warrant pursuant to the procedure set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure.

10725.6. A groundwater sustainability agency may require registration of a groundwater extraction facility within the management area of the groundwater sustainability agency.

10725.8. (a) A groundwater sustainability agency may require through its groundwater sustainability plan that the use of every groundwater extraction facility within the management area of the groundwater sustainability agency be measured by a water-measuring device satisfactory to the groundwater sustainability agency.

(b) All costs associated with the purchase and installation of the water-measuring device shall be borne by the owner or operator of each groundwater extraction facility. The water measuring devices shall be installed by the groundwater sustainability agency or, at the groundwater sustainability agency's option, by the owner or operator of the groundwater extraction facility. Water-measuring devices shall be calibrated on a reasonable schedule as may be determined by the groundwater sustainability agency.

(c) A groundwater sustainability agency may require, through its groundwater sustainability plan, that the owner or operator of a groundwater extraction facility within the groundwater sustainability agency file an annual statement with the groundwater sustainability agency setting forth the total extraction in acre-feet of groundwater from the facility during the previous water year.

(d) In addition to the measurement of groundwater extractions pursuant to subdivision (a), a groundwater sustainability agency may use any other reasonable method to determine groundwater extraction.

(e) This section does not apply to de minimis extractors.

10726. An entity within the area of a groundwater sustainability plan shall report the diversion of surface water to underground storage to the groundwater sustainability agency for the relevant portion of the basin.

10726.2. A groundwater sustainability agency may do the following:

(a) Acquire by grant, purchase, lease, gift, devise, contract, construction, or otherwise, and hold, use, enjoy, sell, let, and dispose of, real and personal property of every kind, including lands, water rights, structures, buildings, rights-of-way, easements, and privileges, and construct, maintain, alter, and operate any and all works or improvements, within or outside the agency, necessary or proper to carry out any of the purposes of this part.

(b) Appropriate and acquire surface water or groundwater and surface water or groundwater rights, import surface water or groundwater into the agency, and conserve and store within or outside the agency that water for any purpose necessary or proper to carry out the provisions of this part,

including, but not limited to, the spreading, storing, retaining, or percolating into the soil of the waters for subsequent use or in a manner consistent with the provisions of Section 10727.2. As part of this authority, the agency shall not alter another person's or agency's existing groundwater conjunctive use or storage program except upon a finding that the conjunctive use or storage program interferes with implementation of the agency's groundwater sustainability plan.

(c) Provide for a program of voluntary fallowing of agricultural lands or validate an existing program.

(d) Perform any acts necessary or proper to enable the agency to purchase, transfer, deliver, or exchange water or water rights of any type with any person that may be necessary or proper to carry out any of the purposes of this part, including, but not limited to, providing surface water in exchange for a groundwater extractor's agreement to reduce or cease groundwater extractions. The agency shall not deliver retail water supplies within the service area of a public water system without either the consent of that system or authority under the agency's existing authorities.

(e) Transport, reclaim, purify, desalinate, treat, or otherwise manage and control polluted water, wastewater, or other waters for subsequent use in a manner that is necessary or proper to carry out the purposes of this part.

(f) Commence, maintain, intervene in, defend, compromise, and assume the cost and expenses of any and all actions and proceedings.

10726.4. (a) A groundwater sustainability agency shall have the following additional authority and may regulate groundwater extraction using that authority:

(1) To impose spacing requirements on new groundwater well construction to minimize well interference and impose reasonable operating regulations on existing groundwater wells to minimize well interference, including requiring extractors to operate on a rotation basis.

(2) To control groundwater extractions by regulating, limiting, or suspending extractions from individual groundwater wells or extractions from groundwater wells in the aggregate, construction of new groundwater wells, enlargement of existing groundwater wells, or reactivation of abandoned groundwater wells, or otherwise establishing groundwater extraction allocations. A limitation on extractions by a groundwater sustainability agency shall not be construed to be a final determination of rights to extract groundwater from the basin or any portion of the basin.

(3) To authorize temporary and permanent transfers of groundwater extraction allocations within the agency's boundaries, if the total quantity of groundwater extracted in any water year is consistent with the provisions of the groundwater sustainability plan. The transfer is subject to applicable city and county ordinances.

(4) To establish accounting rules to allow unused groundwater extraction allocations issued by the agency to be carried over from one year to another and voluntarily transferred, if the total quantity of groundwater extracted in any five-year period is consistent with the provisions of the groundwater sustainability plan.

(b) This section does not authorize a groundwater sustainability agency to issue permits for the construction, modification, or abandonment of groundwater wells, except as authorized by a county with authority to issue those permits. A groundwater sustainability agency may request of the county, and the county shall consider, that the county forward permit requests for the construction of new groundwater wells, the enlarging of existing groundwater wells, and the reactivation of abandoned groundwater wells to the groundwater sustainability agency before permit approval.

10726.6. (a) A groundwater sustainability agency that adopts a groundwater sustainability plan may file an action to determine the validity of the plan pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure no sooner than 180 days following the adoption of the plan.

(b) Subject to Sections 394 and 397 of the Code of Civil Procedure, the venue for an action pursuant to this section shall be the county in which the principal office of the groundwater management agency is located.

(c) Any judicial action or proceeding to attack, review, set aside, void, or annul the ordinance or resolution imposing a new, or increasing an existing, fee imposed pursuant to Section 10730, 10730.2, or 10730.4 shall be commenced within 180 days following the adoption of the ordinance or resolution.

(d) Any person may pay a fee imposed pursuant to Section 10730, 10730.2, or 10730.4 under protest and bring an action against the governing body in the superior court to recover any money that the governing body refuses to refund. Payments made and actions brought under this section shall be made and brought in the manner provided for the payment of taxes under protest and actions for refund of that payment in Article 2 (commencing with Section 5140) of Chapter 5 of Part 9 of Division 1 of the Revenue and Taxation Code, as applicable.

(e) Except as otherwise provided in this section, actions by a groundwater sustainability agency are subject to judicial review pursuant to Section 1085 of the Code of Civil Procedure.

10726.8. (a) This part is in addition to, and not a limitation on, the authority granted to a local agency under any other law. The local agency may use the local agency's authority under any other law to apply and enforce any requirements of this part, including, but not limited to, the collection of fees.

(b) Nothing in this part shall be construed as authorizing a local agency to make a binding determination of the water rights of any person or entity.

(c) Nothing in this part is a limitation on the authority of the board, the department, or the State Department of Public Health.

(d) Notwithstanding Section 6103 of the Government Code, a state or local agency that extracts groundwater shall be subject to a fee imposed under this part to the same extent as any nongovernmental entity.

(e) Except as provided in subdivision (d), this part does not authorize a local agency to impose any requirement on the state or any agency,

department, or officer of the state. State agencies and departments shall work cooperatively with a local agency on a voluntary basis.

(f) Nothing in a groundwater sustainability plan shall be interpreted as superseding the land use authority of cities and counties.

CHAPTER 6. GROUNDWATER SUSTAINABILITY PLANS

10727. (a) A groundwater sustainability plan shall be developed and implemented for each medium- or high-priority basin by a groundwater sustainability agency to meet the sustainability goal established pursuant to this part. The groundwater sustainability plan may incorporate, extend, or be based on a plan adopted pursuant to Part 2.75 (commencing with Section 10750).

(b) A groundwater sustainability plan may be any of the following:

(1) A single plan covering the entire basin developed and implemented by one groundwater sustainability agency.

(2) A single plan covering the entire basin developed and implemented by multiple groundwater sustainability agencies.

(3) Subject to Section 10727.6, multiple plans implemented by multiple groundwater sustainability agencies and coordinated pursuant to a single coordination agreement that covers the entire basin.

10727.2. A groundwater sustainability plan shall include all of the following:

(a) A description of the physical setting and characteristics of the aquifer system underlying the basin that includes the following:

(1) Historical data, to the extent available.

(2) Groundwater levels, groundwater quality, subsidence, and groundwater-surface water interaction.

(3) A general discussion of historical and projected water demands and supplies.

(4) A map that details the area of the basin and the boundaries of the groundwater sustainability agencies that overlie the basin that have or are developing groundwater sustainability plans.

(5) A map identifying existing and potential recharge areas for the basin. The map or maps shall identify the existing recharge areas that substantially contribute to the replenishment of the groundwater basin. The map or maps shall be provided to the appropriate local planning agencies after adoption of the groundwater sustainability plan.

(b) (1) Measurable objectives, as well as interim milestones in increments of five years, to achieve the sustainability goal in the basin within 20 years of the implementation of the plan.

(2) A description of how the plan helps meet each objective and how each objective is intended to achieve the sustainability goal for the basin for long-term beneficial uses of groundwater.

(3) (A) Notwithstanding paragraph (1), at the request of the groundwater sustainability agency, the department may grant an extension of up to 5

years beyond the 20-year sustainability timeframe upon a showing of good cause. The department may grant a second extension of up to five years upon a showing of good cause if the groundwater sustainability agency has begun implementation of the work plan described in clause (iii) of subparagraph (B).

(B) The department may grant an extension pursuant to this paragraph if the groundwater sustainability agency does all of the following:

(i) Demonstrates a need for an extension.

(ii) Has made progress toward meeting the sustainability goal as demonstrated by its progress at achieving the milestones identified in its groundwater sustainability plan.

(iii) Adopts a feasible work plan for meeting the sustainability goal during the extension period.

(4) The plan may, but is not required to, address undesirable results that occurred before, and have not been corrected by, January 1, 2015. Notwithstanding paragraphs (1) to (3), inclusive, a groundwater sustainability agency has discretion as to whether to set measurable objectives and the timeframes for achieving any objectives for undesirable results that occurred before, and have not been corrected by, January 1, 2015.

(c) A planning and implementation horizon.

(d) Components relating to the following, as applicable to the basin:

(1) The monitoring and management of groundwater levels within the basin.

(2) The monitoring and management of groundwater quality, groundwater quality degradation, inelastic land surface subsidence, and changes in surface flow and surface water quality that directly affect groundwater levels or quality or are caused by groundwater extraction in the basin.

(3) Mitigation of overdraft.

(4) How recharge areas identified in the plan substantially contribute to the replenishment of the basin.

(5) A description of surface water supply used or available for use for groundwater recharge or in-lieu use.

(e) A summary of the type of monitoring sites, type of measurements, and the frequency of monitoring for each location monitoring groundwater levels, groundwater quality, subsidence, streamflow, precipitation, evaporation, and tidal influence. The plan shall include a summary of monitoring information such as well depth, screened intervals, and aquifer zones monitored, and a summary of the type of well relied on for the information, including public, irrigation, domestic, industrial, and monitoring wells.

(f) Monitoring protocols that are designed to detect changes in groundwater levels, groundwater quality, inelastic surface subsidence for basins for which subsidence has been identified as a potential problem, and flow and quality of surface water that directly affect groundwater levels or quality or are caused by groundwater extraction in the basin. The monitoring protocols shall be designed to generate information that promotes efficient and effective groundwater management.

(g) A description of the consideration given to the applicable county and city general plans and a description of the various adopted water resources-related plans and programs within the basin and an assessment of how the groundwater sustainability plan may affect those plans.

10727.4. In addition to the requirements of Section 10727.2, a groundwater sustainability plan shall include, where appropriate and in collaboration with the appropriate local agencies, all of the following:

- (a) Control of saline water intrusion.
- (b) Wellhead protection areas and recharge areas.
- (c) Migration of contaminated groundwater.
- (d) A well abandonment and well destruction program.
- (e) Replenishment of groundwater extractions.
- (f) Activities implementing, opportunities for, and removing impediments to, conjunctive use or underground storage.
- (g) Well construction policies.
- (h) Measures addressing groundwater contamination cleanup, recharge, diversions to storage, conservation, water recycling, conveyance, and extraction projects.
- (i) Efficient water management practices, as defined in Section 10902, for the delivery of water and water conservation methods to improve the efficiency of water use.
- (j) Efforts to develop relationships with state and federal regulatory agencies.
- (k) Processes to review land use plans and efforts to coordinate with land use planning agencies to assess activities that potentially create risks to groundwater quality or quantity.
- (l) Impacts on groundwater dependent ecosystems.

10727.6. Groundwater sustainability agencies intending to develop and implement multiple groundwater sustainability plans pursuant to paragraph (3) of subdivision (b) of Section 10727 shall coordinate with other agencies preparing a groundwater sustainability plan within the basin to ensure that the plans utilize the same data and methodologies for the following assumptions in developing the plan:

- (a) Groundwater elevation data.
- (b) Groundwater extraction data.
- (c) Surface water supply.
- (d) Total water use.
- (e) Change in groundwater storage.
- (f) Water budget.
- (g) Sustainable yield.

10727.8. (a) Prior to initiating the development of a groundwater sustainability plan, the groundwater sustainability agency shall make available to the public and the department a written statement describing the manner in which interested parties may participate in the development and implementation of the groundwater sustainability plan. The groundwater sustainability agency shall provide the written statement to the legislative body of any city, county, or city and county located within the geographic

area to be covered by the plan. The groundwater sustainability agency may appoint and consult with an advisory committee consisting of interested parties for the purposes of developing and implementing a groundwater sustainability plan. The groundwater sustainability agency shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the groundwater basin prior to and during the development and implementation of the groundwater sustainability plan.

(b) For purposes of this section, interested parties include entities listed in Section 10927 that are monitoring and reporting groundwater elevations in all or a part of a groundwater basin managed by the groundwater sustainability agency.

10728. On the April 1 following the adoption of a groundwater sustainability plan and annually thereafter, a groundwater sustainability agency shall submit a report to the department containing the following information about the basin managed in the groundwater sustainability plan:

(a) Groundwater elevation data.

(b) Annual aggregated data identifying groundwater extraction for the preceding water year.

(c) Surface water supply used for or available for use for groundwater recharge or in-lieu use.

(d) Total water use.

(e) Change in groundwater storage.

10728.2. A groundwater sustainability agency shall periodically evaluate its groundwater sustainability plan, assess changing conditions in the basin that may warrant modification of the plan or management objectives, and may adjust components in the plan. An evaluation of the plan shall focus on determining whether the actions under the plan are meeting the plan's management objectives and whether those objectives are meeting the sustainability goal in the basin.

10728.4. A groundwater sustainability agency may adopt or amend a groundwater sustainability plan after a public hearing, held at least 90 days after providing notice to a city or county within the area of the proposed plan or amendment. The groundwater sustainability agency shall review and consider comments from any city or county that receives notice pursuant to this section and shall consult with a city or county that requests consultation within 30 days of receipt of the notice. Nothing in this section is intended to preclude an agency and a city or county from otherwise consulting or commenting regarding the adoption or amendment of a plan.

10728.6. Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the preparation and adoption of plans pursuant to this chapter. Nothing in this part shall be interpreted as exempting from Division 13 (commencing with Section 21000) of the Public Resources Code a project that would implement actions taken pursuant to a plan adopted pursuant to this chapter.

SEC. 4. Section 10750.1 is added to the Water Code, to read:

10750.1. (a) Beginning January 1, 2015, a new plan shall not be adopted and an existing plan shall not be renewed pursuant to this part, except as

provided in subdivision (b). A plan adopted before January 1, 2015, shall remain in effect until a groundwater sustainability plan is adopted pursuant to Part 2.74 (commencing with Section 10720).

(b) This section does not apply to a low- or very low priority basin as categorized for the purposes of Part 2.74 (commencing with Section 10720).

(c) This section does not apply to a plan submitted as an alternative pursuant to Section 10733.6, unless the department has not determined that the alternative satisfies the objectives of Part 2.74 (commencing with Section 10720) on or before January 31, 2020, or the department later determines that the plan does not satisfy the objectives of that part.

SEC. 5. Section 10927 of the Water Code is amended to read:

10927. Any of the following entities may assume responsibility for monitoring and reporting groundwater elevations in all or a part of a basin or subbasin in accordance with this part:

(a) A watermaster or water management engineer appointed by a court or pursuant to statute to administer a final judgment determining rights to groundwater.

(b) (1) A groundwater management agency with statutory authority to manage groundwater pursuant to its principal act that is monitoring groundwater elevations in all or a part of a groundwater basin or subbasin on or before January 1, 2010.

(2) A water replenishment district established pursuant to Division 18 (commencing with Section 60000). This part does not expand or otherwise affect the authority of a water replenishment district relating to monitoring groundwater elevations.

(3) A groundwater sustainability agency with statutory authority to manage groundwater pursuant to Part 2.74 (commencing with Section 10720).

(c) A local agency that is managing all or part of a groundwater basin or subbasin pursuant to Part 2.75 (commencing with Section 10750) and that was monitoring groundwater elevations in all or a part of a groundwater basin or subbasin on or before January 1, 2010, or a local agency or county that is managing all or part of a groundwater basin or subbasin pursuant to any other legally enforceable groundwater management plan with provisions that are substantively similar to those described in that part and that was monitoring groundwater elevations in all or a part of a groundwater basin or subbasin on or before January 1, 2010.

(d) A local agency that is managing all or part of a groundwater basin or subbasin pursuant to an integrated regional water management plan prepared pursuant to Part 2.2 (commencing with Section 10530) that includes a groundwater management component that complies with the requirements of Section 10753.7.

(e) A local agency that has been collecting and reporting groundwater elevations and that does not have an adopted groundwater management plan, if the local agency adopts a groundwater management plan in accordance with Part 2.75 (commencing with Section 10750) by January 1, 2014. The department may authorize the local agency to conduct the

monitoring and reporting of groundwater elevations pursuant to this part on an interim basis, until the local agency adopts a groundwater management plan in accordance with Part 2.75 (commencing with Section 10750) or until January 1, 2014, whichever occurs first.

(f) A county that is not managing all or a part of a groundwater basin or subbasin pursuant to a legally enforceable groundwater management plan with provisions that are substantively similar to those described in Part 2.75 (commencing with Section 10750).

(g) A voluntary cooperative groundwater monitoring association formed pursuant to Section 10935.

SEC. 6. Section 10933 of the Water Code is amended to read:

10933. (a) The department shall commence to identify the extent of monitoring of groundwater elevations that is being undertaken within each basin and subbasin.

(b) The department shall prioritize groundwater basins and subbasins for the purpose of implementing this section. In prioritizing the basins and subbasins, the department shall, to the extent data are available, consider all of the following:

(1) The population overlying the basin or subbasin.

(2) The rate of current and projected growth of the population overlying the basin or subbasin.

(3) The number of public supply wells that draw from the basin or subbasin.

(4) The total number of wells that draw from the basin or subbasin.

(5) The irrigated acreage overlying the basin or subbasin.

(6) The degree to which persons overlying the basin or subbasin rely on groundwater as their primary source of water.

(7) Any documented impacts on the groundwater within the basin or subbasin, including overdraft, subsidence, saline intrusion, and other water quality degradation.

(8) Any other information determined to be relevant by the department, including adverse impacts on local habitat and local streamflows.

(c) If the department determines that all or part of a basin or subbasin is not being monitored pursuant to this part, the department shall do all of the following:

(1) Attempt to contact all well owners within the area not being monitored.

(2) Determine if there is an interest in establishing any of the following:

(A) A groundwater management plan pursuant to Part 2.75 (commencing with Section 10750).

(B) An integrated regional water management plan pursuant to Part 2.2 (commencing with Section 10530) that includes a groundwater management component that complies with the requirements of Section 10753.7.

(C) A voluntary groundwater monitoring association pursuant to Section 10935.

(d) If the department determines that there is sufficient interest in establishing a plan or association described in paragraph (2) of subdivision

(c), or if the county agrees to perform the groundwater monitoring functions in accordance with this part, the department shall work cooperatively with the interested parties to comply with the requirements of this part within two years.

(e) If the department determines, with regard to a basin or subbasin, that there is insufficient interest in establishing a plan or association described in paragraph (2) of subdivision (c), and if the county decides not to perform the groundwater monitoring and reporting functions of this part, the department shall do all of the following:

(1) Identify any existing monitoring wells that overlie the basin or subbasin that are owned or operated by the department or any other state or federal agency.

(2) Determine whether the monitoring wells identified pursuant to paragraph (1) provide sufficient information to demonstrate seasonal and long-term trends in groundwater elevations.

(3) If the department determines that the monitoring wells identified pursuant to paragraph (1) provide sufficient information to demonstrate seasonal and long-term trends in groundwater elevations, the department shall not perform groundwater monitoring functions pursuant to Section 10933.5.

(4) If the department determines that the monitoring wells identified pursuant to paragraph (1) provide insufficient information to demonstrate seasonal and long-term trends in groundwater elevations, the department shall perform groundwater monitoring functions pursuant to Section 10933.5.

SEC. 7. Section 12924 of the Water Code is amended to read:

12924. (a) The department, in conjunction with other public agencies, shall conduct an investigation of the state's groundwater basins. The department shall identify the state's groundwater basins on the basis of geological and hydrological conditions and consideration of political boundary lines whenever practical. The department shall also investigate existing general patterns of groundwater extraction and groundwater recharge within those basins to the extent necessary to identify basins that are subject to critical conditions of overdraft.

(b) The department may revise the boundaries of groundwater basins identified in subdivision (a) based on its own investigations or information provided by others.

(c) The department shall report its findings to the Governor and the Legislature not later than January 1, 2012, and thereafter in years ending in 5 or 0.

SEC. 8. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction,

or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 10. This act shall only become operative if both Assembly Bill 1739 and Senate Bill 1319 of the 2013–14 Regular Session are enacted and become effective.

O

Assembly Bill No. 1739

CHAPTER 347

An act to amend Sections 65352 and 65352.5 of, and to add Section 65350.5 to, the Government Code, and to amend Sections 348, 1120, 1552, 1831, 10721, 10726.4, and 10726.8 of, to add Sections 1529.5 and 10726.9 to, to add Part 5.2 (commencing with Section 5200) to Division 2 of, and to add Chapter 7 (commencing with Section 10729), Chapter 8 (commencing with Section 10730), Chapter 9 (commencing with Section 10732), Chapter 10 (commencing with Section 10733), and Chapter 11 (commencing with Section 10735) to Part 2.74 of Division 6 of, the Water Code, relating to groundwater.

[Approved by Governor September 16, 2014. Filed with
Secretary of State September 16, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1739, Dickinson. Groundwater management.

(1) Existing law authorizes local agencies to adopt and implement a groundwater management plan. Existing law requires a groundwater management plan to contain specified components and requires a local agency seeking state funds administered by the Department of Water Resources for groundwater projects or groundwater quality projects to do certain things, including, but not limited to, preparing and implementing a groundwater management plan that includes basin management objectives for the groundwater basin.

This bill would provide specific authority to a groundwater sustainability agency, as defined in SB 1168 of the 2013–14 Regular Session, to impose certain fees. The bill would authorize the department or a groundwater sustainability agency to provide technical assistance to entities that extract or use groundwater to promote water conservation and protect groundwater resources. This bill would require the department, by January 1, 2017, to publish on its Internet Web site best management practices for the sustainable management of groundwater, and would require the department to prepare and release a report by December 31, 2016, on the department's best estimate of water available for replenishment of groundwater in the state.

This bill would require a groundwater sustainability agency to submit a groundwater sustainability plan to the department for review upon adoption. This bill would require the department to periodically review groundwater sustainability plans, and by June 1, 2016, would require the department to adopt certain regulations. This bill would authorize a local agency to submit to the department for evaluation and assessment an alternative that the local agency believes satisfies the objectives of these provisions. This bill would

require the department to review any of the above-described submissions at least every 5 years after initial submission to the department.

This bill would authorize the board to conduct inspections and would authorize the board to obtain an inspection warrant. Because the willful refusal of an inspection lawfully authorized by an inspection warrant is a misdemeanor, this bill would impose a state-mandated local program by expanding the application of a crime.

This bill would authorize the board to designate a basin as a probationary basin if the board makes a certain determination. This bill would authorize the board to develop an interim plan for a probationary basin if the board, in consultation with the department, determines that a local agency has not remedied a deficiency that resulted in designating the basin as a probationary basin within a certain timeframe. This bill would authorize the board to adopt an interim plan for a probationary basin after notice and a public hearing and would require state entities to comply with an interim plan. This bill would specifically authorize the board to rescind all or a portion of an interim plan if the board determines at the request of specified petitioners that a groundwater sustainability plan or adjudication action is adequate to eliminate the condition of long-term overdraft or condition where groundwater extractions result in significant depletions of interconnected surface waters. This bill would provide that the board has authority to stay its proceedings relating to an interim plan or to rescind or amend an interim plan based on the progress made by a groundwater sustainability agency or in an adjudication action.

(2) Existing law establishes the Water Rights Fund, which consists of various fees and penalties. The moneys in the Water Rights Fund are available, upon appropriation by the Legislature, for, among other things, the administration of the State Water Resource Control Board's water rights program.

This bill would provide that the moneys in the Water Rights Fund are available for expenditure, upon appropriation by the Legislature, for the purpose of state board enforcement of the provisions of this bill. This bill would require the board to adopt a schedule of fees in an amount sufficient to recover all costs incurred and expended from the Water Rights Fund by the board for this bill.

Under existing law, a person who violates a cease and desist order of the board may be liable in an amount not to exceed \$1,000 for each day in which the violation occurs. Revenue generated from these penalties is deposited in the Water Rights Fund.

This bill would authorize the board to issue a cease and desist order in response to a violation or threatened violation of any decision or order of the board or any extraction restriction, limitation, order, or regulation adopted or issued under the provisions of this bill.

(3) Existing law, with certain exceptions, requires each person who diverts water after December 31, 1965, to file with the State Water Resources Control Board a prescribed statement of diversion and use. Existing law subjects a person to civil liability if that person fails to file, as required, a

diversion and use statement for a diversion or use that occurs after January 1, 2009, tampers with any measuring device, or makes a material misstatement in connection with the filing of a diversion or use statement. Existing law provides that the making of any willful misstatement in connection with these provisions is a misdemeanor punishable as prescribed.

This bill would establish groundwater reporting requirements for a person extracting groundwater in an area within a basin that is not within the management area of a groundwater sustainability agency or a probationary basin. The bill would require the reports to be submitted to the board or, in certain areas, to an entity designated as a local agency by the board, as specified. This bill would require each report to be accompanied by a specified fee. This bill would apply the above-described criminal and civil liability provisions to a report or measuring device required by this reporting requirement. By expanding the definition of a crime, this bill would impose a state-mandated local program.

Existing law authorizes the board or the Department of Water Resources to adopt emergency regulations providing for the filing of reports of water diversion or use that are required to be filed.

This bill would authorize the board or the department to adopt emergency regulations providing for the filing of reports of water extraction.

(4) Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city with specified elements, including, among others, land use and conservation elements. Existing law requires a city or county, upon the adoption or revision of its general plan, on or after January 1, 1996, to utilize as a source document any urban water management plan submitted to the city or county by a water agency.

This bill would require, prior to the adoption or any substantial amendment of a general plan, the planning agency to review and consider a groundwater sustainability plan, groundwater management plan, groundwater management court order, judgment, or decree, adjudication of water rights, or a certain order or interim plan by the State Water Resources Control Board. This bill would require the planning agency to refer a proposed action to adopt or substantially amend a general plan to any groundwater sustainability agency that has adopted a groundwater sustainability plan or local agency that otherwise manages groundwater and to the State Water Resources Control Board if it has adopted an interim plan that includes territory within the planning area.

Existing law requires a public water system to provide a planning agency with certain information upon receiving notification of a city's or a county's proposed action to adopt or substantially amend a general plan.

This bill would also require a groundwater sustainability agency or an entity that submits an alternative to provide the planning agency with certain information as is appropriate and relevant, including a report on the anticipated effect of the proposed action on implementation of a groundwater sustainability plan.

By imposing new duties on a city or county, this bill would impose a state-mandated local program.

(5) Senate Bill 1168 of the 2013–14 Regular Session, if enacted, would enact the Sustainable Groundwater Management Act, and would define “undesirable result” for purposes of those provisions. The act would grant specified authority to a groundwater sustainability agency relating to controlling groundwater extractions, and would specify that various provisions do not supersede the land use authority of cities and counties, as specified.

This bill would revise the definition of “undesirable result,” and would specify that certain authority granted to a groundwater sustainability agency to control groundwater extractions shall be consistent with applicable elements of a city or county general plan, except as specified. The bill would provide that the provisions against superseding the land use authority of cities and counties apply to that authority within the overlying basin, including the city or county general plan, and would require a groundwater sustainability plan to take into account the most recent planning assumptions stated in local general plans overlying the basin.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would make its operation contingent on the enactment of SB 1168 of the 2013–14 Regular Session.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares as follows:

(1) The people of the state have a primary interest in the protection, management, and reasonable beneficial use of the water resources of the state, both surface and underground, and that the integrated management of the state’s water resources is essential to meeting its water management goals.

(2) Groundwater provides a significant portion of California’s water supply. Groundwater accounts for more than one-third of the water used by

Californians in an average year and more than one-half of the water used by Californians in a drought year when other sources are unavailable.

(3) Excessive groundwater extraction can cause overdraft, failed wells, deteriorated water quality, environmental damage, and irreversible land subsidence that damages infrastructure and diminishes the capacity of aquifers to store water for the future.

(4) When properly managed, groundwater resources will help protect communities, farms, and the environment against prolonged dry periods and climate change, preserving water supplies for existing and potential beneficial use.

(5) Failure to manage groundwater to prevent long-term overdraft infringes on groundwater rights.

(6) Groundwater resources are most effectively managed at the local or regional level.

(7) Groundwater management will not be effective unless local actions to sustainably manage groundwater basins and subbasins are taken.

(8) Local and regional agencies need to have the necessary support and authority to manage groundwater sustainably.

(9) In those circumstances where a local groundwater management agency is not managing its groundwater sustainably, the state needs to protect the resource until it is determined that a local groundwater management agency can sustainably manage the groundwater basin or subbasin.

(10) Information on the amount of groundwater extraction, natural and artificial recharge, and groundwater evaluations are critical for effective management of groundwater.

(11) Sustainable groundwater management in California depends upon creating more opportunities for robust conjunctive management of surface water and groundwater resources. Climate change will intensify the need to recalibrate and reconcile surface water and groundwater management strategies.

(12) Sustainability groundwater management is part of implementation of the California Water Action Plan.

(b) It is, therefore, the intent of the Legislature to do all of the following:

(1) To provide local and regional agencies the authority to sustainably manage groundwater.

(2) To provide that if no local groundwater agency or agencies provide sustainable groundwater management for a groundwater basin or subbasin, the state has the authority to develop and implement an interim plan until the time the local groundwater sustainability agency or agencies can assume management of the basin or subbasin.

(3) To require the development and reporting of those data necessary to support sustainable groundwater management, including those data that help describe the basin's geology, the short- and long-term trends of the basin's water balance, and other measures of sustainability, and those data necessary to resolve disputes regarding sustainable yield, beneficial uses, and water rights.

(4) To respect overlying and other proprietary rights to groundwater, consistent with Section 1200 of the Water Code.

(5) To recognize and preserve the authority of cities and counties to manage groundwater pursuant to their police powers.

SEC. 2. Section 65350.5 is added to the Government Code, to read:

65350.5. Before the adoption or any substantial amendment of a city's or county's general plan, the planning agency shall review and consider all of the following:

(a) An adoption of, or update to, a groundwater sustainability plan or groundwater management plan pursuant to Part 2.74 (commencing with Section 10720) or Part 2.75 (commencing with Section 10750) of Division 6 of the Water Code or groundwater management court order, judgment, or decree.

(b) An adjudication of water rights.

(c) An order or interim plan by the State Water Resources Control Board pursuant to Chapter 11 (commencing with Section 10735) of Part 2.74 of Division 6 of the Water Code.

SEC. 3. Section 65352 of the Government Code is amended to read:

65352. (a) Before a legislative body takes action to adopt or substantially amend a general plan, the planning agency shall refer the proposed action to all of the following entities:

(1) A city or county, within or abutting the area covered by the proposal, and any special district that may be significantly affected by the proposed action, as determined by the planning agency.

(2) An elementary, high school, or unified school district within the area covered by the proposed action.

(3) The local agency formation commission.

(4) An areawide planning agency whose operations may be significantly affected by the proposed action, as determined by the planning agency.

(5) A federal agency, if its operations or lands within its jurisdiction may be significantly affected by the proposed action, as determined by the planning agency.

(6) (A) The branches of the United States Armed Forces that have provided the Office of Planning and Research with a California mailing address pursuant to subdivision (d) of Section 65944, if the proposed action is within 1,000 feet of a military installation, or lies within special use airspace, or beneath a low-level flight path, as defined in Section 21098 of the Public Resources Code, and if the United States Department of Defense provides electronic maps of low-level flight paths, special use airspace, and military installations at a scale and in an electronic format that is acceptable to the Office of Planning and Research.

(B) Within 30 days of a determination by the Office of Planning and Research that the information provided by the Department of Defense is sufficient and in an acceptable scale and format, the office shall notify cities, counties, and cities and counties of the availability of the information on the Internet. Cities, counties, and cities and counties shall comply with subparagraph (A) within 30 days of receiving this notice from the office.

(7) A public water system, as defined in Section 116275 of the Health and Safety Code, with 3,000 or more service connections, that serves water to customers within the area covered by the proposal. The public water system shall have at least 45 days to comment on the proposed plan, in accordance with subdivision (b), and to provide the planning agency with the information set forth in Section 65352.5.

(8) Any groundwater sustainability agency that has adopted a groundwater sustainability plan pursuant to Part 2.74 (commencing with Section 10720) of Division 6 of the Water Code or local agency that otherwise manages groundwater pursuant to other provisions of law or a court order, judgment, or decree within the planning area of the proposed general plan.

(9) The State Water Resources Control Board, if it has adopted an interim plan pursuant to Chapter 11 (commencing with Section 10735) of Part 2.74 of Division 6 of the Water Code that includes territory within the planning area of the proposed general plan.

(10) The Bay Area Air Quality Management District for a proposed action within the boundaries of the district.

(11) A California Native American tribe that is on the contact list maintained by the Native American Heritage Commission and that has traditional lands located within the city's or county's jurisdiction.

(12) The Central Valley Flood Protection Board for a proposed action within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code.

(b) An entity receiving a proposed general plan or amendment of a general plan pursuant to this section shall have 45 days from the date the referring agency mails it or delivers it to comment unless a longer period is specified by the planning agency.

(c) (1) This section is directory, not mandatory, and the failure to refer a proposed action to the entities specified in this section does not affect the validity of the action, if adopted.

(2) To the extent that the requirements of this section conflict with the requirements of Chapter 4.4 (commencing with Section 65919), the requirements of Chapter 4.4 shall prevail.

SEC. 4. Section 65352.5 of the Government Code is amended to read:

65352.5. (a) The Legislature finds and declares that it is vital that there be close coordination and consultation between California's water supply or management agencies and California's land use approval agencies to ensure that proper water supply and management planning occurs to accommodate projects that will result in increased demands on water supplies or impact water resource management.

(b) It is, therefore, the intent of the Legislature to provide a standardized process for determining the adequacy of existing and planned future water supplies to meet existing and planned future demands on these water supplies and the impact of land use decisions on the management of California's water supply resources.

(c) Upon receiving, pursuant to Section 65352, notification of a city's or a county's proposed action to adopt or substantially amend a general

plan, a public water system, as defined in Section 116275 of the Health and Safety Code, with 3,000 or more service connections, shall provide the planning agency with the following information, as is appropriate and relevant:

(1) The current version of its urban water management plan, adopted pursuant to Part 2.6 (commencing with Section 10610) of Division 6 of the Water Code.

(2) The current version of its capital improvement program or plan, as reported pursuant to Section 31144.73 of the Water Code.

(3) A description of the source or sources of the total water supply currently available to the water supplier by water right or contract, taking into account historical data concerning wet, normal, and dry runoff years.

(4) A description of the quantity of surface water that was purveyed by the water supplier in each of the previous five years.

(5) A description of the quantity of groundwater that was purveyed by the water supplier in each of the previous five years.

(6) A description of all proposed additional sources of water supplies for the water supplier, including the estimated dates by which these additional sources should be available and the quantities of additional water supplies that are being proposed.

(7) A description of the total number of customers currently served by the water supplier, as identified by the following categories and by the amount of water served to each category:

(A) Agricultural users.

(B) Commercial users.

(C) Industrial users.

(D) Residential users.

(8) Quantification of the expected reduction in total water demand, identified by each customer category set forth in paragraph (7), associated with future implementation of water use reduction measures identified in the water supplier's urban water management plan.

(9) Any additional information that is relevant to determining the adequacy of existing and planned future water supplies to meet existing and planned future demands on these water supplies.

(d) Upon receiving, pursuant to Section 65352, notification of a city's or a county's proposed action to adopt or substantially amend a general plan, a groundwater sustainability agency, as defined in Section 10721 of the Water Code, or an entity that submits an alternative under Section 10733.6 shall provide the planning agency with the following information, as is appropriate and relevant:

(1) The current version of its groundwater sustainability plan or alternative adopted pursuant to Part 2.74 (commencing with Section 10720) of Division 6 of the Water Code.

(2) If the groundwater sustainability agency manages groundwater pursuant to a court order, judgment, decree, or agreement among affected water rights holders, or if the State Water Resources Control Board has adopted an interim plan pursuant to Chapter 11 (commencing with Section

10735) of Part 2.74 of Division 6 of the Water Code, the groundwater sustainability agency shall provide the planning agency with maps of recharge basins and percolation ponds, extraction limitations, and other relevant information, or the court order, judgment, or decree.

(3) A report on the anticipated effect of proposed action to adopt or substantially amend a general plan on implementation of a groundwater sustainability plan pursuant to Part 2.74 (commencing with Section 10720) of Division 6 of the Water Code.

SEC. 5. Section 348 of the Water Code is amended to read:

348. (a) The department or the board may adopt emergency regulations providing for the electronic filing of reports of water extraction or water diversion or use required to be filed with the department or board under this code, including, but not limited to, any report required to be filed under Part 5.1 (commencing with Section 5100) or Part 5.2 (commencing with Section 5200) of Division 2 and any report required to be filed by a water right permittee or licensee.

(b) Emergency regulations adopted pursuant to this section, or any amendments thereto, shall be adopted by the department or the board in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, any emergency regulations or amendments to those regulations adopted under this section shall remain in effect until revised by the department or the board that adopted the regulations or amendments.

SEC. 6. Section 1120 of the Water Code is amended to read:

1120. This chapter applies to any decision or order issued under this part or Section 275, Part 2 (commencing with Section 1200), Part 2 (commencing with Section 10500) of Division 6, Chapter 11 (commencing with Section 10735) of Part 2.74 of Division 6, Article 7 (commencing with Section 13550) of Chapter 7 of Division 7, or the public trust doctrine.

SEC. 7. Section 1529.5 is added to the Water Code, to read:

1529.5. (a) The board shall adopt a schedule of fees pursuant to Section 1530 to recover costs incurred in administering Chapter 11 (commencing with Section 10735) of Part 2.74 of Division 6. Recoverable costs include, but are not limited to, costs incurred in connection with investigations, facilitation, monitoring, hearings, enforcement, and administrative costs in carrying out these actions.

(b) The fee schedule adopted under this section may include, but is not limited to, the following:

(1) A fee for participation as a petitioner or party to an adjudicative proceeding.

(2) A fee for the filing of a report pursuant to Part 5.2 (commencing with Section 5200) of Division 2.

(c) Consistent with Section 3 of Article XIII A of the California Constitution, the board shall set the fees under this section in an amount sufficient to cover all costs incurred and expended from the Water Rights Fund for the purposes of Part 5.2 (commencing with Section 5200) and Chapter 11 (commencing with Section 10735) of Part 2.74 of Division 6. In setting these fees, the board is not required to fully recover these costs in the year or the year immediately after the costs are incurred, but the board may provide for recovery of these costs over a period of years.

SEC. 8. Section 1552 of the Water Code is amended to read:

1552. The money in the Water Rights Fund is available for expenditure, upon appropriation by the Legislature, for the following purposes:

(a) For expenditure by the State Board of Equalization in the administration of this chapter and the Fee Collection Procedures Law (Part 30 (commencing with Section 55001) of Division 2 of the Revenue and Taxation Code) in connection with any fee or expense subject to this chapter.

(b) For the payment of refunds, pursuant to Part 30 (commencing with Section 55001) of Division 2 of the Revenue and Taxation Code, of fees or expenses collected pursuant to this chapter.

(c) For expenditure by the board for the purposes of carrying out this division, Division 1 (commencing with Section 100), Part 2 (commencing with Section 10500) and Chapter 11 (commencing with Section 10735) of Part 2.74 of Division 6, and Article 7 (commencing with Section 13550) of Chapter 7 of Division 7.

(d) For expenditures by the board for the purposes of carrying out Sections 13160 and 13160.1 in connection with activities involving hydroelectric power projects subject to licensing by the Federal Energy Regulatory Commission.

(e) For expenditures by the board for the purposes of carrying out Sections 13140 and 13170 in connection with plans and policies that address the diversion or use of water.

SEC. 9. Section 1831 of the Water Code is amended to read:

1831. (a) When the board determines that any person is violating, or threatening to violate, any requirement described in subdivision (d), the board may issue an order to that person to cease and desist from that violation.

(b) The cease and desist order shall require that person to comply forthwith or in accordance with a time schedule set by the board.

(c) The board may issue a cease and desist order only after notice and an opportunity for hearing pursuant to Section 1834.

(d) The board may issue a cease and desist order in response to a violation or threatened violation of any of the following:

(1) The prohibition set forth in Section 1052 against the unauthorized diversion or use of water subject to this division.

(2) Any term or condition of a permit, license, certification, or registration issued under this division.

(3) Any decision or order of the board issued under this part, Section 275, Chapter 11 (commencing with Section 10735) of Part 2.74 of Division

6, or Article 7 (commencing with Section 13550) of Chapter 7 of Division 7, in which decision or order the person to whom the cease and desist order will be issued, or a predecessor in interest to that person, was named as a party directly affected by the decision or order.

(4) A regulation adopted under Section 1058.5.

(5) Any extraction restriction, limitation, order, or regulation adopted or issued under Chapter 11 (commencing with Section 10735) of Part 2.74 of Division 6.

(e) This article does not authorize the board to regulate in any manner, the diversion or use of water not otherwise subject to regulation of the board under this part.

SEC. 10. Part 5.2 (commencing with Section 5200) is added to Division 2 of the Water Code, to read:

PART 5.2. GROUNDWATER EXTRACTION REPORTING FOR
PROBATIONARY BASINS AND BASINS WITHOUT A
GROUNDWATER SUSTAINABILITY AGENCY

5200. The Legislature finds and declares that this part establishes groundwater reporting requirements for the purposes of subdivision (b) of Section 10724 and Chapter 11 (commencing with Section 10735) of Part 2.74 of Division 6.

5201. As used in this part:

(a) "Basin" has the same meaning as defined in Section 10721.

(b) "Board-designated local area" has the same meaning as defined in Section 5009.

(c) "De minimis extractor" has the same meaning as defined in Section 10721.

(d) "Groundwater" has the same meaning as defined in Section 10721.

(e) "Groundwater extraction facility" has the same meaning as defined in Section 10721.

(f) "Groundwater sustainability agency" has the same meaning as defined in Section 10721.

(g) "Person" has the same meaning as defined in Section 10735.

(h) "Personal information" has the same meaning as defined in Section 1798.3 of the Civil Code.

(i) "Probationary basin" has the same meaning as defined in Section 10735.

(j) "Water year" has the same meaning as defined in Section 10721.

5202. (a) This section applies to a person who does either of the following:

(1) Extracts groundwater from a probationary basin 90 days or more after the board designates the basin as a probationary basin pursuant to Section 10735.2.

(2) Extracts groundwater on or after July 1, 2017, in an area within a basin that is not within the management area of a groundwater sustainability

agency and where the county does not assume responsibility to be the groundwater sustainability agency, as provided in subdivision (b) of Section 10724.

(b) Except as provided in subdivision (c), a person subject to this section shall file a report of groundwater extraction by December 15 of each year for extractions made in the preceding water year.

(c) Unless reporting is required pursuant to paragraph (2) of subdivision (c) of Section 10735.2, this section does not apply to any of the following:

(1) An extraction by a de minimis extractor.

(2) An extraction excluded from reporting pursuant to paragraph (1) of subdivision (c) of Section 10735.2.

(3) An extraction reported pursuant to Part 5 (commencing with Section 4999).

(4) An extraction that is included in annual reports filed with a court or the board by a watermaster appointed by a court or pursuant to statute to administer a final judgment determining rights to water. The reports shall identify the persons who have extracted water and give the general place of use and the quantity of water that has been extracted from each source.

(d) Except as provided in Section 5209, the report shall be filed with the board.

(e) The report may be filed by the person extracting water or on that person's behalf by an agency that person designates and that maintains a record of the water extracted.

(f) Each report shall be accompanied by the fee imposed pursuant to Section 1529.5.

5203. Each report shall be prepared on a form provided by the board. The report shall include all of the following information:

(a) The name and address of the person who extracted groundwater and of the person filing the report.

(b) The name of the basin from which groundwater was extracted.

(c) The place of groundwater extraction. The location of the groundwater extraction facilities shall be depicted on a specific United States Geological Survey topographic map or shall be identified using the California Coordinate System or a latitude and longitude measurement. If assigned, the public land description to the nearest 40-acre subdivision and the assessor's parcel number shall be provided.

(d) The capacity of the groundwater extraction facilities.

(e) Monthly records of groundwater extractions. The measurements of the extractions shall be made by a methodology, water-measuring device, or combination thereof satisfactory to the board.

(f) The purpose of use.

(g) A general description of the area in which the water was used. The location of the place of use shall be depicted on a specific United States Geological Survey topographic map or on any other maps with identifiable landmarks. If assigned, the public land description to the nearest 40-acre subdivision and the assessor's parcel number shall also be provided.

(h) As near as is known, the year in which the groundwater extraction was commenced.

(i) Any information required pursuant to paragraph (3) of subdivision (c) of Section 10735.2.

(j) Any other information that the board may require by regulation and that is reasonably necessary for purposes of this division or Part 2.74 (commencing with Section 10720) of Division 6.

5204. (a) If a person fails to file a report as required by this part, the board may, at the expense of that person, investigate and determine the information required to be reported pursuant to this part.

(b) The board shall give a person described in subdivision (a) notice of its intention to investigate and determine the information required to be reported pursuant to this part and 60 days in which to file a required report without penalty.

5205. A report submitted under this part or a determination of facts by the board pursuant to Section 5104 shall not establish or constitute evidence of a right to divert or use water.

5206. Personal information included in a report of groundwater extraction shall have the same protection from disclosure as is provided for information concerning utility customers of local agencies pursuant to Section 6254.16 of the Government Code.

5207. A right to extract groundwater that may otherwise occur shall not arise or accrue to, and a statute of limitations shall not operate in favor of, a person required to file a report pursuant to this part until the person files the report.

5208. Section 5107 applies to a report or measuring device required pursuant to this part. For purposes of Section 5107, a report of groundwater extraction, measuring device, or misstatement required, used, or made pursuant to this part shall be considered the equivalent of a statement, measuring device, or misstatement required, used, or made pursuant to Part 5.1 (commencing with Section 5100).

5209. For groundwater extractions in a board-designated local area, reports required pursuant to this part shall be submitted to the entity designated pursuant to subdivision (e) of Section 5009 if both of the following occur:

(a) The board determines that the requirements of subdivision (e) of Section 5009 have been satisfied with respect to extractions subject to reporting pursuant to this part, in addition to any groundwater extractions subject to Part 5 (commencing with Section 4999).

(b) The designated entity has made satisfactory arrangements to collect and transmit to the board any fees imposed pursuant to paragraph (2) of subdivision (b) of Section 1529.5.

SEC. 11. Section 10721 of the Water Code, as added by Senate Bill 1168 of the 2013–14 Regular Session, is amended to read:

10721. Unless the context otherwise requires, the following definitions govern the construction of this part:

(a) “Adjudication action” means an action filed in the superior or federal district court to determine the rights to extract groundwater from a basin or store water within a basin, including, but not limited to, actions to quiet title respecting rights to extract or store groundwater or an action brought to impose a physical solution on a basin.

(b) “Basin” means a groundwater basin or subbasin identified and defined in Bulletin 118 or as modified pursuant to Chapter 3 (commencing with Section 10722).

(c) “Bulletin 118” means the department’s report entitled “California’s Groundwater: Bulletin 118” updated in 2003, as it may be subsequently updated or revised in accordance with Section 12924.

(d) “Coordination agreement” means a legal agreement adopted between two or more groundwater sustainability agencies that provides the basis for coordinating multiple agencies or groundwater sustainability plans within a basin pursuant to this part.

(e) “De minimis extractor” means a person who extracts, for domestic purposes, two acre-feet or less per year.

(f) “Governing body” means the legislative body of a groundwater sustainability agency.

(g) “Groundwater” means water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water that flows in known and definite channels.

(h) “Groundwater extraction facility” means a device or method for extracting groundwater from within a basin.

(i) “Groundwater recharge” means the augmentation of groundwater, by natural or artificial means.

(j) “Groundwater sustainability agency” means one or more local agencies that implement the provisions of this part. For purposes of imposing fees pursuant to Chapter 8 (commencing with Section 10730) or taking action to enforce a groundwater sustainability plan, “groundwater sustainability agency” also means each local agency comprising the groundwater sustainability agency if the plan authorizes separate agency action.

(k) “Groundwater sustainability plan” or “plan” means a plan of a groundwater sustainability agency proposed or adopted pursuant to this part.

(l) “Groundwater sustainability program” means a coordinated and ongoing activity undertaken to benefit a basin, pursuant to a groundwater sustainability plan.

(m) “Local agency” means a local public agency that has water supply, water management, or land use responsibilities within a groundwater basin.

(n) “Operator” means a person operating a groundwater extraction facility. The owner of a groundwater extraction facility shall be conclusively presumed to be the operator unless a satisfactory showing is made to the governing body of the groundwater sustainability agency that the groundwater extraction facility actually is operated by some other person.

(o) “Owner” means a person owning a groundwater extraction facility or an interest in a groundwater extraction facility other than a lien to secure the payment of a debt or other obligation.

(p) “Personal information” has the same meaning as defined in Section 1798.3 of the Civil Code.

(q) “Planning and implementation horizon” means a 50-year time period over which a groundwater sustainability agency determines that plans and measures will be implemented in a basin to ensure that the basin is operated within its sustainable yield.

(r) “Public water system” has the same meaning as defined in Section 116275 of the Health and Safety Code.

(s) “Recharge area” means the area that supplies water to an aquifer in a groundwater basin.

(t) “Sustainability goal” means the existence and implementation of one or more groundwater sustainability plans that achieve sustainable groundwater management by identifying and causing the implementation of measures targeted to ensure that the applicable basin is operated within its sustainable yield.

(u) “Sustainable groundwater management” means the management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results.

(v) “Sustainable yield” means the maximum quantity of water, calculated over a base period representative of long-term conditions in the basin and including any temporary surplus, that can be withdrawn annually from a groundwater supply without causing an undesirable result.

(w) “Undesirable result” means one or more of the following effects caused by groundwater conditions occurring throughout the basin:

(1) Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply if continued over the planning and implementation horizon. Overdraft during a period of drought is not sufficient to establish a chronic lowering of groundwater levels if extractions and recharge are managed as necessary to ensure that reductions in groundwater levels or storage during a period of drought are offset by increases in groundwater levels or storage during other periods.

(2) Significant and unreasonable reduction of groundwater storage.

(3) Significant and unreasonable seawater intrusion.

(4) Significant and unreasonable degraded water quality, including the migration of contaminant plumes that impair water supplies.

(5) Significant and unreasonable land subsidence that substantially interferes with surface land uses.

(6) Depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water.

(x) “Water budget” means an accounting of the total groundwater and surface water entering and leaving a basin including the changes in the amount of water stored.

(y) “Watermaster” means a watermaster appointed by a court or pursuant to other law.

(z) “Water year” means the period from October 1 through the following September 30, inclusive.

(aa) “Wellhead protection area” means the surface and subsurface area surrounding a water well or well field that supplies a public water system through which contaminants are reasonably likely to migrate toward the water well or well field.

SEC. 12. Section 10726.4 of the Water Code, as added by Senate Bill 1168 of the 2013–14 Regular Session, is amended to read:

10726.4. (a) A groundwater sustainability agency shall have the following additional authority and may regulate groundwater extraction using that authority:

(1) To impose spacing requirements on new groundwater well construction to minimize well interference and impose reasonable operating regulations on existing groundwater wells to minimize well interference, including requiring extractors to operate on a rotation basis.

(2) To control groundwater extractions by regulating, limiting, or suspending extractions from individual groundwater wells or extractions from groundwater wells in the aggregate, construction of new groundwater wells, enlargement of existing groundwater wells, or reactivation of abandoned groundwater wells, or otherwise establishing groundwater extraction allocations. Those actions shall be consistent with the applicable elements of the city or county general plan, unless there is insufficient sustainable yield in the basin to serve a land use designated in the city or county general plan. A limitation on extractions by a groundwater sustainability agency shall not be construed to be a final determination of rights to extract groundwater from the basin or any portion of the basin.

(3) To authorize temporary and permanent transfers of groundwater extraction allocations within the agency’s boundaries, if the total quantity of groundwater extracted in any water year is consistent with the provisions of the groundwater sustainability plan. The transfer is subject to applicable city and county ordinances.

(4) To establish accounting rules to allow unused groundwater extraction allocations issued by the agency to be carried over from one year to another and voluntarily transferred, if the total quantity of groundwater extracted in any five-year period is consistent with the provisions of the groundwater sustainability plan.

(b) This section does not authorize a groundwater sustainability agency to issue permits for the construction, modification, or abandonment of groundwater wells, except as authorized by a county with authority to issue those permits. A groundwater sustainability agency may request of the county, and the county shall consider, that the county forward permit requests for the construction of new groundwater wells, the enlarging of existing groundwater wells, and the reactivation of abandoned groundwater wells to the groundwater sustainability agency before permit approval.

SEC. 13. Section 10726.8 of the Water Code, as added by Senate Bill 1168 of the 2013–14 Regular Session, is amended to read:

10726.8. (a) This part is in addition to, and not a limitation on, the authority granted to a local agency under any other law. The local agency may use the local agency’s authority under any other law to apply and

enforce any requirements of this part, including, but not limited to, the collection of fees.

(b) Nothing in this part shall be construed as authorizing a local agency to make a binding determination of the water rights of any person or entity.

(c) Nothing in this part is a limitation on the authority of the board, the department, or the State Department of Public Health.

(d) Notwithstanding Section 6103 of the Government Code, a state or local agency that extracts groundwater shall be subject to a fee imposed under this part to the same extent as any nongovernmental entity.

(e) Except as provided in subdivision (d), this part does not authorize a local agency to impose any requirement on the state or any agency, department, or officer of the state. State agencies and departments shall work cooperatively with a local agency on a voluntary basis.

(f) Nothing in this chapter or a groundwater sustainability plan shall be interpreted as superseding the land use authority of cities and counties, including the city or county general plan, within the overlying basin.

SEC. 14. Section 10726.9 is added to the Water Code, to read:

10726.9. A groundwater sustainability plan shall take into account the most recent planning assumptions stated in local general plans of jurisdictions overlying the basin.

SEC. 15. Chapter 7 (commencing with Section 10729) is added to Part 2.74 of Division 6 of the Water Code, to read:

CHAPTER 7. TECHNICAL ASSISTANCE

10729. (a) The department or a groundwater sustainability agency may provide technical assistance to entities that extract or use groundwater to promote water conservation and protect groundwater resources.

(b) The department may provide technical assistance to any groundwater sustainability agency in response to that agency's request for assistance in the development and implementation of a groundwater sustainability plan. The department shall use its best efforts to provide the requested assistance.

(c) The department shall prepare and publish a report by December 31, 2016, on its Internet Web site that presents the department's best estimate, based on available information, of water available for replenishment of groundwater in the state.

(d) (1) By January 1, 2017, the department shall publish on its Internet Web site best management practices for the sustainable management of groundwater.

(2) The department shall develop the best management practices through a public process involving one public meeting conducted at a location in northern California, one public meeting conducted at a location in the San Joaquin Valley, one public meeting conducted at a location in southern California, and one public meeting of the California Water Commission.

SEC. 16. Chapter 8 (commencing with Section 10730) is added to Part 2.74 of Division 6 of the Water Code, to read:

CHAPTER 8. FINANCIAL AUTHORITY

10730. (a) A groundwater sustainability agency may impose fees, including, but not limited to, permit fees and fees on groundwater extraction or other regulated activity, to fund the costs of a groundwater sustainability program, including, but not limited to, preparation, adoption, and amendment of a groundwater sustainability plan, and investigations, inspections, compliance assistance, enforcement, and program administration, including a prudent reserve. A groundwater sustainability agency shall not impose a fee pursuant to this subdivision on a de minimis extractor unless the agency has regulated the users pursuant to this part.

(b) (1) Prior to imposing or increasing a fee, a groundwater sustainability agency shall hold at least one public meeting, at which oral or written presentations may be made as part of the meeting.

(2) Notice of the time and place of the meeting shall include a general explanation of the matter to be considered and a statement that the data required by this section is available. The notice shall be provided by publication pursuant to Section 6066 of the Government Code, by posting notice on the Internet Web site of the groundwater sustainability agency, and by mail to any interested party who files a written request with the agency for mailed notice of the meeting on new or increased fees. A written request for mailed notices shall be valid for one year from the date that the request is made and may be renewed by making a written request on or before April 1 of each year.

(3) At least 10 days prior to the meeting, the groundwater sustainability agency shall make available to the public data upon which the proposed fee is based.

(c) Any action by a groundwater sustainability agency to impose or increase a fee shall be taken only by ordinance or resolution.

(d) (1) As an alternative method for the collection of fees imposed pursuant to this section, a groundwater sustainability agency may adopt a resolution requesting collection of the fees in the same manner as ordinary municipal ad valorem taxes.

(2) A resolution described in paragraph (1) shall be adopted and furnished to the county auditor-controller and board of supervisors on or before August 1 of each year that the alternative collection of the fees is being requested. The resolution shall include a list of parcels and the amount to be collected for each parcel.

(e) The power granted by this section is in addition to any powers a groundwater sustainability agency has under any other law.

10730.2. (a) A groundwater sustainability agency that adopts a groundwater sustainability plan pursuant to this part may impose fees on the extraction of groundwater from the basin to fund costs of groundwater management, including, but not limited to, the costs of the following:

(1) Administration, operation, and maintenance, including a prudent reserve.

(2) Acquisition of lands or other property, facilities, and services.

(3) Supply, production, treatment, or distribution of water.

(4) Other activities necessary or convenient to implement the plan.

(b) Until a groundwater sustainability plan is adopted pursuant to this part, a local agency may impose fees in accordance with the procedures provided in this section for the purposes of Part 2.75 (commencing with Section 10750) as long as a groundwater management plan adopted before January 1, 2015, is in effect for the basin.

(c) Fees imposed pursuant to this section shall be adopted in accordance with subdivisions (a) and (b) of Section 6 of Article XIII D of the California Constitution.

(d) Fees imposed pursuant to this section may include fixed fees and fees charged on a volumetric basis, including, but not limited to, fees that increase based on the quantity of groundwater produced annually, the year in which the production of groundwater commenced from a groundwater extraction facility, and impacts to the basin.

(e) The power granted by this section is in addition to any powers a groundwater sustainability agency has under any other law.

10730.4. A groundwater sustainability agency may fund activities pursuant to Part 2.75 (commencing with Section 10750) and may impose fees pursuant to Section 10730.2 to fund activities undertaken by the agency pursuant to Part 2.75 (commencing with Section 10750).

10730.6. (a) A groundwater fee levied pursuant to this chapter shall be due and payable to the groundwater sustainability agency by each owner or operator on a day established by the groundwater sustainability agency.

(b) If an owner or operator knowingly fails to pay a groundwater fee within 30 days of it becoming due, the owner or operator shall be liable to the groundwater sustainability agency for interest at the rate of 1 percent per month on the delinquent amount of the groundwater fee and a 10-percent penalty.

(c) The groundwater sustainability agency may bring a suit in the court having jurisdiction against any owner or operator of a groundwater extraction facility within the area covered by the plan for the collection of any delinquent groundwater fees, interest, or penalties imposed under this chapter. If the groundwater sustainability agency seeks an attachment against the property of any named defendant in the suit, the groundwater sustainability agency shall not be required to furnish a bond or other undertaking as provided in Title 6.5 (commencing with Section 481.010) of Part 2 of the Code of Civil Procedure.

(d) In the alternative to bringing a suit pursuant to subdivision (c), a groundwater sustainability agency may collect any delinquent groundwater charge and any civil penalties and interest on the delinquent groundwater charge pursuant to the laws applicable to the local agency or, if a joint powers authority, to the entity designated pursuant to Section 6509 of the Government Code. The collection shall be in the same manner as it would be applicable to the collection of delinquent assessments, water charges, or tolls.

(e) As an additional remedy, a groundwater sustainability agency, after a public hearing, may order an owner or operator to cease extraction of groundwater until all delinquent fees are paid. The groundwater sustainability agency shall give notice to the owner or operator by certified mail not less than 15 days in advance of the public hearing.

(f) The remedies specified in this section for collecting and enforcing fees are cumulative and may be pursued alternatively or may be used consecutively as determined by the governing body.

10730.8. (a) Nothing in this chapter shall affect or interfere with the authority of a groundwater sustainability agency to levy and collect taxes, assessments, charges, and tolls as otherwise provided by law.

(b) Personal information included in a report or record pursuant to this chapter has the same protection from disclosure as is provided for information concerning utility customers of local agencies pursuant to Section 6254.16 of the Government Code.

10731. (a) Following an investigation pursuant to Section 10725.4, the governing body may make a determination fixing the amount of groundwater production from the groundwater extraction facility at an amount not to exceed the maximum production capacity of the facility for purposes of levying a groundwater charge. If a water-measuring device is permanently attached to the groundwater extraction facility, the record of production as disclosed by the water-measuring device shall be presumed to be accurate unless the contrary is established by the groundwater sustainability agency after investigation.

(b) After the governing body makes a determination fixing the amount of groundwater production pursuant to subdivision (a), a written notice of the determination shall be mailed to the owner or operator of the groundwater extraction facility at the address as shown by the groundwater sustainability agency's records. A determination made by the governing body shall be conclusive on the owner or operator and the groundwater charges, based on the determination together with any interest and penalties, shall be payable immediately unless within 20 days after the mailing of the notice the owner or operator files with the governing body a written protest setting forth the ground for protesting the amount of production or the groundwater charges, interest, and penalties. If a protest is filed pursuant to this subdivision, the governing body shall hold a hearing to determine the total amount of the groundwater production and the groundwater charges, interest, and penalties. Notice of the hearing shall be mailed to each protestant at least 20 days before the date fixed for the hearing. Notice of the determination of the governing body hearing shall be mailed to each protestant. The owner or operator shall have 20 days from the date of mailing of the determination to pay the groundwater charges, interest, and penalties determined by the governing body.

SEC. 17. Chapter 9 (commencing with Section 10732) is added to Part 2.74 of Division 6 of the Water Code, to read:

CHAPTER 9. GROUNDWATER SUSTAINABILITY AGENCY ENFORCEMENT
POWERS

10732. (a) (1) A person who extracts groundwater in excess of the amount that person is authorized to extract under a rule, regulation, ordinance, or resolution adopted pursuant to Section 10725.2, shall be subject to a civil penalty not to exceed five hundred dollars (\$500) per acre-foot extracted in excess of the amount that person is authorized to extract. Liability under this subdivision is in addition to any liability imposed under paragraph (2) and any fee imposed for the extraction.

(2) A person who violates any rule, regulation, ordinance, or resolution adopted pursuant to Section 10725.2 shall be liable for a civil penalty not to exceed one thousand dollars (\$1,000) plus one hundred dollars (\$100) for each additional day on which the violation continues if the person fails to comply within 30 days after the local agency has notified the person of the violation.

(b) (1) A groundwater sustainability agency may bring an action in the superior court to determine whether a violation occurred and to impose a civil penalty described in subdivision (a).

(2) A groundwater sustainability agency may administratively impose a civil penalty described in subdivision (a) after providing notice and an opportunity for a hearing.

(3) In determining the amount of the penalty, the superior court or the groundwater sustainability agency shall take into consideration all relevant circumstances, including, but not limited to, the nature and persistence of the violation, the extent of the harm caused by the violation, the length of time over which the violation occurs, and any corrective action taken by the violator.

(c) A penalty imposed pursuant to this section shall be paid to the groundwater sustainability agency and shall be expended solely for purposes of this part.

(d) Penalties imposed pursuant to this section are in addition to any civil penalty or criminal fine under any other law.

SEC. 18. Chapter 10 (commencing with Section 10733) is added to Part 2.74 of Division 6 of the Water Code, to read:

CHAPTER 10. STATE EVALUATION AND ASSESSMENT

10733. (a) The department shall periodically review the groundwater sustainability plans developed by groundwater sustainability agencies pursuant to this part to evaluate whether a plan conforms with Sections 10727.2 and 10727.4 and is likely to achieve the sustainability goal for the basin covered by the groundwater sustainability plan.

(b) If a groundwater sustainability agency develops multiple groundwater sustainability plans for a basin, the department shall evaluate whether the plans conform with Sections 10727.2, 10727.4, and 10727.6 and are together

likely to achieve the sustainability goal for the basin covered by the groundwater sustainability plans.

(c) The department shall evaluate whether a groundwater sustainability plan adversely affects the ability of an adjacent basin to implement their groundwater sustainability plan or impedes achievement of sustainability goals in an adjacent basin.

10733.2. (a) (1) By June 1, 2016, the department shall adopt regulations for evaluating groundwater sustainability plans, the implementation of groundwater sustainability plans, and coordination agreements pursuant to this chapter.

(2) The regulations shall identify the necessary plan components specified in Sections 10727.2, 10727.4, and 10727.6 and other information that will assist local agencies in developing and implementing groundwater sustainability plans and coordination agreements.

(b) (1) The department may update the regulations, including to incorporate the best management practices identified pursuant to Section 10729.

(2) The regulations adopted pursuant to paragraph (1) of subdivision (a) shall identify appropriate methodologies and assumptions for baseline conditions concerning hydrology, water demand, regulatory restrictions that affect the availability of surface water, and unreliability of, or reductions in, surface water deliveries to the agency or water users in the basin, and the impact of those conditions on achieving sustainability. The baseline for measuring unreliability and reductions shall include the historic average reliability and deliveries of surface water to the agency or water users in the basin.

(c) By June 1, 2016, the department shall adopt regulations for evaluating alternatives submitted pursuant to Section 10733.6.

(d) The department shall adopt the regulations, including any amendments thereto, authorized by this section as emergency regulations in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, or general welfare. Notwithstanding the Administrative Procedure Act, emergency regulations adopted by the department pursuant to this section shall not be subject to review by the Office of Administrative Law and shall remain in effect until revised by the department.

(e) Before adopting and finalizing the regulations, the department shall conduct three public meetings to consider public comments. The department shall publish the draft regulations on its Internet Web site at least 30 days before the public meetings. One meeting shall be conducted at a location in northern California, one meeting shall be conducted at a location in the central valley of California, and one meeting shall be conducted at a location in southern California.

10733.3. The department shall post all notices it receives pursuant to Section 10723 or 10723.8 on its Internet Web site within 15 days of receipt.

10733.4. (a) Upon adoption of a groundwater sustainability plan, a groundwater sustainability agency shall submit the groundwater sustainability plan to the department for review pursuant to this chapter.

(b) If groundwater sustainability agencies develop multiple groundwater sustainability plans for a basin, the submission required by subdivision (a) shall not occur until the entire basin is covered by groundwater sustainability plans. When the entire basin is covered by groundwater sustainability plans, the groundwater sustainability agencies shall jointly submit to the department all of the following:

(1) The groundwater sustainability plans.

(2) An explanation of how the groundwater sustainability plans implemented together satisfy Sections 10727.2, 10727.4, and 10727.6 for the entire basin.

(3) A copy of the coordination agreement between the groundwater sustainability agencies to ensure the coordinated implementation of the groundwater sustainability plans for the entire basin.

(c) Upon receipt of a groundwater sustainability plan, the department shall post the plan on the department's Internet Web site and provide 60 days for persons to submit comments to the department about the plan.

(d) The department shall evaluate the groundwater sustainability plan within two years of its submission by a groundwater sustainability agency and issue an assessment of the plan. The assessment may include recommended corrective actions to address any deficiencies identified by the department.

10733.6. (a) If a local agency believes that an alternative described in subdivision (b) satisfies the objectives of this part, the local agency may submit the alternative to the department for evaluation and assessment of whether the alternative satisfies the objectives of this part for the basin.

(b) An alternative is any of the following:

(1) A plan developed pursuant to Part 2.75 (commencing with Section 10750) or other law authorizing groundwater management.

(2) Management pursuant to an adjudication action.

(3) An analysis of basin conditions that demonstrates that the basin has operated within its sustainable yield over a period of at least 10 years. The submission of an alternative described by this paragraph shall include a report prepared by a registered professional engineer or geologist who is licensed by the state and submitted under that engineer's or geologist's seal.

(c) A local agency shall submit an alternative pursuant to this section no later than January 1, 2017, and every five years thereafter.

(d) The assessment required by subdivision (a) shall include an assessment of whether the alternative is within a basin that is in compliance with Part 2.11 (commencing with Section 10920). If the alternative is within a basin that is not in compliance with Part 2.11 (commencing with Section 10920), the department shall find the alternative does not satisfy the objectives of this part.

10733.8. At least every five years after initial submission of a plan pursuant to Section 10733.4, the department shall review any available groundwater sustainability plan or alternative submitted in accordance with Section 10733.6, and the implementation of the corresponding groundwater sustainability program for consistency with this part, including achieving the sustainability goal. The department shall issue an assessment for each basin for which a plan or alternative has been submitted in accordance with this chapter, with an emphasis on assessing progress in achieving the sustainability goal within the basin. The assessment may include recommended corrective actions to address any deficiencies identified by the department.

SEC. 19. Chapter 11 (commencing with Section 10735) is added to Part 2.74 of Division 6 of the Water Code, to read:

CHAPTER 11. STATE INTERVENTION

10735. As used in this chapter, the following terms have the following meanings:

(a) "Condition of long-term overdraft" means the condition of a groundwater basin where the average annual amount of water extracted for a long-term period, generally 10 years or more, exceeds the long-term average annual supply of water to the basin, plus any temporary surplus. Overdraft during a period of drought is not sufficient to establish a condition of long-term overdraft if extractions and recharge are managed as necessary to ensure that reductions in groundwater levels or storage during a period of drought are offset by increases in groundwater levels or storage during other periods.

(b) "Person" means any person, firm, association, organization, partnership, business, trust, corporation, limited liability company, or public agency, including any city, county, city and county, district, joint powers authority, state, or any agency or department of those entities. "Person" includes, to the extent authorized by federal or tribal law and subject to the limitations described in subdivisions (c) and (d) of Section 10720.3, the United States, a department, agency or instrumentality of the federal government, an Indian tribe, an authorized Indian tribal organization, or interstate body.

(c) "Probationary basin" means a basin for which the board has issued a determination under Section 10735.2.

(d) "Significant depletions of interconnected surface waters" means reductions in flow or levels of surface water that is hydrologically connected to the basin such that the reduced surface water flow or levels have a significant and unreasonable adverse impact on beneficial uses of the surface water.

10735.2. (a) The board, after notice and a public hearing, may designate a basin as a probationary basin, if the board finds one or more of the following applies to the basin:

(1) After June 30, 2017, none of the following have occurred:

(A) A local agency has elected to be a groundwater sustainability agency that intends to develop a groundwater sustainability plan for the entire basin.

(B) A collection of local agencies has formed a groundwater sustainability agency or prepared agreements to develop one or more groundwater sustainability plans that will collectively serve as a groundwater sustainability plan for the entire basin.

(C) A local agency has submitted an alternative that has been approved or is pending approval pursuant to Section 10733.6. If the department disapproves an alternative pursuant to Section 10733.6, the board shall not act under this paragraph until at least 180 days after the department disapproved the alternative.

(2) The basin is subject to paragraph (1) of subdivision (a) of Section 10720.7, and after January 31, 2020, none of the following have occurred:

(A) A groundwater sustainability agency has adopted a groundwater sustainability plan for the entire basin.

(B) A collection of local agencies has adopted groundwater sustainability plans that collectively serve as a groundwater sustainability plan for the entire basin.

(C) The department has approved an alternative pursuant to Section 10733.6.

(3) After January 31, 2020, the department, in consultation with the board, determines that a groundwater sustainability plan is inadequate or that the groundwater sustainability program is not being implemented in a manner that will likely achieve the sustainability goal.

(4) The basin is subject to paragraph (2) of subdivision (a) of Section 10720.7, and after January 31, 2022, none of the following have occurred:

(A) A groundwater sustainability agency has adopted a groundwater sustainability plan for the entire basin.

(B) A collection of local agencies has adopted groundwater sustainability plans that collectively serve as a groundwater sustainability plan for the entire basin.

(C) The department has approved an alternative pursuant to Section 10733.6.

(5) The basin is subject to paragraph (2) of subdivision (a) of Section 10720.7, and after January 31, 2022, both of the following have occurred:

(A) The department, in consultation with the board, determines that a groundwater sustainability plan is inadequate or that the groundwater sustainability plan is not being implemented in a manner that will likely achieve the sustainability goal.

(B) The board determines that the basin is in a condition of long-term overdraft or in a condition where groundwater extractions result in significant depletions of interconnected surface waters.

(b) In making the findings associated with paragraph (3) or (5) of subdivision (a), the department and board may rely on periodic assessments the department has prepared pursuant to Chapter 10 (commencing with Section 10733). The board may request that the department conduct

additional assessments utilizing the regulations developed pursuant to Chapter 10 (commencing with Section 10733) and make determinations pursuant to this section. The board shall post on its Internet Web site and provide at least 30 days for the public to comment on any determinations provided by the department pursuant to this subdivision.

(c) (1) The determination may exclude a class or category of extractions from the requirement for reporting pursuant to Part 5.2 (commencing with Section 5200) of Division 2 if those extractions are subject to a local plan or program that adequately manages groundwater within the portion of the basin to which that plan or program applies, or if those extractions are likely to have a minimal impact on basin withdrawals.

(2) The determination may require reporting of a class or category of extractions that would otherwise be exempt from reporting pursuant to paragraph (1) of subdivision (c) of Section 5202 if those extractions are likely to have a substantial impact on basin withdrawals or requiring reporting of those extractions is reasonably necessary to obtain information for purposes of this chapter.

(3) The determination may establish requirements for information required to be included in reports of groundwater extraction, for installation of measuring devices, or for use of a methodology, measuring device, or both, pursuant to Part 5.2 (commencing with Section 5200) of Division 2.

(4) The determination may modify the water year or reporting date for a report of groundwater extraction pursuant to Section 5202.

(d) If the board finds that litigation challenging the formation of a groundwater sustainability agency prevented its formation before July 1, 2017, pursuant to paragraph (1) of subdivision (a) or prevented a groundwater sustainability program from being implemented in a manner likely to achieve the sustainability goal pursuant to paragraph (3) of subdivision (a), the board shall not designate a basin as a probationary basin for a period of time equal to the delay caused by the litigation.

10735.4. (a) If the board designates a basin as a probationary basin pursuant to paragraph (1) or (2) of subdivision (a) of Section 10735.2, a local agency or groundwater sustainability agency shall have 180 days to remedy the deficiency. The board may appoint a mediator or other facilitator, after consultation with affected local agencies, to assist in resolving disputes, and identifying and implementing actions that will remedy the deficiency.

(b) After the 180-day period provided by subdivision (a), the board may provide additional time to remedy the deficiency if it finds that a local agency is making substantial progress toward remedying the deficiency.

(c) The board may develop an interim plan pursuant to Section 10735.8 for the probationary basin at the end of the period provided by subdivision (a) or any extension provided pursuant to subdivision (b), if the board, in consultation with the department, determines that a local agency has not remedied the deficiency that resulted in designating the basin as a probationary basin.

10735.6. (a) If the board designates a basin as a probationary basin pursuant to paragraph (3) of subdivision (a) of Section 10735.2, the board

shall identify the specific deficiencies and identify potential actions to address the deficiencies. The board may request the department to provide local agencies, within 90 days of the designation of a probationary basin, with technical recommendations to remedy the deficiencies.

(b) The board may develop an interim plan pursuant to Section 10735.8 for the probationary basin one year after the designation of the basin pursuant to paragraph (3) of subdivision (a) of Section 10735.2, if the board, in consultation with the department, determines that a local agency has not remedied the deficiency that resulted in designating the basin a probationary basin.

10735.8. (a) The board, after notice and a public hearing, may adopt an interim plan for a probationary basin.

(b) The interim plan shall include all of the following:

(1) Identification of the actions that are necessary to correct a condition of long-term overdraft or a condition where groundwater extractions result in significant depletions of interconnected surface waters, including recommendations for appropriate action by any person.

(2) A time schedule for the actions to be taken.

(3) A description of the monitoring to be undertaken to determine effectiveness of the plan.

(c) The interim plan may include the following:

(1) Restrictions on groundwater extraction.

(2) A physical solution.

(3) Principles and guidelines for the administration of rights to surface waters that are connected to the basin.

(d) Except as provided in subdivision (e), the interim plan shall be consistent with water right priorities, subject to Section 2 of Article X of the California Constitution.

(e) Where, in the judgment of the board, a groundwater sustainability plan, groundwater sustainability program, or an adjudication action can be relied on as part of the interim plan, either throughout the basin or in an area within the basin, the board may rely on, or incorporate elements of, that plan, program, or adjudication into the interim plan adopted by the board or allow local agencies to continue implementing those parts of a plan or program that the board determines are adequate.

(f) In carrying out activities that may affect the probationary basin, state entities shall comply with an interim plan adopted by the board pursuant to this section unless otherwise directed or authorized by statute and the state entity shall indicate to the board in writing the authority for not complying with the interim plan.

(g) (1) After the board adopts an interim plan under this section, the board shall determine if a groundwater sustainability plan or an adjudication action is adequate to eliminate the condition of long-term overdraft or condition where groundwater extractions result in significant depletions of interconnected surface waters, upon petition of either of the following:

(A) A groundwater sustainability agency that has adopted a groundwater sustainability plan for the probationary basin or a portion thereof.

(B) A person authorized to file the petition by a judicial order or decree entered in an adjudication action in the probationary basin.

(2) The board shall act on a petition filed pursuant to paragraph (1) within 90 days after the petition is complete. If the board, in consultation with the department, determines that the groundwater sustainability plan or adjudication action is adequate, the board shall rescind the interim plan adopted by the board for the probationary basin, except as provided in paragraphs (3) and (4).

(3) Upon request of the petitioner, the board may amend an interim plan adopted under this section to eliminate portions of the interim plan, while allowing other portions of the interim plan to continue in effect.

(4) The board may decline to rescind an interim plan adopted pursuant to this section if the board determines that the petitioner has not provided adequate assurances that the groundwater sustainability plan or judicial order or decree will be implemented.

(5) This subdivision is not a limitation on the authority of the board to stay its proceedings under this section or to rescind or amend an interim plan adopted pursuant to this section based on the progress made by a groundwater sustainability agency or in an adjudication action, even if the board cannot make a determination of adequacy in accordance with paragraph (1).

(h) The board's authority to adopt an interim plan under this section does not alter the law establishing water rights priorities or any other authority of the board.

10736. (a) The board shall adopt or amend a determination or interim plan under Section 10735.2 or 10735.8 in accordance with procedures for quasi-legislative action.

(b) The board shall provide notice of a hearing described in subdivision (a) of Section 10735.2 or subdivision (a) of Section 10735.8 as follows:

(1) At least 90 days before the hearing, the board shall publish notice of the hearing on its Internet Web site.

(2) At least 90 days before the hearing, the board shall notify the department and each city, county, or city and county in which any part of the basin is situated.

(3) (A) For the purposes of this paragraph, the terms "board-designated local area" and "local agency" have the same meaning as defined in Section 5009.

(B) At least 60 days before the hearing, the board shall mail or send by electronic mail notice to all persons known to the board who extract or who propose to extract water from the basin, or who have made written or electronic mail requests to the board for special notice of hearing pursuant to this part. If any portion of the basin is within a board-designated local area, the records made available to the board by the local agency in accordance with paragraph (4) of subdivision (d) of Section 5009 shall include the names and addresses of persons and entities known to the local agency who extract water from the basin, and the board shall mail or send by electronic mail notice to those persons.

(c) The board shall provide notice of proceedings to amend or repeal a determination or plan under Section 10735.2 or 10735.8 as appropriate to the proceedings, taking into account the nature of the proposed revision and the person likely to be affected.

(d) (1) Except as provided in paragraphs (2) and (3), Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 2 of Title 2 of the Government Code does not apply to any action authorized pursuant to Section 10735.2 or 10735.8.

(2) The board may adopt a regulation in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 2 of Title 2 of the Government Code setting procedures for adopting a determination or plan.

(3) The board may adopt a regulation applying or interpreting this part pursuant to Section 1530 if the board determines that the emergency regulation is reasonably necessary for the allocation, administration, or collection of fees authorized pursuant to Section 1529.5.

10736.2. Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to any action or failure to act by the board under this chapter, other than the adoption or amendment of an interim plan pursuant to Section 10735.8.

10736.4. The extraction or use of water extracted in violation of an interim plan under this part shall not be relied upon as a basis for establishing the extraction or use of water to support a claim in an action or proceeding for determination of water rights.

10736.6. (a) The board may order a person that extracts or uses water from a basin that is subject to an investigation or proceeding under this chapter to prepare and submit to the board any technical or monitoring program reports related to that person's or entity's extraction or use of water as the board may specify. The costs incurred by the person in the preparation of those reports shall bear a reasonable relationship to the need for the report and the benefit to be obtained from the report. If the preparation of individual reports would result in a duplication of effort, or if the reports are necessary to evaluate the cumulative effect of several diversions or uses of water, the board may order any person subject to this subdivision to pay a reasonable share of the cost of preparing reports.

(b) (1) An order issued pursuant to this section shall be served by personal service or registered mail on the party to submit technical or monitoring program reports or to pay a share of the costs of preparing reports. Unless the board issues the order after a hearing, the order shall inform the party of the right to request a hearing within 30 days after the party has been served. If the party does not request a hearing within that 30-day period, the order shall take effect as issued. If the party requests a hearing within that 30-day period, the board may adopt a decision and order after conducting a hearing.

(2) In lieu of adopting an order directed at named persons in accordance with the procedures specified in paragraph (1), the board may adopt a regulation applicable to a category or class of persons in accordance with

Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 2 of Title 2 of the Government Code.

(c) Upon application of a person or upon its own motion, the board may review and revise an order issued or regulation adopted pursuant to this section in accordance with the procedures set forth in subdivision (b).

(d) In conducting an investigation or proceeding pursuant to this part, the board may inspect the property or facilities of a person to ascertain whether the purposes of this part are being met and to ascertain compliance with this part. The 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 an inspection pursuant to this subdivision.

SEC. 20. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 21. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 22. The Legislature finds and declares that Section 10 of this act, which adds Section 5206 to the Water Code and Section 16 of this act, which adds Section 10730.8 to the Water Code, impose a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to allow this act to fully accomplish its goals, it is necessary to protect proprietary information submitted pursuant to this act as confidential. Therefore, it is in the state's interest to limit public access to this information.

SEC. 23. This act shall only become operative if Senate Bill 1168 of the 2013–14 Regular Session is enacted and becomes effective.

Senate Bill No. 1319

CHAPTER 348

An act to amend Sections 10735.2 and 10735.8 of the Water Code relating to groundwater.

[Approved by Governor September 16, 2014. Filed with
Secretary of State September 16, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1319, Pavley. Groundwater.

Existing law authorizes local agencies to adopt and implement a groundwater management plan. Existing law requires a groundwater management plan to contain specified components and requires a local agency seeking state funds administered by the Department of Water Resources for groundwater projects or groundwater quality projects to do certain things, including, but not limited to, preparing and implementing a groundwater management plan that includes basin management objectives for the groundwater basin.

AB 1739 of the 2013–14 Regular Session, if enacted, would authorize the state board to designate a basin as a probationary basin, if the state board makes a certain determination. If the state board finds that litigation challenging the formation of a groundwater sustainability agency prevented a groundwater sustainability program from being implemented pursuant to one of the determinations, AB 1739 would prohibit the state board from designating a basin as a probationary basin for a specified time period.

SB 1168 of the 2013–14 Regular Session, if enacted, would require the department to categorize each basin as high-, medium-, low- or very low priority.

This bill would additionally authorize the state board to designate certain high- and medium-priority basins as a probationary basin if, after January 31, 2025, prescribed criteria are met, including that the state board determines that the basin is in a condition where groundwater extractions result in significant depletions of interconnected surface waters. This bill would add to the prescribed determinations that would prevent the state board from designating the basin as a probationary basin for a specified time period. This bill would require the state board to exclude from probationary status any portion of a basin for which a groundwater sustainability agency demonstrates compliance with the sustainability goal.

AB 1739 would authorize the state board to develop an interim plan for a probationary basin if the state board, in consultation with the Department of Water Resources, determines that a local agency has not remedied a deficiency that resulted in designating the basin as a probationary basin within a certain timeframe. AB 1739 would authorize the board to adopt an

interim plan for a probationary basin after notice and a public hearing and would require state entities to comply with an interim plan. AB 1739 would authorize the board to rely on, or incorporate elements of, a groundwater sustainability plan, groundwater sustainability program, or adjudication into the interim plan adopted by the board or allow local agencies to continue implementing those parts of a plan or program that the board determines are adequate.

This bill would remove the authority of the local agencies to continue to implement parts of the plan or program that the board determines to be adequate and instead require the state board to include in its interim plan a groundwater sustainability plan, or any element of a plan, that the board finds either complies with the sustainability goal for that portion of the basin or would help meet the sustainability goal for the basin. The bill would prohibit the state board, before January 1, 2025, from establishing an interim plan under the bill to remedy a condition where groundwater extractions result in significant depletions of interconnected surface waters.

This bill would make its operation contingent on the enactment of AB 1739 and SB 1168 of the 2013–14 Regular Session.

The people of the State of California do enact as follows:

SECTION 1. Section 10735.2 of the Water Code, as added by Assembly Bill 1739 of the 2013–14 Regular Session, is amended to read:

10735.2. (a) The board, after notice and a public hearing, may designate a basin as a probationary basin, if the board finds one or more of the following applies to the basin:

(1) After June 30, 2017, none of the following have occurred:

(A) A local agency has elected to be a groundwater sustainability agency that intends to develop a groundwater sustainability plan for the entire basin.

(B) A collection of local agencies has formed a groundwater sustainability agency or prepared agreements to develop one or more groundwater sustainability plans that will collectively serve as a groundwater sustainability plan for the entire basin.

(C) A local agency has submitted an alternative that has been approved or is pending approval pursuant to Section 10733.6. If the department disapproves an alternative pursuant to Section 10733.6, the board shall not act under this paragraph until at least 180 days after the department disapproved the alternative.

(2) The basin is subject to paragraph (1) of subdivision (a) of Section 10720.7, and after January 31, 2020, none of the following have occurred:

(A) A groundwater sustainability agency has adopted a groundwater sustainability plan for the entire basin.

(B) A collection of local agencies has adopted groundwater sustainability plans that collectively serve as a groundwater sustainability plan for the entire basin.

(C) The department has approved an alternative pursuant to Section 10733.6.

(3) The basin is subject to paragraph (1) of subdivision (a) of Section 10720.7 and after January 31, 2020, the department, in consultation with the board, determines that a groundwater sustainability plan is inadequate or that the groundwater sustainability program is not being implemented in a manner that will likely achieve the sustainability goal.

(4) The basin is subject to paragraph (2) of subdivision (a) of Section 10720.7, and after January 31, 2022, none of the following have occurred:

(A) A groundwater sustainability agency has adopted a groundwater sustainability plan for the entire basin.

(B) A collection of local agencies has adopted groundwater sustainability plans that collectively serve as a groundwater sustainability plan for the entire basin.

(C) The department has approved an alternative pursuant to Section 10733.6.

(5) The basin is subject to paragraph (2) of subdivision (a) of Section 10720.7, and either of the following have occurred:

(A) After January 31, 2022, both of the following have occurred:

(i) The department, in consultation with the board, determines that a groundwater sustainability plan is inadequate or that the groundwater sustainability plan is not being implemented in a manner that will likely achieve the sustainability goal.

(ii) The board determines that the basin is in a condition of long-term overdraft.

(B) After January 31, 2025, both of the following have occurred:

(i) The department, in consultation with the board, determines that a groundwater sustainability plan is inadequate or that the groundwater sustainability plan is not being implemented in a manner that will likely achieve the sustainability goal.

(ii) The board determines that the basin is in a condition where groundwater extractions result in significant depletions of interconnected surface waters.

(b) In making the findings associated with paragraph (3) or (5) of subdivision (a), the department and board may rely on periodic assessments the department has prepared pursuant to Chapter 10 (commencing with Section 10733). The board may request that the department conduct additional assessments utilizing the regulations developed pursuant to Chapter 10 (commencing with Section 10733) and make determinations pursuant to this section. The board shall post on its Internet Web site and provide at least 30 days for the public to comment on any determinations provided by the department pursuant to this subdivision.

(c) (1) The determination may exclude a class or category of extractions from the requirement for reporting pursuant to Part 5.2 (commencing with Section 5200) of Division 2 if those extractions are subject to a local plan or program that adequately manages groundwater within the portion of the

basin to which that plan or program applies, or if those extractions are likely to have a minimal impact on basin withdrawals.

(2) The determination may require reporting of a class or category of extractions that would otherwise be exempt from reporting pursuant to paragraph (1) of subdivision (c) of Section 5202 if those extractions are likely to have a substantial impact on basin withdrawals or requiring reporting of those extractions is reasonably necessary to obtain information for purposes of this chapter.

(3) The determination may establish requirements for information required to be included in reports of groundwater extraction, for installation of measuring devices, or for use of a methodology, measuring device, or both, pursuant to Part 5.2 (commencing with Section 5200) of Division 2.

(4) The determination may modify the water year or reporting date for a report of groundwater extraction pursuant to Section 5202.

(d) If the board finds that litigation challenging the formation of a groundwater sustainability agency prevented its formation before July 1, 2017, pursuant to paragraph (1) of subdivision (a) or prevented a groundwater sustainability program from being implemented in a manner likely to achieve the sustainability goal pursuant to paragraph (3), (4), or (5) of subdivision (a), the board shall not designate a basin as a probationary basin for a period of time equal to the delay caused by the litigation.

(e) The board shall exclude from probationary status any portion of a basin for which a groundwater sustainability agency demonstrates compliance with the sustainability goal.

SEC. 2. Section 10735.8 of the Water Code, as added by Assembly Bill 1739 of the 2013–14 Regular Session, is amended to read:

10735.8. (a) The board, after notice and a public hearing, may adopt an interim plan for a probationary basin.

(b) The interim plan shall include all of the following:

(1) Identification of the actions that are necessary to correct a condition of long-term overdraft or a condition where groundwater extractions result in significant depletions of interconnected surface waters, including recommendations for appropriate action by any person.

(2) A time schedule for the actions to be taken.

(3) A description of the monitoring to be undertaken to determine effectiveness of the plan.

(c) The interim plan may include the following:

(1) Restrictions on groundwater extraction.

(2) A physical solution.

(3) Principles and guidelines for the administration of rights to surface waters that are connected to the basin.

(d) Except as provided in subdivision (e), the interim plan shall be consistent with water right priorities, subject to Section 2 of Article X of the California Constitution.

(e) The board shall include in its interim plan a groundwater sustainability plan, or any element of a plan, that the board finds complies with the sustainability goal for that portion of the basin or would help meet the

sustainability goal for the basin. Where, in the judgment of the board, an adjudication action can be relied on as part of the interim plan, either throughout the basin or in an area within the basin, the board may rely on, or incorporate elements of, that adjudication into the interim plan adopted by the board.

(f) In carrying out activities that may affect the probationary basin, state entities shall comply with an interim plan adopted by the board pursuant to this section unless otherwise directed or authorized by statute and the state entity shall indicate to the board in writing the authority for not complying with the interim plan.

(g) (1) After the board adopts an interim plan under this section, the board shall determine if a groundwater sustainability plan or an adjudication action is adequate to eliminate the condition of long-term overdraft or condition where groundwater extractions result in significant depletions of interconnected surface waters, upon petition of either of the following:

(A) A groundwater sustainability agency that has adopted a groundwater sustainability plan for the probationary basin or a portion thereof.

(B) A person authorized to file the petition by a judicial order or decree entered in an adjudication action in the probationary basin.

(2) The board shall act on a petition filed pursuant to paragraph (1) within 90 days after the petition is complete. If the board, in consultation with the department, determines that the groundwater sustainability plan or adjudication action is adequate, the board shall rescind the interim plan adopted by the board for the probationary basin, except as provided in paragraphs (3) and (4).

(3) Upon request of the petitioner, the board may amend an interim plan adopted under this section to eliminate portions of the interim plan, while allowing other portions of the interim plan to continue in effect.

(4) The board may decline to rescind an interim plan adopted pursuant to this section if the board determines that the petitioner has not provided adequate assurances that the groundwater sustainability plan or judicial order or decree will be implemented.

(5) This subdivision is not a limitation on the authority of the board to stay its proceedings under this section or to rescind or amend an interim plan adopted pursuant to this section based on the progress made by a groundwater sustainability agency or in an adjudication action, even if the board cannot make a determination of adequacy in accordance with paragraph (1).

(h) Before January 1, 2025, the state board shall not establish an interim plan under this section to remedy a condition where the groundwater extractions result in significant depletions of interconnected surface waters.

(i) The board's authority to adopt an interim plan under this section does not alter the law establishing water rights priorities or any other authority of the board.

SEC. 3. This act shall only become operative if both Assembly Bill 1739 and Senate Bill 1168 of the 2013–14 Regular Session are enacted and become effective.

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**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
NOVEMBER 4, 2014, 5:30 P.M.**

Called to Order at 5:32 p.m.

Roll Call: Council Member Reyes, Council Member Ward (arrived at 5:50 p.m.), Council Member Gurrola, Vice Mayor Hamilton, Mayor Stowe

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 261-020-010. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Linda Mourton. Under Negotiation: Terms and Price.
- 2- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 253-192-007. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Steve Fealey. Under Negotiation: Terms and Price.
- 3- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 253-192-009. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Colliers International. Under Negotiation: Terms and Price.
- 4 - 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.
- 5- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: John Duran v. City of Porterville, et al., United States District Court, Eastern District of California, Case No. 12:-CV-01239-LJO-BAM.
- 6- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. Corridor Group LLC, Tulare Superior Court No. PCU255344
- 7- Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One case in which facts are not known to potential plaintiff.
- 8- Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two cases.

6:30 P.M. RECONVENE OPEN SESSION

City Attorney Lew reported that no reportable action had taken place.

Pledge of Allegiance Led by Council Member Ward
Invocation – a moment of silence was observed.

PRESENTATIONS

Employee of the Month – Jason Ridenour

PROCLAMATIONS

Porterville College Veterans Resource Center Day – November 7, 2014

AB 1234 REPORTS

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

1. Tulare County Economic Development Corporation (TCEDC) – October 22, 2014
City Manager Lollis spoke about Promise Zones, a federal plan to use resources to help bring jobs and develop businesses in underprivileged areas, and the Board's interest in applying for designation.

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 – no meeting or report.
 2. Library & Literacy Commission – no meeting or report.
 3. Arts Commission – no meeting or report.
 4. Animal Control Commission – November 3, 2014 – Commissioner Schwartzenberger reported on discussion of laws pertaining to animals, and action regarding a request for additional members.
 5. Youth Commission – no meeting or report.
 6. Transactions and Use Tax Oversight Committee (TUTOC) – October 22, 2014 – Committee – Committee Chair Fletcher reported on discussion pertaining to the committee's charge and future consideration of expenditures on animal control; and announced the next meeting of the committee on November 12th.

Following Mr. Fletcher's report, Council Member Gurrola and Vice Mayor Hamilton expressed concerns regarding the Transactions and Use Tax Oversight Committee's consideration of the potential use of Measure H funds for animal control services; and advised that they are an oversight committee charged with monitoring the expenditure of General Fund revenues derived from the tax.

- II. Staff Informational Reports
 1. Street Performance Measure – 1st Quarterly Report
 2. Code Enforcement Report, First Quarter of FY 2014-2015
 3. Attendance Records for Commissions, Boards and Committees – 1st Quarter Report – FY 2014/15
 4. Report on Charitable Car Washes
 5. Quarterly Porterville Golf Course Report
 6. Assembly Bill 1147 Legislation Summary
 7. Attorney General's Opinion Regarding Conflicts-Of-Interest (Health & Safety Code Section 33130 and 33130.5) in Regard to the Former Redevelopment Agency and

City Council Acting as Successor Agency to the Porterville Redevelopment Agency
8. Update on Alternatives for Upgrades to the Council Chambers

ORAL COMMUNICATIONS

- Fred and Elva Beltran, Porterville, provided an update of drought relief efforts, and announced the final distribution of water on November 9, 2014, from 1:00 p.m. to 5:00 p.m.
- Barry Caplan, spoke of Item No. 17, and requested that the Council rescind the proclamation process adopted last October.
- Dawn Jobe, spoke her belief that the newly adopted medical marijuana ordinance violated HIPPA law.

CONSENT CALENDAR

Council Member Ward indicated that he would be abstaining from Item No. 2 due to a conflict pertaining to property ownership.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council approve Item Nos. 1 through 12, noting Council Member Ward's abstention from Item No. 2. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF MARCH 4, 2014

Recommendation: That the City Council approve the Minutes of March 4, 2014.

Documentation: M.O. 01-110414

Disposition: Approved.

2. AUTHORIZATION TO ADVERTISE FOR BIDS – TRANSIT MAINTENANCE & CNG FUELING FACILITY EXPANSION 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 Finance Director to appropriate Solid Waste Funds in the amount of \$300,000.

AYES: Reyes, Gurrola, Hamilton, Stowe
NOES: None
ABSENT: None
ABSTAIN: Ward

Documentation: M.O. 02-110414

Disposition: Approved.

3. AUTHORIZATION TO NEGOTIATE AND EXECUTE A CONTRACT – TRANSIT WEBSITE DEVELOPMENT

Recommendation: That the City Council:

1. Authorize staff to negotiate a contract with Infinite Computing Systems for an anticipated fee “not to exceed” \$20,000 for transit website design services;
2. Authorize staff to negotiate a contract with the two second-ranked firms if staff is unable to negotiate an acceptable contract with Infinite Computing Systems;
3. Authorize the Mayor to sign all contract documents;
4. Authorize progress payments up to 100% of the negotiated fee amount; and
5. Authorize a 10% contingency to cover unforeseen events that relate to the design efforts.

Documentation: M.O. 03-110414

Disposition: Approved.

4. AWARD CONTRACT FOR FIBER INSTALLATION

Recommendation: That City Council:

1. Authorize a “not to exceed” \$11,282.87 contract to GA Technical Services, Inc. for the transit fiber installation project; and
2. Authorize staff to make payments up to 100% upon satisfactory completion of all work.

Documentation: M.O. 04-110414

Disposition: Approved.

5. ACCEPTANCE OF PROJECT – CHASE PARK IMPROVEMENTS PROJECT

Recommendation: That City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 05-110414

Disposition: Approved.

6. ACCEPTANCE OF PROJECT – MICRO-SURFACING PROJECT (DATE AVENUE, HENDERSON AVENUE, INDIANA STREET, JAYE STREET AND MAIN STREET)

Recommendation: That City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and

3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 06-110414

Disposition: Approved.

7. RATIFICATION OF EXPENDITURE – SCE STREET LIGHTS FOR THE WEST NORTH GRAND RECONSTRUCTION PROJECT

Recommendation: That the City Council:

1. Approve the costs associated with installation of the street lights; and
2. Authorize the City Engineer to sign the SCE application and issue a \$59,936.62 payment.

Documentation: M.O. 07-110414

Disposition: Approved.

8. AUTHORIZATION TO APPLY FOR PUBLIC BENEFIT GRANTS PROGRAM FUNDING

Recommendation: That the City Council:

1. Approve the attached Resolution authorizing staff to act on behalf of the City to apply for PBGP funding for FY 2014/2015; and
2. Authorize the Mayor to execute the Resolution.

Documentation: Resolution No. 76-2014

Disposition: Approved.

9. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – OAK AVENUE (MAIN STREET TO RAILS TO TRAILS) TRANSPORTATION ENHANCEMENT (TE) PROJECT

Recommendation: That the City Council:

1. Approve the program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and
2. Direct the City Clerk to return the signed program supplement to the Department of Transportation.

Documentation: Resolution No. 77-2014

Disposition: Approved.

10. CONSOLIDATED WASTE MANAGEMENT AUTHORITY (CWMA) MEMBERSHIP 2015-2016

Recommendation: That the City Council:

1. Remain a member of CWMA; and
2. Authorize payment to CWMA for the City's 2015/2016 membership contribution in the amount of approximately \$31,757.

Documentation: M.O. 08-110414

Disposition: Approved.

11. INTERIM FINANCIAL STATUS REPORTS

Recommendation: That the City Council accept the interim financial status reports as presented.

Documentation: M.O. 09-110414

Disposition: Approved.

12. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That the City Council accept the Quarterly Portfolio Summary.

Documentation: M.O. 10-110414

Disposition: Approved.

PUBLIC HEARINGS

13. CONDITIONAL USE PERMIT (PRC 2014-024-C) FOR SALE OF ALCOHOL UNDER A TYPE 41 BEER AND WINE LICENSE IN CONJUNCTION WITH A RESTAURANT FOR ME-N-ED'S PIZZERIA LOCATED AT 1331 W. HENDERSON AVENUE, SUITE #101

Recommendation: That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit (PRC 2014-024-C) subject to conditions of approval; and
2. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

City Manager John Lollis introduced the item, and the staff report was presented by Community Development Director Jenni Byers.

The public hearing was opened at 7:11 p.m. When no one came forward, the Mayor closed the public hearing at 7:12 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council adopt the draft resolution approving Conditional Use Permit (PRC 2014-024-C) subject to conditions of approval; and authorize the Mayor to sign the Letter of Public Convenience or Necessity. The motion carried unanimously.

Documentation: Resolution No. 78-2014

Disposition: Approved.

14. SOLID WASTE TRANSFER FACILITY PROJECT ENVIRONMENTAL REVIEW

Recommendation: That the City Council adopt the draft resolution approving the Mitigated Negative Declaration for the Solid Waste Transfer Facility Project.

City Manager John Lollis introduced the item, and Council Member Ward indicated that he would be abstaining from the item due to a conflict pertaining to property ownership. The staff report was presented by Community Development Director Byers.

The public hearing was opened at 7:14 p.m. When no one came forward, the Mayor closed the public hearing at 7:15 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Reyes that the City Council adopt the draft resolution approving the Mitigated Negative Declaration for the Solid Waste Transfer Facility Project. The motion carried unanimously.

Documentation: Resolution 79-2014

Disposition: Approved.

SCHEDULED MATTERS

15. CONSIDER MODIFICATIONS TO THE CONSOLIDATED WASTE MANAGEMENT AUTHORITY (CWMA) JOINT POWERS AUTHORITY AGREEMENT

Recommendation: That the City Council:

1. Direct staff to communicate to the CWMA Board the Council's desire to retain the powers of the JPA discussed in Item #1;
2. Approve the quorum definition to be 50% + 1 and acquisition by condemnation of property would require 4/5th vote discussed in Item #2; and
3. Approve changing the formula used to determine the allocation of financial responsibility among members be based on landfill tonnages discussed in Item #3.

City Manager John Lollis introduced the item, and the staff report was presented by Public Works Director Baldo Rodriguez. Following the staff report, Deputy Public Works Director/Field Services Manager Bryan Styles and Anne Magana, CWMA Administrator addressed questions from the Council pertaining to the proposed changes and insurance costs should landfill operations be pursued.

COUNCIL ACTION: MOVED by Council Member Reyes, SECONDED by Council Member Ward that the City Council direct staff to communicate to the CWMA Board the Council's desire to retain the powers of the JPA discussed in

Item #1; approve the quorum definition to be 50% + 1 and acquisition by condemnation of property would require 4/5th vote discussed in Item #2; and approve changing the formula used to determine the allocation of financial responsibility among members be based on landfill tonnages discussed in Item #3. The motion carried unanimously.

Documentation: M.O. 11-110414

Disposition: Approved.

16. GOVERNOR'S EXECUTIVE ORDER FOR CALIFORNIA DISASTER ASSISTANCE ACT FUNDING, AND THE PROVISION OF WATER TO EAST PORTERVILLE RESIDENTS

Recommendation: That the City Council consider:

1. The planning effort toward the provision of water service connections to East Porterville county residents in reference to the Governor's Executive Order;
2. The continuation of water delivery service by Mutual Aid Agreement with the County effective November 10, 2014, for at least sixty (60) days; and
3. Approval of the draft letter requesting immediate action and support for Federal Drought Relief Legislation.

City Manager Lollis introduced the item and presented the staff report. A discussion followed regarding the County's Plan, the City approaching the State with a proposal for a more permanent solution, and bond alternatives.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council approve continuation of water delivery service by Mutual Aid Agreement with the County effective November 10, 2014, for at least sixty (60) days; and approve the draft letter requesting immediate action and support for Federal Drought Relief Legislation. The motion carried unanimously.

Documentation: M.O. 12-110414

Disposition: Approved.

17. CONSIDERATION OF CITY COUNCIL PROCEDURAL HANDBOOK

Recommendation: That the City Council consider the City Council Procedural Handbook, and adopt changes to the Handbook and/or provide direction to staff as deemed appropriate.

Council Member Gurrola indicated that she had a number of items to discuss, but requested

the item be continued to the next meeting and moved up in the agenda in light of the election. Without objection, the item was continued to November 18, and staff was directed to make the item the first for consideration under Scheduled Matters.

Documentation: None.

Disposition: Item continued.

The Council adjourned at 8:17 p.m. to a meeting of the Porterville Public Improvement Corporation.

PORTERVILLE PUBLIC IMPROVEMENT CORPORATION AGENDA
291 N. MAIN STREET, PORTERVILLE, CA 93257

Roll Call: Director Reyes, Director Ward, Director Gurrola, Vice President Hamilton, President Stowe

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS

- Barry Caplan, spoke of alleged Brown Action violation pertaining to the agenda.
- Tony Mauck, requested that the Council identify an end date for the provision of water to County residents.

SCHEDULED MATTERS

PIC-01. ANNUAL MEETING OF THE PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

Recommendation: That the City Council, sitting as the Porterville Public Improvement Corporation:

1. Approve the election of officers as indicated in the attached draft resolution;
2. Accept public comment; and
3. Approve the 2014 Status Report for Certificates of Participation Projects.

Board Secretary Lollis introduced the item, and the staff report was presented by Community Development Director Byers.

BOARD ACTION: MOVED by Director Ward, SECONDED by Vice President Hamilton that the City Council approve the election of officers as indicated in the draft resolution; and approve the 2014 Status Report for Certificates of Participation Projects. The motion carried unanimously.

Documentation: PIC Resolution No. 2014-01

Disposition: Approved.

The Board adjourned at 8:21 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS

- Barry Caplan, Porterville, expressed discontent with the repeated postponement of Item No. 17; stated that he was glad it will be moved up on the next agenda; and suggested that the Council's proclamation process was negatively affecting economic development.

OTHER MATTERS

- Council Member Gurrola, congratulated Public Works Director Rodriguez on the birth of his granddaughter.
- Council Member Ward, spoke of the upcoming Veteran's Day festivities; and thanked Police Department personnel for patrol efforts on the parade route.
- Council Member Reyes, expressed his excitement about the race to take place on Veteran's Day at 2:00 p.m.
- Vice Mayor Hamilton, spoke of the race and his plan to hit every car at least twice.
- Mayor Stowe, spoke of his attendance at the Beckman's Anniversary event.
- City Manager Lollis, spoke of the Battle of the Badges Blood Drive this week, the opening of the Veterans Resource Center on November 7 at 12:15 p.m., dedication of Fallen Heroes Park on Saturday at 10:00 a.m., the County Planning Commission meeting next week, and the Veteran's Day Run on Tuesday morning.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 8:32 p.m. to the meeting of November 18, 2014.

SEAL

Luisa M. Zavala, Deputy City Clerk

Milt Stowe, Mayor

COUNCIL AGENDA: NOVEMBER 18, 2014

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – TOMAH STORM DRAIN PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Plans and Project Manual have been prepared for the Tomah Storm Drain Project. The project includes construction of approximately 398 lineal feet of storm drain piping, connection to existing storm drain manhole and drop inlets, construction of a new storm drain manhole, trench patching and related appurtenances.

The Plans and Project Manual have been completed and are available in Pete V. McCracken Conference Room for Council's review.

The estimate of probable cost for the entire project is \$67,880 with \$6,788 required for the construction contingency (10%). An additional \$3,394 (5%) is required for construction management, quality control and inspection. The total estimated cost associated with the project is \$78,062. An Estimate of Probable Cost is attached for Council's review.

A major portion of the funding is provided by developer impact fees and was approved in the 2014/2015 Annual Budget for the Tomah Avenue Storm Drain Project. A budget augmentation of \$30,000 in developer impact fees is required to fully fund the project.

RECOMMENDATION: That City Council:

1. Approve staff's recommended plans and project manual;
2. Authorize staff to advertise for bids on the project; and
3. Authorize the Finance Director to appropriate Developer Impact Fee Funds in the amount of \$30,000.

ATTACHMENTS: Estimate of Probable Cost
Locator Map

P:\pubworks\Projects\9263 Mill Storm Drain & 9265 Tomah Storm Drain\9265 - Tomah Storm Drain\Authorization to Advertise for Bids Tomah Storm Drain Project 11-18-14.docx

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Item No. 2

89-9265 TOMAH AVENUE STORM DRAIN WISCONSION TO PORTER



City of Porterville
Engineer's Estimate

11/5/14

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL PRICE
TOMAH STORM DRAIN					
1	Mobilization, Demobilization & Cleanup	LS	1	\$ 6,500.00	\$ 6,500.00
2	Sheeting & Shoring	LS	1	\$ 2,500.00	\$ 2,500.00
3	Traffic Control	LS	1	\$ 4,500.00	\$ 4,500.00
4	18" Class III RCP Storm Drain	LF	358	\$ 75.00	\$ 26,850.00
5	15" Class III RCP Storm Drain	LF	40	\$ 65.00	\$ 2,600.00
6	Join Existing SDMH Sta 10+11.11	EA	1	\$ 2,000.00	\$ 2,000.00
7	Join Existing Drop Inlet & Construct Bottom per City Std D-2 at Sta 13+78.12 & Sta 13+81.49	EA	2	\$ 3,000.00	\$ 6,000.00
8	Construct SDMH per City Std S-1	EA	1	\$ 3,000.00	\$ 3,000.00
9	Trench Patch - 3" AC over 6" AB	LF	398	\$ 35.00	\$ 13,930.00
				Subtotal:	\$ 67,880.00

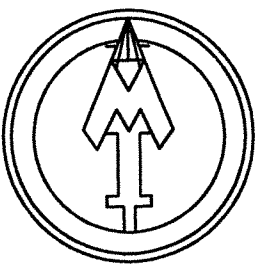
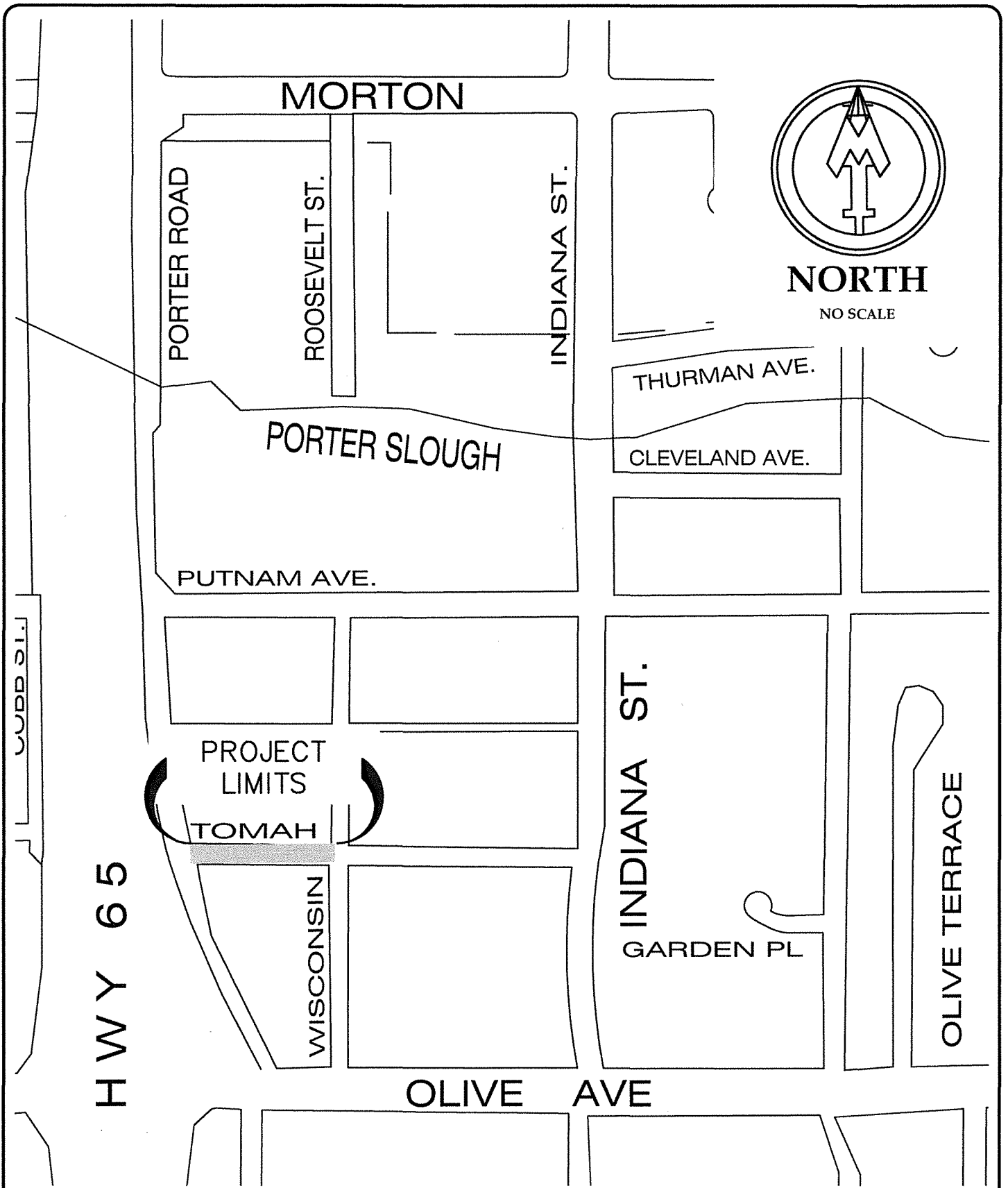
Project Manager
 Date 11-6-14

Michael K. Reed, City Engineer
 Date 11-7-2014

Baldomero Rodriguez, Public Works Director
 Date 11/7/14

John D. Lolis, City Manager
 Date 11/12/14

BASE BID	Subtotal	\$ 67,880.00
	10% Construction Contingency	\$ 6,788.00
	5% Staff and Testing	\$ 3,394.00
	Total	\$ 78,062.00



NORTH
NO SCALE

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

**Tomah Storm Drain
Project**

SUBJECT: ACCEPTANCE OF PROJECT – TRANSIT FIBER OPTIC CONDUIT INSTALLATION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Bill Nelson General Engineering Construction Inc. has completed the Transit Fiber Optic Conduit Installation Project per plans and specifications. The project consisted of furnishing to the City all labor, materials, equipment and services for the construction of a 2" conduit and related appurtenances in Division Street, Mill Avenue and Hockett Street.

Staff carefully tracks construction costs of all Capital Improvements Projects and reports project construction expenditures when the project is accepted by the City Council. On April 15, 2014, City Council authorized expenditure of \$117,996.33 for construction, construction management and quality control services for the Transit Fiber Optic Conduit Installation Project. The following itemizes the construction-related costs in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

- 1) Final construction cost is \$104,515.55.
- 2) Construction management and quality control costs are \$9,808.64.

Total project construction costs equate to \$114,324.19, which is less than the \$117,996.33 overall budget approved by Council at the time of award. Funding for the Transit Fiber Optic Conduit Installation Project was approved in the 2013/2014 Annual Budget and is coming from Proposition 1B Funds as appropriated by Council on June 4, 2013.

Bill Nelson General Engineering Construction Inc. requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

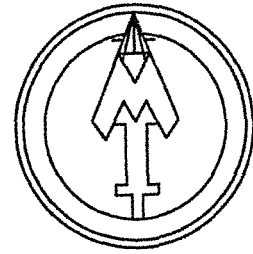
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

ATTACHMENT: Locator Map

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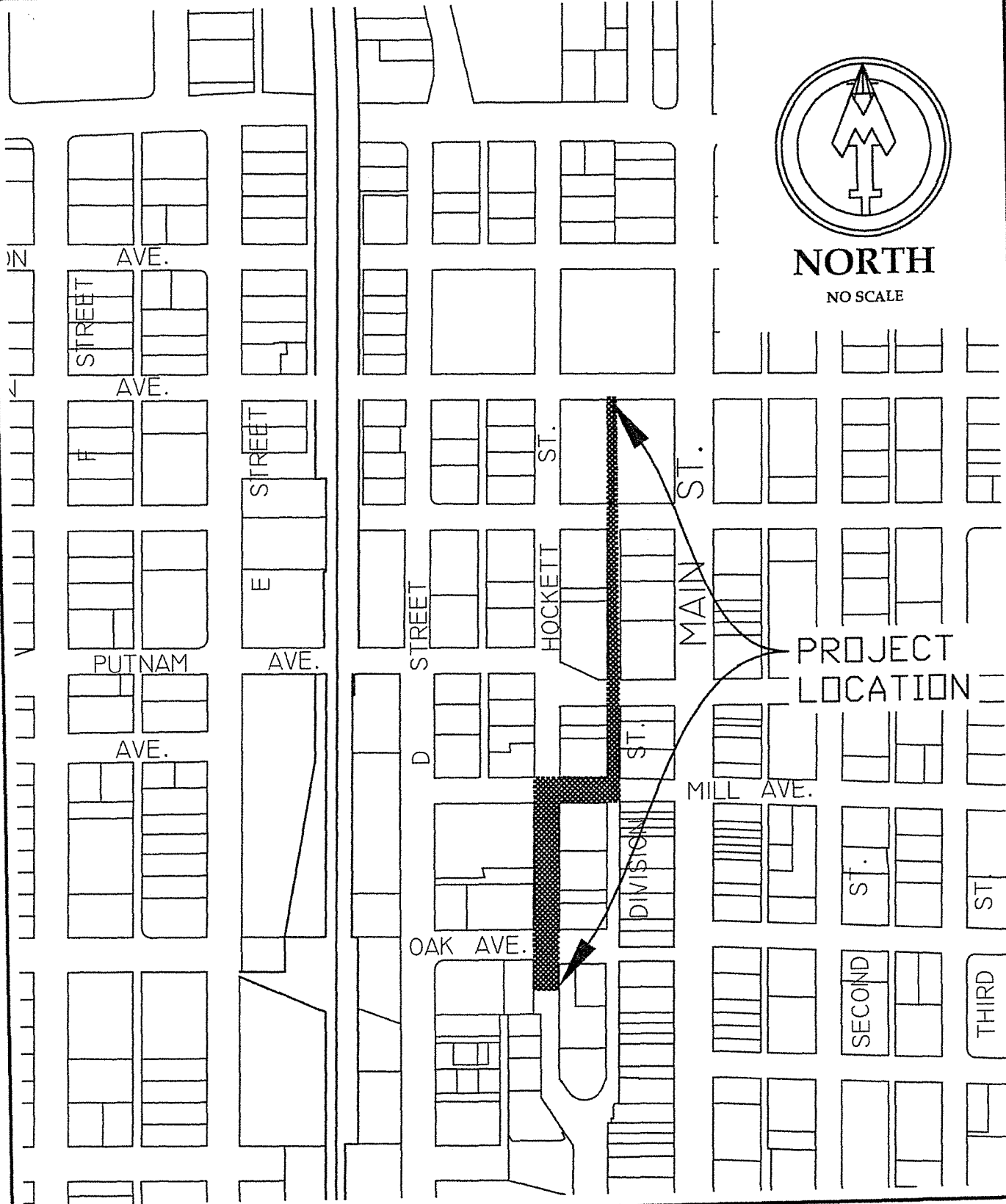
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Item No. 3



NORTH

NO SCALE



CITY OF PORTERVILLE

ENGINEERING DIVISION

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

**Transit Fiber Optic
Conduit Installation
Locator Map**

COUNCIL AGENDA: NOVEMBER 18, 2014

SUBJECT: AMENDMENT OF DEE JASPAR AND ASSOCIATES WATER WELL DESIGN AND INSPECTION SERVICE AGREEMENT – WATER SYSTEM MODELING

SOURCE: Public Works Department - Engineering Division




COMMENT: Dee Jaspar & Associates is under contract with the City to design and provide inspection service for a maximum of five municipal water wells. On February 20, 2007, and November 3, 2009, City Council approved Service Agreement Amendments (Addendum No. 1 and Addendum No. 2) for the design of the Veteran's Park Booster Pump Project in two phases as part of the original well design services.

A portion of Addendum No. 1 scope of services required Dee Jaspar and Associates to update our hydraulic model and analyze our system to determine if the Veteran's Booster Pump facility would operate as designed. After performing several modeling runs that included the operation of the booster pumps during peak and non-peak conditions, it was proven that the project performed as designed. The full build-out of this facility was completed last year, proven to operate as the model predicted and has become an important feature to the entire water system.

Staff is now seeking a third addendum (Addendum No. 3) for Dee Jaspar & Associates to perform hydraulic modeling of the City's water system to evaluate its integrity at a cost of \$11,110 plus a 10% contingency to cover unforeseen costs. Staff feels that the modeling is necessary to determine the stress on the City's water system due to the recent drought and potential draw on the system by areas outside city limits. Dee Jaspar & Associates is the ideal consulting firm because of their experience as previously mentioned.

The water system status report is in tonight's City Council packet and states how the drought has impacted well production and is restated herein:

"Well yields have shown reductions in gallons per minute of about 25% compared to the 5-year average through October. Water production for the month of October 2014, continues an 11% decrease on the 5-year average and an 18% decrease from 2013. Staff will continue to monitor ground water levels and production, and will inform Council if conditions change, requiring Council action."

Dir  Appropriated/Funded  CM 

Item No. 4

The economy is showing promising signs of improvement. Staff is currently reviewing a proposed 187 lot single-family residential subdivision project generally located between Beverly Street and Prospect Street, north of Date Avenue. The recent ruling that the Kings, Kern and Tulare Counties are no longer considered within the habitat range of Valley Elderberry Longhorn Beetle suggests that additional development on the west side of Porterville near the Tule River will occur. The constant demand for water service in East Porterville makes it necessary to review our water system to determine the feasibility of serving the anticipated growth within the city proper and outside city limits.

Dee Jaspar & Associates has provided a proposal to update our hydraulic model by adding new infrastructure and adjusting our water production capabilities to match our current water well production. The consultant will also be asked to include an assumed production increase by adding Well No. 32, Akin Water Company well (Well No. 33) and the Beverly-Grand Water Company well (Well No. 34). Wells 32, 33 and 34 are in various development stages. Once the hydraulic model is updated and system analysis complete, the consultant's report will provide a conclusion on the City's ability to maintain the current service requirements and the ability to meet future growth needs within the city and adjacent County areas, such as East Porterville. In East Porterville, the report will be limited to addressing the potential connection of approximately 150 acres (100 single-family residences within a potential island annexation area) and the ability to connect developed single-family residential parcels next to existing water mains.

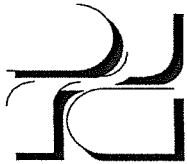
Attached for Council's review is an amendment proposal fee (Addendum No. 3) in the amount of \$11,110. Staff has reviewed the fee proposal with Dee Jaspar and Associates and finds it acceptable.

Water Replacement Fund is the funding source for this project and was approved in the 2014/2015 Annual Budget.

RECOMMENDATION: That City Council:

1. Authorize the Mayor to execute Addendum No. 3 to Dee Jaspar & Associates Service Agreement at an agreed upon fee of \$11,110 for the services described herein; and
2. Authorize progress payments up to 100% of the fee amount and authorize a 10% contingency to cover unforeseen costs.

ATTACHMENTS: Dee Jaspar & Associates, Inc. Proposal
Addendum No. 3 – Water System Hydraulic Modelling



DEE JASPAR & ASSOCIATES, INC.
CONSULTING CIVIL ENGINEERS
15 West Putnam Street, 2nd Floor W
PORTERVILLE, CA 93257
PHONE (559) 791-9286

October 30, 2014

Mike Reed, Deputy Public Works Dir./City Engineer
c/o City of Porterville Public Works Department
291 N. Main Street
Porterville, CA 93257

Re: System Hydraulic Modeling

Mr. Reed,

Attached is an itemized engineering proposal for the above referenced project. The project costs include time for four tasks:

- 1) Update the water system model. This would include the addition of any new infrastructure, updating the current status of the supply wells, and working with the Water Department to update the current production rates of the wells, groundwater levels, and system pressures.
- 2) Complete the calibration of the model as described in Item 1 above and analyze the current water system to assess the current production capabilities of the City and any problem areas.
- 3) Add the proposed single family residential subdivision to the hydraulic model and analyze the impacts to the water system. Provide recommendations for additional supply or piping improvements as necessary.
- 4) Prepare a written report/memorandum addressing the work performed in Items 1-3 above and discuss the City's limitations for growth based on the updated hydraulic model and the current water supply.

In addition to the above tasks, a supplemental task is proposed that will model the addition of the East Porterville annexation:

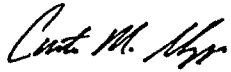
- 5) Model the addition of the East Porterville annexation (+/- 150 acres) and the subject properties that are adjacent to existing mains. An analysis of these additions will be performed to determine the impacts to the current water system and what improvements are required, if any, to adequately provide water service. If this task is implemented, the findings and recommendations will be included in the written report noted above in Task #4. The estimated cost for this supplemental item is \$3,060.00.

The total estimated budget is \$11,110.00. The work can begin immediately and is estimated to be completed within three weeks from receipt of all system information from City Staff. DJA would request that City Staff install 4 to 6 pressure chart recorders throughout the

City in critical areas that record 24 hrs per day for a period of seven days. This information combined with well production data over the same period will be used to calibrate the model.

If you have any questions, would like to discuss revisions, or need any additional information please give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Curtis M. Skaggs". The signature is fluid and cursive, with the first name "Curtis" being more prominent.

Curtis M. Skaggs
Dee Jaspar & Associates, Inc.

Dee Jaspar Associates, Inc.
Consulting Civil Engineers

City of Porterville System Hydraulic Modeling Project						
	Principal Engineer	Registered Engineer / Project Manager	Staff Engineer	Draftsperson	Secretary	
Construction Inspection	Estimated Time (hrs)	Estimated Time (hrs)	Estimated Time (hrs)	Estimated Time (hrs)	Estimated Time (hrs)	Total
Task 1. Hydraulic Modeling						
1) Update the water system model to reflect new infrastructure, change the status of current wells, and calibrate system flow rates.		2	20			\$2,780
2) Analyze the current water system and determine the current water production capabilities of the City, i.e. what is the current state of the water supply system.		2	12			\$1,780
3) Analyze the impacts to the water system with the addition of the proposed single family residential subdivision and make recommendations.		2	10			\$1,530
4) Analyze the addition of the East Porterville annexation (+/- 150 acres) and the properties adjacent to existing mains and provide recommendations as necessary to facilitate this effort. Provide a supplemental section to discuss this evaluation in the written report described below in Task 5.		4	20			\$3,060
5) Provide a written report addressing items 1-3 above and discuss the City's limitations for growth based on the updated hydraulic model and the current City water supply.	1	2	12			\$1,960
Total Hours Estimated:	1	12	74	0	0	
Total Engineering Estimate:	\$180	\$1,880	\$9,250	\$0	\$0	\$11,110

ADDENDUM NO. 3

CITY OF PORTERVILLE WATER SYSTEM HYDRAULIC MODELLING

**CITY OF PORTERVILLE
AND
DEE JASPAR & ASSOCIATES, INC.**

Addendum No. 3 to the existing Service Agreement for Water Well No. 28 and four future Wells is issued by the City and accepted by CONSULTANT pursuant to the mutual promises, covenants and conditions contained in said Service Agreement between the above named parties dated January 17, 2006, in connection with the performance outlined in Tasks 1 through 5 for City of Porterville Water System Hydraulic Modelling.

Please refer to M.O. #07-021704, M.O. #04-111505 and M.O. #____-111814.

A new Purchase Order for the City of Porterville Water System Hydraulic Modelling has been prepared and delivered to all parties. The project account number is 89-9770.

PURPOSE:

The purpose of this addendum is to amend the contract to provide services to the City to perform hydraulic water modelling per the attached scope of services letter. The CONSULTANT will provide the City with an updated water system model and provide a report on the City ability to maintain current service requirements and additional growth within the City and small areas in the unincorporated areas near and adjacent to the City.

PAYMENT:

CITY shall pay CONSULTANT the amount of \$11,110 for the completion of the specified professional services. Payment will be made monthly on presentation of documented invoices and shall include CONSULTANT'S direct labor costs, indirect labor costs (overhead), direct expenses and CONSULTANT'S fee.

IN WITNESS WHEREOF, duly authorized representatives of the CITY and the CONSULTANT have executed Addendum No. 3 for the City of Porterville Water System Hydraulic Modelling evidencing its issuance by CITY and accepted by CONSULTANT.

CONSULTANT'S NAME

CITY OF PORTERVILLE

By: Dee Jaspar

Milt Stowe, Mayor

Date

Date

CITY COUNCIL AGENDA: NOVEMBER 18, 2014

CONSENT CALENDAR

SUBJECT: FEDERALLY DESIGNATED PROMISE ZONE FOR TULARE COUNTY

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The Promise Zones is a federal initiative that seeks to revitalize high-poverty communities across the country by creating jobs, increasing economic activity, improving educational opportunities, reducing serious and violent crime, leveraging private capital, and assisting local leaders in navigating federal programs. For communities selected, the federal government will partner to help the Promise Zones access the resources and expertise they need. To date, there are 12 federal agencies working in close collaboration to provide resources and expertise to urban, rural, and tribal Promise Zones to expand economic mobility and opportunity in their communities. An application period for the second round of designations was announced on September 19, 2014.



Five AmeriCorps VISTA members will be deployed to each of the Promise Zones to build the capacity of the Promise Zones designees to work with federal agencies, coordinate key stakeholders, and create programs that address the community's needs.

A federal liaison will also be assigned in each designated community to help leaders and partners navigate the federal resources they need to accelerate efforts to revitalize their communities.

Promise Zone designations will have a term of ten years and may be extended as necessary to capture the full term of availability of the Promise Zone tax incentives if enacted by Congress.

During this term, the specific benefits made available to Promise Zones will vary from year to year, and sometimes more often than annually, due to changes in the agency policies and changes in appropriations and authorizations for relevant programs. All assistance provided to Promise Zones is subject to applicable regulations, statutes, and changes in federal agency policies, appropriations, and authorizations for relevant programs. In 2014, 12 agencies are providing preferential access in 35 programs.

To be eligible for a Promise Zone, communities must have a population under 200,000 and have a poverty rate at or above 33%. The proposed boundaries of the Promise Zone for Tulare County would include portions of the incorporated cities as well as most of the unincorporated communities that could be included and maintain the eligibility criteria. The communities and developable areas along

DD  Appropriated/Funded N/A CM 

Item No. 5

State Route (SR) 99 are included as well as unincorporated communities along the SR 65 corridor.

At the request of the incorporated cities, the Tulare County Economic Development Corporation is preparing the application materials required. The deadline for submission for the designation is November 21, 2014, and announcements of designations are anticipated in early 2015. Up to 15 designations may be awarded.

The designation process requires the development of specific goals and sub-goals to be achieved with federal assistance during the designation time period. For the Tulare County application, the goals and priorities that are contained in existing county-wide strategies, plans and priorities were utilized in the identification of the six goals and sub-goals. The strategies utilized included the Tulare County Comprehensive Economic Development Strategy, Tulare County Regional Transportation Plan & Sustainable Communities Strategy, Tulare County Workforce Development Strategy, and the Enterprise Zone Strategy which contained relevant information on neighborhood revitalization and other related strategies for addressing poverty and unemployment.

The strategies and details of how the goals to be achieved are being developed by the agencies/organizations that would be involved in the implementation of the Promise Zone, including the Tulare County EDC, Tulare County Association of Governments (TCAG), Tulare County Workforce Investment Board (WIB), Superintendent of Schools, Community Colleges and other organizations.

The following are the proposed goals and sub-goals for the proposed Promise Zone:

1. Create new jobs for residents of the Promise Zone.
 - Locate 25 new companies creating 2,500 new jobs in advance manufacturing and/or processing industries.
 - Provide entrepreneurial training programs, grants and loans, particularly among the youth with a focus on innovation in agri-business, manufacturing and technology.
 - Expand the Business Incentive Zone Fund to incentivize manufacturing investment in the Promise Zone.
2. Increase education attainment rate through improved educational opportunities.
 - Expand the Pathways projects at local high schools.
 - Increase the number of higher education degrees offered by public universities and colleges in the Promise Zone by providing sites for distance and on-site learning.
 - Increase availability of early college high school opportunities throughout the Promise Zone.
3. Increase economic activity through development of quality infrastructure.
 - Provide adequate and safe water supply for residents of the Promise Zone.

- Improve and expand rail infrastructure within the Promise Zone.
- Enhance farm to market delivery by improved quality of regional transportation corridors.
- 4. Enhance capacity of existing workforce to increase industry competitiveness.
 - Expand sector training initiatives and programs that improve the current workforce capacity in literacy, math and other skill levels.
 - Expand opportunities for farmworkers, packers and other low-skilled workers to advance in employment level and opportunity.
 - Expand/enhance training in renewable energy industries and other growth areas.
- 5. Expand programs to increase youth employment and reduce gang activity.
 - Expand network of “Step-Up” programs throughout the Promise Zone area.
 - Identify and develop facilities in all areas of the Promise Zone that provide a safe alternative for youth to recreate and be served by intervention and assistance programs.
 - Provide year-round youth training and employment program, expanding from the annual “summer” youth program.
- 6. Advance the agriculture industry through innovation and technology.
 - Assist agriculture operations in accessing and deploying innovation and technology that improves irrigation techniques resulting in less water use and equal or higher crop yields.
 - Assist agriculture operations through deployment of innovations that reduce greenhouse gas emissions, expand renewable energy resources and improve efficiencies.
 - Increase agri-business job opportunities by expanding supplier network, processing facilities and deployment of agri-business incubator facility/programs.

The working group, consisting of economic development representatives from the cities, county and EDC, worked to identify strategies that would advance local goals and priorities and be competitive in the Promise Zone application review process. Likewise, it was the goal to position projects for future consideration by the federal government with or without a Promise Zone designation. For example, the goal of improving rail infrastructure is specific to the recent TIGER grant application and including water infrastructure is designed to qualify for federal funds to address water supply and storage within Tulare County. Youth are also specifically highlighted in the goals, providing for expansion of the “Step-Up” program, youth training and employment and entrepreneurship are included in the sub-goals.

The application will be a joint application submitted by the EDC on behalf of the local jurisdictions, which is utilizing the organizations history with the Targeted Tax Area and Enterprise Zone programs as demonstration of how the local jurisdictions have worked together to address poverty, unemployment and economic distress. Oversight and implementation will be done by a coordinating

committee consisting of representatives of the organizations directly involved in the implementation of the goals and would include the County of Tulare, TCAG, WIB, EDC, Superintendent of Schools, Community Colleges, etc.

The application requires a letter from the local government executives, who are part of the application area that describes the local commitment to coordinate work and investments, including targeting of local and locally-controlled state and federal funds toward Promise Zone activities. Since current commitments are already dedicated to the proposed area, it is the addition of the federal investments that will be highlighted in the application. A joint letter signed by Mayors and the Board of Supervisors' Chairman is proposed as it will show the commitment in a stronger fashion. It will also allow for additional documentation to be submitted expounding the need, as the application has a maximum page count that cannot be exceeded.

RECOMMENDATION: That the City Council authorize the Mayor to sign the letter of commitment to participate in the Promise Zone.

ATTACHMENTS:

1. Promise Zone Letter
2. Promise Zone Fact Sheet
3. Proposed Promise Zone Map

We represent the incorporated cities and unincorporated communities of Tulare County, California for which a federally designated Promise Zone is proposed. Tulare County has the highest poverty rate among communities in California, as well as a high unemployment rate. Despite our aggressive efforts locally to increase economic activity, a partnership with the federal government addressing specific needs and issues, will provide the return on investment we envision. Addressing infrastructure issues such as providing communities with drinking water and upgrading an inadequate rail infrastructure along with improving education attainment and creating new jobs are goals that we share as elected officials.

We have a long history of working together, for example, we achieved a multi-jurisdiction enterprise zone designation which would have allowed us to further job creation in our communities until the program was eliminated by state government. We work together in transportation planning, implementing a successful funding program that allows us to match state and federal transportation dollars and deliver high quality projects that address our regional needs.

These are just some examples of how we work together locally and regionally to address the socio-economic challenges faced by our communities. We are committed to coordinate the work and investments and targeting funding to achieve the goals outlined in our Promise Zone.

We look forward to working with federal agencies, state government and the myriad of local organizations dedicated to community revitalization, job creation and increasing economic activity in our communities.

Very truly,



Phil Cox, Chairman
County of Tulare, Board of
Supervisors



Leonel Benavidez, Mayor
City of Farmersville



David Macedo, Mayor
City of Tulare



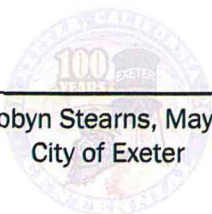
Janet Hinesly, Mayor
City of Dinuba



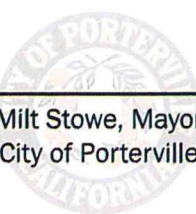
Ramona Villarreal-Padilla, Mayor
City of Lindsay



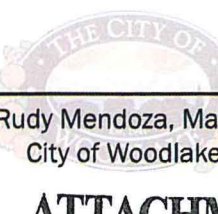
Steve Nelson, Mayor
City of Visalia



Robyn Stearns, Mayor
City of Exeter



Milt Stowe, Mayor
City of Porterville



Rudy Mendoza, Mayor
City of Woodlake

**ATTACHMENT
ITEM NO. 1**

Fact Sheet: President Obama's Promise Zones Initiative

For decades before the economic crisis, local communities were transformed as jobs were sent overseas and middle class Americans worked harder and harder but found it more difficult to get ahead. Announced in last year's State of the Union Address, the Promise Zone Initiative is part of the President's plan to create a better bargain for the middle-class by partnering with local communities and businesses to create jobs, increase economic security, expand educational opportunities, increase access to quality, affordable housing and improve public safety. Today, the President announced the next step in those efforts by naming the first five "Promise Zones".

The first five Zones, located in San Antonio, Philadelphia, Los Angeles, Southeastern Kentucky, and the Choctaw Nation of Oklahoma, have each put forward a plan on how they will partner with local business and community leaders to make investments that reward hard work and expand opportunity. In exchange, these designees will receive the resources and flexibility they need to achieve their goals.

Each of these designees knows and has demonstrated that it takes a collaborative effort – between private business and federal, state, tribal and local officials; faith-based and non-profit organizations; children and parents – to ensure that hard work leads to a decent living for every American, in every community.

THE FIRST 5 PROMISE ZONES AND THEIR PLANS:

San Antonio, TX (Eastside Neighborhood)

The City of San Antonio's key strategies include:

- Focusing on job creation and training, including through a partnership with St. Philip's College, in key growth areas including energy, health care, business support, aerospace/advanced manufacturing, and construction.
- Empowering every child with the skills they need by increasing enrollment in high quality pre-K programs; installing a STEM focus in the local school district; expanding enrollment in Early College Programs; and improving adult education opportunities.
- Expanding public safety activities to facilitate neighborhood revitalization; improved street lighting and demolishing abandoned buildings; and integrated public safety activities with social resources.

Los Angeles, CA (Neighborhoods of Pico Union, Westlake, Koreatown, Hollywood, and East Hollywood)

The City of Los Angeles's key strategies include:

- Increasing housing affordability by preserving existing affordable housing and partnering with housing developers to increase the supply of affordable new housing to prevent displacement.
- Ensuring all youth have access to a high-quality education, and are prepared for college and careers through its Promise Neighborhoods initiative, by partnering with the Youth Policy Institute and L.A. Unified School District to expand its Full Service Community Schools model from 7 schools to all 45 Promise Zone schools by 2019.

**ATTACHMENT
ITEM NO. 2**

- Ensuring youth and adult residents have access to high-quality career and technical training opportunities that prepare them for careers in high-growth industries through partnerships with career and technical training schools and the Los Angeles Community College District.
- Investing in transit infrastructure including bus rapid transit lines and bike lanes, and promoting transit-oriented development (TOD) that attracts new businesses and creates jobs.
- Charging its Promise Zone Director and Advisory Board with eliminating wasteful and duplicative government programs.

Philadelphia, PA (West Philadelphia)

The City of Philadelphia's key strategies include:

- Putting people back to work through skills training and adult education; classes on small business development to support entrepreneurs; loans and technical assistance for small resident-owned businesses; and the development of a supermarket providing both jobs and access to healthy food.
- Improving high-quality education to prepare children for careers, in partnership with Drexel University and the William Penn Foundation, through increasing data-driven instruction that informs teacher professional development; developing school cultures that are conducive to teaching and learning; mentoring middle and high school youth with focus on college access and readiness; and increasing parent engagement.
- Preventing and reducing crime in order to attract new residents and long-term investments, through strategies such as focused deterrence, hot spots policing, and foot patrol.

Southeastern Kentucky (Kentucky Highlands)

In Southeastern Kentucky, the Kentucky Highland's Investment Corps' key strategies include:

- Implementing a sustainable economic effort across eight counties in the Kentucky Highlands region, focused on diversifying Southeastern Kentucky's economy to make it more resilient.
- Creating jobs and growing small businesses by leveraging \$1.3 million of private sector funds in a revolving loan fund targeted within the Promise Zone.
- Creating leadership and entrepreneur training for youth and industry-specific re-training opportunities for local skilled workforce, through the University of Kentucky Economic Development Initiative, the East Kentucky Concentrated Employment Program, and the Kentucky Highlands Investment Corporation.
- In order to ensure all youth have access to a high-quality education Berea College will run evidence-based college and career readiness programs for high school students in the Zone, while Eastern Kentucky University will expand technical education programs.

Choctaw Nation of Oklahoma

The Choctaw Nation of Oklahoma's key strategies include:

- Improving skills for tomorrow's jobs, through workforce training for skilled trades and professionals and more rigorous summer and after-school programs.
- Leveraging its role as the largest employer in southeastern Oklahoma to create a strong base for economic revitalization by working with partners, like Oklahoma State University,

Eastern Oklahoma State College, and the Kiamichi Technology Center to improve workforce training for skilled trades and professionals, with a focus on providing nationally-recognized STEM certifications.

- Investing in infrastructure that lays the foundation for economic growth, including water and sewer infrastructure; these infrastructure challenges have been identified as impediments to investment in an area with otherwise strong growth potential.
- Improving educational outcomes by working across 85 school districts throughout the region to share data for continuous improvement, and bolster early literacy and parent support programs.
- Pursuing economic diversification by utilizing natural, historic, and cultural resources to support growth, including evaluation of market capacity for local farmers' markets, as well as implementation of technology-enhanced "traditional" farming and ranching, and large-scale greenhouses and specialized training in business plan development, marketing, and financing to support the development of women-owned businesses in the Promise Zone.

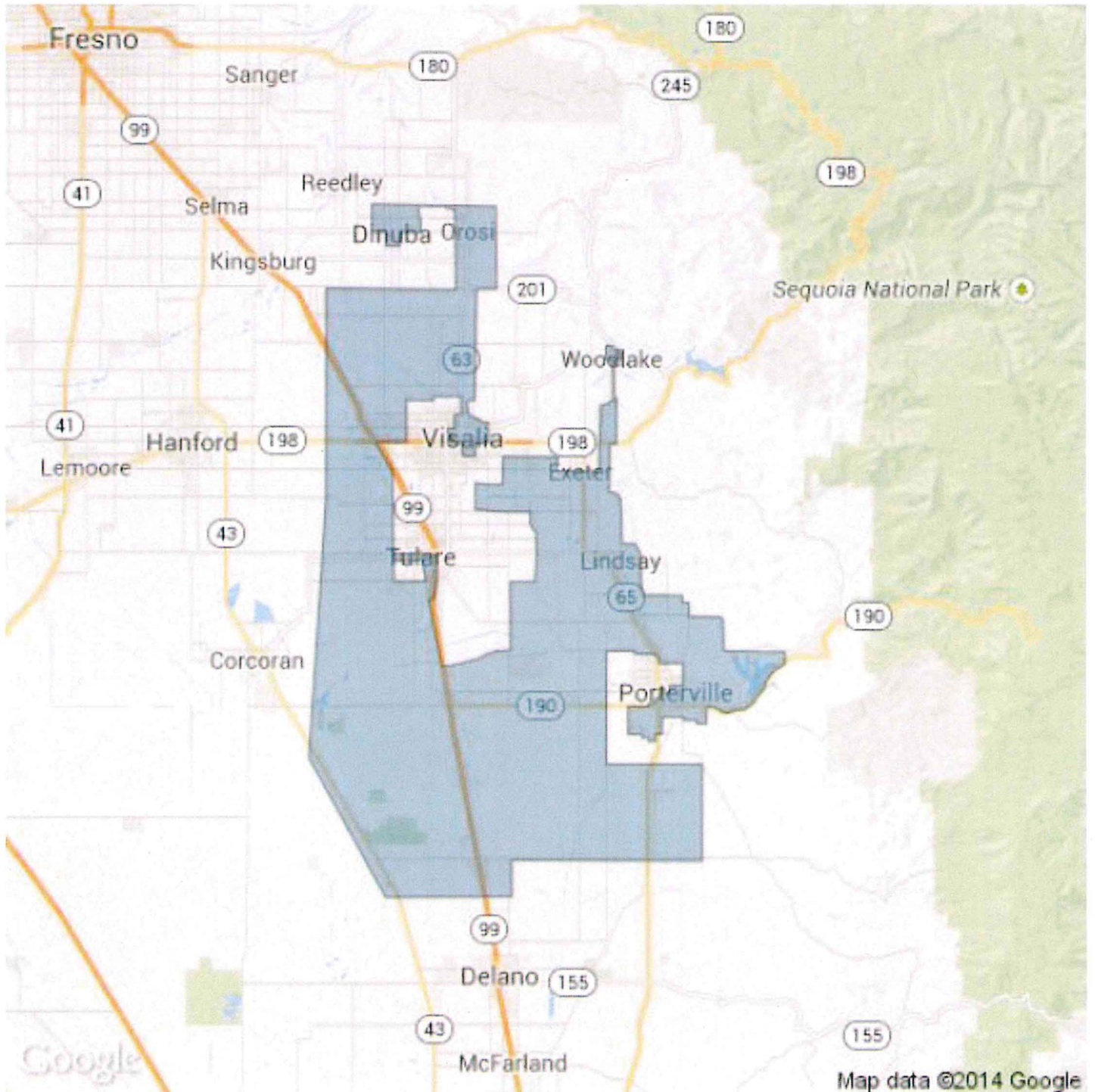
THE PROMISE ZONES INITIATIVE

The five Promise Zones announced today are part of the 20 that will be announced over the next three years. These unique partnerships support local goals and strategies with:

- **Accountability for Clear Goals:** Each Promise Zone has identified clear outcomes they will pursue to revitalize their community, with a focus on creating jobs, increasing economic activity, improving educational opportunities, increasing access to quality, affordable housing and reducing violent crime. All Promise Zones will continuously track those outcomes, and have committed to sharing data across their community partners (private-sector, non-profits, federal, state, and local agencies, etc.) so that each partner can work towards improvement and accountability. The Administration will work with the Promise Zones and third party experts to track progress and evaluate results.
- **Intensive Federal Partnership:** Modeled after the Administration's successful Strong Cities Strong Communities and Strike Force for Rural Growth and Opportunity initiatives, which have created unique partnerships between local stakeholders and the federal government, these first five Promise Zones will benefit from intensive federal support at the local level to help them implement their economic and community development goals.
- **Help Accessing Resources:** Where necessary to achieve their goals, Promise Zones will get priority and be able to access federal investments that further the goals of job creation, additional private investment, increased economic activity, improved educational opportunity, and reduction in violent crime.
- **National Service:** Each Promise Zone will be provided five full-time AmeriCorps VISTA members to support their strategic plan. These VISTAs will recruit and manage volunteers, and strengthen the capacity of Promise Zones to expand economic opportunity.
- **Investing in What Works:** In order to be designated as a Promise Zone, these five communities have already demonstrated that they are pursuing strategies that have data proving their effectiveness. This same data will also help direct future federal investments to these Zones.

Cutting Taxes for Businesses: Finally, President Obama has proposed, and called on Congress to act, to cut taxes on hiring and investment in areas designated as Promise Zones – based upon the proven model of Empowerment Zones tax credits – to attract businesses and create jobs.

Proposed Promise Zone Map



CITY COUNCIL AGENDA: NOVEMBER 18, 2014



CONSENT CALENDAR

SUBJECT: REQUEST TO RESCHEDULE A PUBLIC HEARING FOR THE CONSIDERATION OF A CONDITIONAL USE PERMIT (PRC 2014-011-C) TO ALLOW THE UPGRADE TO A TYPE 21 GENERAL OFF-SALE LICENSE FOR ALCOHOL SALES LOCATED AT 1187 WEST HENDERSON AVENUE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: At the meeting of October 21, 2014, the City Council approved a conditional use permit for JJ's Market, located at 1187 West Henderson Avenue. During the public hearing, the applicant's agent requested that a condition prohibiting outdoor advertising of alcoholic beverages be removed from the resolution of approval. At the end of the public hearing, the City Council voted to approve the Conditional Use Permit as written, though directed staff to meet with the applicant about the signage restriction concerns. Following the City Council meeting, the applicant's agent requested that the condition be removed and there may be merit to such a request given precedent established by the previous zoning ordinance. The Development Ordinance provides a mechanism to modify a Conditional Use Permit; such a request would typically involve submitting application to the Project Review Committee and after that, returning to the City Council for consideration. Given that the request was represented at the meeting where the Conditional Use Permit was initially approved, the Council could instead direct staff to re-notice a public hearing and return the item for reconsideration at the next meeting.

RECOMMENDATION: Direct staff to publish a public notice scheduling the Conditional Use Permit (Resolution 73-2014) for reconsideration at the meeting of December 2, 2014.

DD  Appropriated/Funded N/A CM 

Item No. 6

CITY COUNCIL AGENDA: NOVEMBER 18, 2014

SUBJECT: REQUEST FOR STREET CLOSURE - MYERS' TWENTIETH ANNUAL CHRISTMAS TREE MEMORIAL SERVICE

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Richard Mendivil, Director of Myers Funeral Service and Crematory, has requested an assemblies permit for December 9, 2014, in order to hold the lighting ceremony for Myers' Twentieth Annual Christmas Tree Memorial Service. The ceremony will be held in front of Myers Chapel on "E" Street at 7:00 p.m. Approximately 500 people attended the ceremony last year, and Mr. Mendivil has requested an assemblies permit for 500 people again this year.


In conjunction with this ceremony, Mr. Mendivil is also requesting that Council approve the closure of "E" Street, between Putnam and Cleveland Avenues, from 5:00 p.m. to 9:00 p.m. on December 9, 2014, for the safety of those attending.

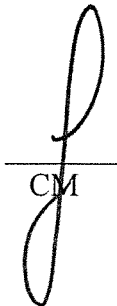
The Police Department has approved the Assemblies Permit, which is attached for the Council's reference, along with a copy of the required Certificate of Liability Insurance.

RECOMMENDATION: That the City Council approve the closure of "E" Street, between Putnam and Cleveland, on December 9, 2014, from 5:00 p.m. to 9:00 p.m. subject to the conditions specified.

ATTACHMENTS: 1. Richard Mendivil Letter received October 22, 2014
2. Application for Assemblies Permit - Richard Mendivil
3. Insurance Certificate


DIR


Approp./
Funded


CM

Item No. 7

Myers Funeral Service & Crematory

248 NORTH "E" STREET
PORTERVILLE, CALIFORNIA 93257

(559) 784-5454



SELECTED
Independent
FUNERAL HOMES®

RECEIVED

OCT 22 2014
CITY OF PORTERVILLE
CITY MANAGER

To: Porterville City Council

We respectfully request that "E" Street be blocked off at Putnam and Cleveland Avenues the evening of Tuesday, December 9, 2014 from approximately 5:00 to 9:00 P. M., for the protection and safety of those who will be attending the Twentieth Annual Myers Christmas Memorial Tree Lighting. The response from the community has been well received, and we expect approximately 500 people from the local community and outlying areas in attendance.

The original purpose in beginning this tradition was to give back to the community in the way of service. It allows families to place ornaments on the trees prior to the service, commemorating their loved ones.

A memorial service is planned for the evening of December 9th at 7:00 P. M. at Myers Funeral Service, when the community will be invited to attend and celebrate the season by remembering loved ones. At the conclusion of the service, the trees will be lit and remain lit through Christmas.

Find enclosed an "Assemblies Permit" signed by Captain Daniel Haynes of the Porterville Police Department, along with a Certificate of Liability Insurance.

Thank you for your consideration of this request.

Sincerely,

Richard Mendivil
Funeral Director

RM:dm
Encl.

ORDINANCE NUMBER 927
Section 18-7.2

OCT 20 2014

Application for ASSEMBLIES or MEETINGS on public streets, sidewalks or parks,
within the City of Porterville. Received

This application MUST BE FILED WITHIN FOUR (4) DAYS PRIOR to the date of the assembly or meeting.

- A. Myers Funeral Service & Crematory 559-784-5454
(Name/Address) (Telephone)
- B. 248 North "E" Street, Porterville, CA 93257
(Name & Address of Organization) (Telephone)
Richard Mendivil, Funeral Director 559-784-5454
(Authorized Head of Organization) (Telephone)
- C. Name of Event Chairman Richard Mendivil
- D. Purpose of event: Lighting of Memorial Trees and Service (20th Year)
- E. Date & Time of Event Tuesday, December 9, 2014 from 7:00 to 9:00 PM
- F. Number of persons Approximately 500
- G. Location of the assembly area of event Front lawn at 248 North "E" St.,
Porterville, CA 93257 (Myers Funeral Service & Crematory)
- H. Security Guards required? [] yes [X] no If so, how many? _____
- I. Plans for the assembly & dispersement of the event. Indicate times
thereof 5:00 PM to 9:00 PM
- J. Other information _____

I HEREBY AGREE TO ABIDE BY ALL PROVISIONS SET FORTH IN CITY ORDINANCE 927,
SECTION 18-7.2 AND ALL OTHER APPLICABLE ORDINANCES OF THE CITY OF
PORTERVILLE.

Legal signature of applicant

Richard Mendivil

Date 10/20/2014

Telephone 559-784-5454

Application Approved ☒ Denied []

Chief of Police

CITY OF PORTERVILLE
Assemblies Application

Annual Memorial Tree Lighting, December 9, 2014

Proposed Conditions/Requirements of Police Department

- All street closures in the city require City Council approval.
- Ensure that participants do not interfere with the normal flow of pedestrian/vehicle traffic in the area of the event.
- A separate sound amplification permit will be required if sound amplification equipment will be used during the event.
- Event organizers shall contact Lt. John Hall no less than 15 days prior to the event to discuss traffic/pedestrian related concerns. Lt. Hall can be reached at 559-782-7410 or 559-782-7400.

Dan Haynes, Captain
Police Department- Services Division



CERTIFICATE OF LIABILITY INSURANCE

 DATE (MM/DD/YYYY)
10/20/2014

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

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER FEDERATED MUTUAL INSURANCE COMPANY HOME OFFICE: P.O. BOX 328 OWATONNA, MN 55060		CONTACT NAME: CLIENT CONTACT CENTER PHONE (A/C, No, Ext): 888-333-4949 FAX (A/C, No): 507-446-4664 E-MAIL ADDRESS: CLIENTCONTACTCENTER@FEDINS.COM	
INSURED MYERS FUNERAL SERVICE & CREMATORY 248 N E ST PORTERVILLE, CA 93257-3530		INSURER(S) AFFORDING COVERAGE INSURER A: FEDERATED MUTUAL INSURANCE COMPANY INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
249-988-7		NAIC # 13935	

COVERAGES

CERTIFICATE NUMBER: 5

REVISION NUMBER: 0

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY			9179934	04/01/2014	04/01/2015	EACH OCCURRENCE	
	COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	
	CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	N	N				MED EXP (Any one person)	
	BUSINESS OWNER'S LIABILITY						PERSONAL & ADV INJURY	
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						PRODUCTS - COMP/OP AGG	
A	AUTOMOBILE LIABILITY			9179935	04/01/2014	04/01/2015	COMBINED SINGLE LIMIT (Ea accident)	
	<input checked="" type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)	
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS	N				N	BODILY INJURY (Per accident)
	<input type="checkbox"/> HIRED AUTOS	<input type="checkbox"/> NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)
A	<input checked="" type="checkbox"/> UMBRELLA LIAB	<input checked="" type="checkbox"/> OCCUR	N	N	9179936	04/01/2014	04/01/2015	EACH OCCURRENCE
	<input type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE						AGGREGATE
	<input type="checkbox"/> DED <input type="checkbox"/> RETENTION							
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y / <input type="checkbox"/> N						E.L. EACH ACCIDENT
	If yes, describe under DESCRIPTION OF OPERATIONS below							E.L. DISEASE - EA EMPLOYEE
								E.L. DISEASE - POLICY LIMIT

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 DECEMBER 9, 2014 CHRISTMAS TREE LIGHTING CEREMONY

CERTIFICATE HOLDER

 249-988-7
 CITY OF PORTERVILLE
 291 N MAIN ST
 PORTERVILLE, CA 93257-3737

50

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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COUNCIL AGENDA: NOVEMBER 18, 2014

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE
CHAMBER OF COMMERCE AND ROTARY CLUB OF PORTERVILLE -
CHILDREN'S CHRISTMAS PARADE – DECEMBER 4, 2014

SOURCE: Finance Department

COMMENT: The Porterville Chamber of Commerce and Rotary Club of Porterville are requesting approval to hold the annual Children's Christmas Parade along Main Street on Thursday, December 4, 2014 from 5:00 p.m. to 9:00 p.m. This application is being submitted under the Community Civic Event Ordinance No. 1326, as amended. The following closures are requested:

STREETS (5:00 p.m. - 9:00 p.m.):

Main Street from Danner Avenue to Olive Avenue;
Olive Avenue from Hockett Street to Second Street;
Morton Avenue from Hockett Street to Second Street;
Harrison Avenue from Hockett Street to Second Street;
Thurman Avenue from Hockett Street to Second Street;
Putnam Avenue from Hockett Street to Second Street;
Mill Avenue from Hockett Street to Second Street;
Cleveland Avenue from Hockett Street to Second Street;
(not blocking street for fire access)
Oak Avenue from Hockett Street to Second Street;
Garden Avenue from Main Street to Second Street;
Second Street from Olive Avenue to Oak Avenue;
School Avenue, Bellevue Avenue, North Avenue and Doris
Avenue from Main Street to Second Street and Sunnyside.

SIDEWALKS (5:00 p.m. - 9:00 p.m.):

Main Street from Danner Avenue to Olive Avenue and
Olive Avenue from Main Street to Second Street.

PARKING SPACES (6:00 a.m. - 9:00 p.m.):

Main Street in front of Chamber of Commerce

PARKING SPACES (3:00 p.m. - 9:00 p.m.):

Main Street, north end, in front of City hall

This application has been routed according to the ordinance regulations and has been reviewed by all departments involved. The requirements are listed on the attached copy of the Application, Agreement, Exhibit A and Exhibit B.

DD

MB

Appropriated/Funded

MB

CM

J

Item No.

8

The closure of Main Street at 5:00 p.m. will require the early closure of the Fixed Route Transit System at 4:30 p.m., instead of the usual 7:00 p.m., on December 4, 2014. Staff is requesting that Council authorize the change in schedule for the Fixed Route system only.

Early closure of the parking spaces in front of City Hall is requested from 3:00 p.m. to 5:00 p.m. for placement of the announcer's stand. This will adversely affect City Hall patrons. This conflict is resolved by placing the announcer's stand at the north end of City Hall along Main Street.

RECOMMENDATION: That Council:

1. Approve the Community Civic Event application from the Porterville Chamber of Commerce and Rotary Club of Porterville subject to the Restrictions and Requirements contained in the Application, Agreement, Exhibit A and Exhibit B of the Community Civic Event Application;
2. Authorize the temporary suspension of the Fixed Route Transit System from 4:30 p.m. to 7:00 p.m. on December 4, 2014;
3. Restrict the closure of parking spaces in front of City Hall from 3:00 p.m. to 5:00 p.m. to those at the north end of City Hall along Main Street.

ATTACHMENTS: Community Civic Event Application and Agreement, Exhibit A, Exhibit B, Outside Amplifier Permit, Street Map.

1 of 4

CITY OF PORTERVILLE

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

What constitutes a Community Civic Event?


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

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


Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. **The City of Porterville and Successor Agency to the Porterville Redevelopment Agency shall be named as additional insured.** A Certificate of Liability Insurance and Additional Insured Endorsement sample forms are enclosed for your convenience. **This original certificate and endorsement shall be submitted to the Finance Department prior to the City of Porterville Council's approval.** *The council shall condition the granting of a CCE permit upon the sponsoring entity's 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

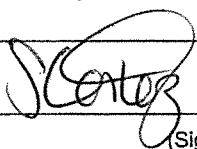
Health permit: Organization/Applicant **will obtain or ensure** that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health 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.

 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.

Porterville Chamber of Commerce Rotary Club of Porterville		10/8/14
(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

Sponsoring organization: Rotary Club of Porterville, Porterville Chamber of Commerce,
city of Porterville

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.**

[illegible]

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.

CITY OF PORTERVILLE

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: Children's Christmas Parade

Sponsoring organization: Rotary Club of Porterville, Porterville Chamber of Commerce City of Porterville

Event date: Dec 4, 2014 Hours: 5pm-9pm streets + sidewalks

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

6 am parking space in front of Chamber
3 pm parking spaces in front of City Hall

Closed

Street Name	From	To	Activity
Main St	Danner Ave	Olive Ave	Parade Route + Assembly
Olive Ave	Hockett St	Second St	Parade Route
Winton Harrison Thurman, Cleveland Putnam, Mill, + Oak	Hockett St " "	Second St " "	Adjacent to Parade Route " "
Garden Ave	Main St	Second St	Adjacent to Parade Route
School Bellview, North + Doris	Main St	Second St Second + Division on east Division + Sunnyside on west	Parade Assembly
Second St	Olive Ave	Oak Ave	Parade Disbursement
Sidewalks	From	To	Activity
Main St	Danner Ave	Olive Ave	
Olive Ave	Main St	Second St	View Parade and Assembly Area
Parking lots and spaces	Location		Activity
Main St (Graves)	Chamber of Commerce	93 N. Main St.	Judges' Stand
Main St. (Sunnyside) spaces	City Hall	291 N. Main St.	Announcer's Stand

REQUIREMENTS FOR COMMUNITY CIVIC EVENT

PORTERVILLE CHAMBER OF COMMERCE
ROTARY CLUB OF PORTERVILLE

CHILDREN'S CHRISTMAS PARADE

DECEMBER 4, 2014

Finance Director:

M. Bemis

Public Works Director:

B. Rodriguez

Community Development Manager:

J. Phillips

No comments.

Field Services Manager:

B. Styles

City sponsored parade. City Staff will provide street closures and sweeper services.

Fire Chief:

G. Irish

No comments.

Parks and Leisure Services Director:

D. Moore

Keep public out of Main Street planters.

Police Captain:

D. Haynes

See list of Conditions/Requirements for Children's Christmas Parade in Exhibit B.

Administrative Services Director:

P. Hildreth

See Exhibit A, page 2.

REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsors: Porterville Chamber of Commerce, Rotary Club of Porterville
Event: Children's Christmas Parade
Event Chairman: Greg Meister
Location: Main Street
Date of Event: December 4, 2014
Time of Event: 5:00 p.m. to 9:00 p.m.

RISK MANAGEMENT: Conditions of Approval

That the Porterville Chamber of Commerce and Rotary Club of Porterville 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 and the Successor Agency to the Porterville Redevelopment Agency, its Officers, Employees, Agents and Volunteers as Additional Insured against all claims arising from, or in connection with, the Permittee's operation and sponsorship of the aforementioned Community Civic Event.

- a. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), 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.
- a. 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

Proposed Event: Children's Christmas Parade

Date of Event: December 4, 2014

Location of Event: Main Street

Recommendations/Requirements:

- City Council approval is required for any/all street closures.
- Ensure highly visible and adequate barricades/barriers are used to warn motorists of non-access to closed streets and prevent vehicle access to those designated areas.
- Children's Christmas Parade Committee should meet with street vendors to coordinate rules regarding their activities, such as:
 - Staying off the parade route (street area) and avoid crossing in front of floats or groups.
 - Shall not sell silly string, snap caps or party poppers.
 - Ensure each vendor has properly obtained a City business license.
- Food vendors should be situated where they will not block the sidewalk.
- Food vendors should provide inspection certificates from the Tulare County Health Department to members of the Children's Christmas Parade Committee, to ensure safe food products.
- Throwing candy 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.
- An Outside Amplifier Permit has been requested and approved. However, event organizers should not allow amplification to be so loud as to unreasonably disturb the peace and good order of any residents or business establishments in the surrounding area.
- Event organizers shall establish contact with Lt. John Hall or Lt. Jake Castellow (Porterville Police Department) no less than 30 days in advance of the event in order to coordinate efforts related to the posting of the parade route and advance enforcement. They can be contacted at 559-782-7410 or 559-782-7400.

Dan Haynes, Captain
Porterville Police Department

CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)



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

- 1 Name and home address of the applicant: Rotary Club of Porterville, Porterville Chamber of Commerce, City of Porterville 935 W. Main St.
- 2 Address where amplification equipment is to be used: Main St.
- 3 Names and addresses of all persons who will use or operate the amplification equipment: Entrants in the parade - applications on file at the Chamber office
- 4 Type of event for which amplification equipment will be used: Children's Christmas Parade
- 5 Dates and hours of operation of amplification equipment: Dec 4, 2014 5-9 pm
- 6 A general description of the sound amplifying equipment to be used: Various types on floats and vehicles

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.

Stephane Cortez
Signature of Applicant

10/8/14
Date

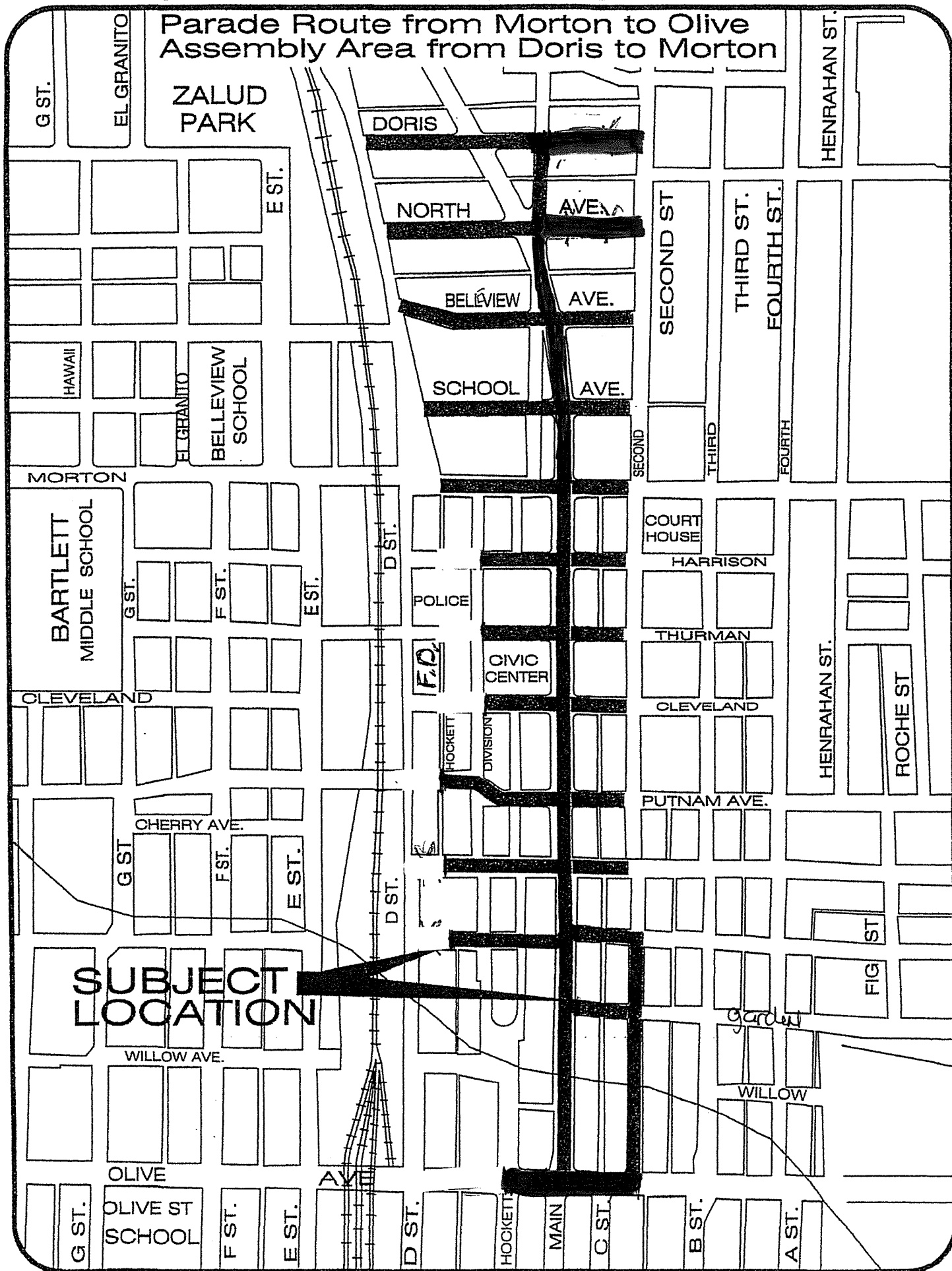
THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

[Signature]
City of Porterville, Chief of Police/Designee

10-8-14
Date

Children's Christmas Parade

Parade Route from Morton to Olive
Assembly Area from Doris to Morton



Anita

COUNCIL AGENDA – NOVEMBER 18, 2014

SUBJECT: CANCELLATION OF JANUARY 6, 2015 CITY COUNCIL MEETING

SOURCE: ADMINISTRATION

COMMENT: The City Council has cancelled the first Council meeting in January for the past eleven years due to staff workloads and efforts to conform to the vacation and administrative leave policies by relevant management and support personnel. In light of this, this item is again being presented for Council's consideration.

If the January 6th meeting is not held, the next regularly scheduled meeting would be January 20, 2014. However, should a necessity arise, a special meeting could be conducted to expedite any item which might require immediate action.


RECOMMENDATION: That the City Council cancel the January 6, 2015 Council Meeting.



Dir

N/A

Approp./
Funded



CM

Item No. 9

CITY COUNCIL AGENDA: NOVEMBER 18, 2014

PUBLIC HEARING

SUBJECT: REQUEST FOR A CONDITIONAL USE PERMIT (PRC 2014-019-C) TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE 41 BEER AND WINE LICENSE IN CONJUNCTION WITH A RESTAURANT FOR APPLEBEE'S LOCATED AT 892 W. HENDERSON AVENUE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: The applicant is requesting approval of a Conditional Use Permit (PRC 2014-019-C) to allow for the sale of alcohol under a Type 41 Beer and Wine license in conjunction with a restaurant for Applebee's located at 892 W. Henderson Avenue, within the former Blockbuster Video tenant space.

BACKGROUND: On October 15, 2014, the applicant submitted an application to the Project Review Committee (PRC) to consider a Conditional Use Permit to allow for the sale of alcohol under a Type 41 Beer and Wine license in conjunction with a restaurant for Applebee's located within the former Blockbuster Video tenant space in the Porterville Town Center. During the PRC meeting, the Police Department indicated that the location of Applebee's has sufficient exterior lighting to illuminate the parking lot and the entire site during business hours and maintaining this security lighting shall be a condition of approval. The Project Review Committee also acknowledged that the proposed location of the project and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, or welfare to properties or improvements in the vicinity.

The California Department of Alcoholic Beverage Control (ABC) allows for a specific number of licenses per census tract, based on population. Whenever the ratio of on-sale licenses to population in a census tract exceeds the average ratio for the county, an "undue concentration" of licenses is determined to exist. The subject site is located within Census Tract 37.00; this tract contains 14 licenses for alcohol sales; seven (7) on-sale, six (6) off-sale and one (1) club licenses (Eagles Lodge). In Census Tract 37.00, four (4) on-sale and five (5) off-sale licenses are allowed without being deemed over-concentrated. Approval of this on-sale licenses would be the 8th on-sale licenses, five (5) above the allowable as determined by ABC. Due to the over concentration of on-sale licenses, a Letter of Public Convenience or Necessity will be required.

ANALYSIS: It is not anticipated that this use would have a negative impact on the surrounding properties. Conditions of approval are in place to protect the public's safety and interest. As a condition of approval, due to the close proximity of Trinity Lutheran Church and La Mision De Jesus, located at the northeast and southeast corner respectively of Henderson Avenue and Indiana Street (approximately 545

DD



Appropriated/Funded N/A

CM



Item No. 10

and 550 feet from property line to property line) alcohol advertising visible from the outside of the proposed building shall not be allowed. The applicant is conditioned to operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and to operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. Furthermore, at all times the facility shall be operated and maintained to comply with State Laws, the City of Porterville Development Ordinance, adopted Building Codes and all other applicable laws and ordinances.

The subject site is consistent with the General Plan Land Use Designation for Commercial Mix-Use (CMX). The CMX designation is intended to provide for commercial, service, office and residential uses that meet local and regional demand. The proposed restaurant with alcohol sales would suit the purpose of the General Plan Land Use Designation. The restaurant is a permitted use in the CMX land use designation, and alcohol sales may be permitted in that land use with the requested Conditional Use Permit.

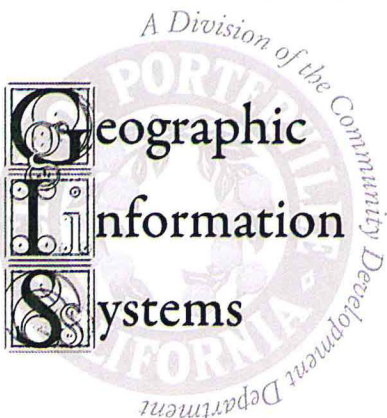
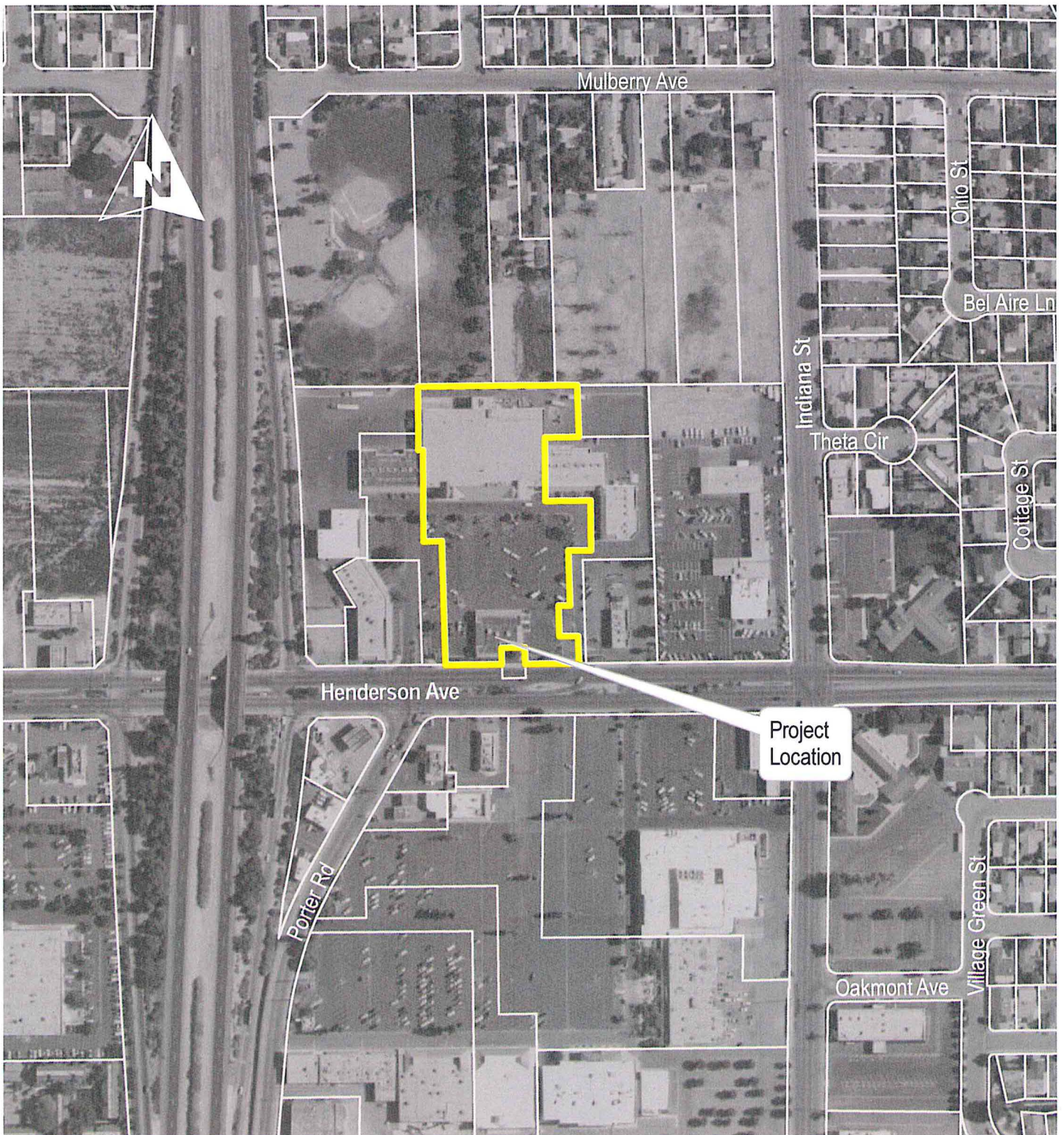
ENVIRONMENTAL REVIEW: On November 5, 2014, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to Section 15061(b), (3) of the California Code of Regulation (CEQA Guidelines), under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

RECOMMENDATION: That the City Council:

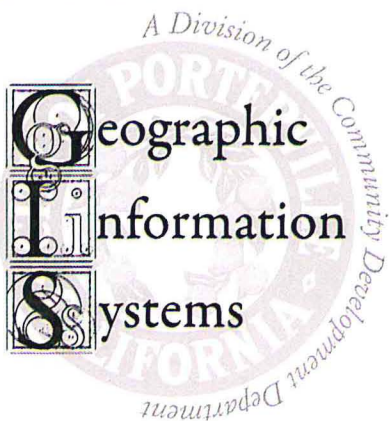
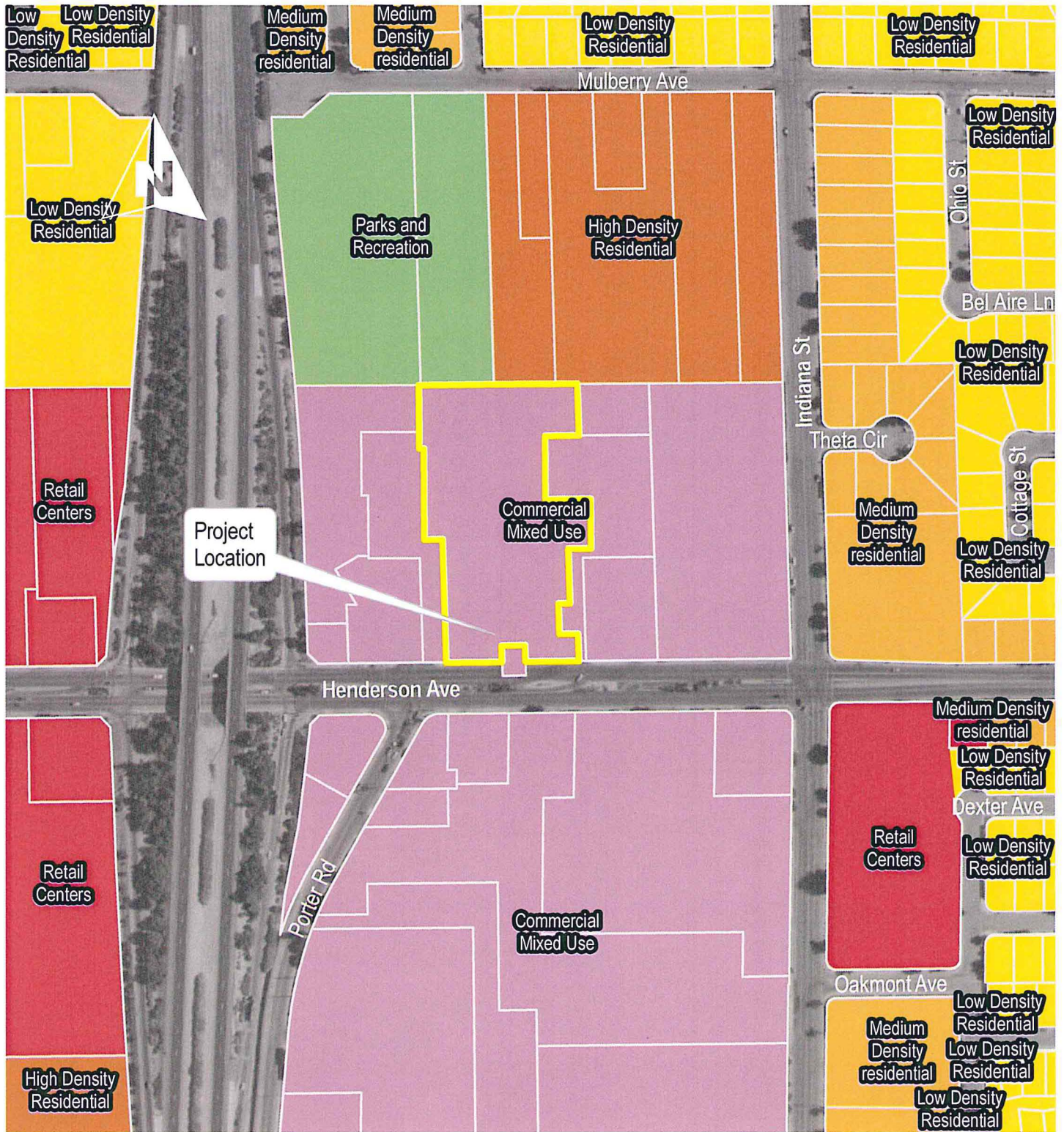
1. Adopt the draft resolution approving Conditional Use Permit (PRC 2014-019-C) subject to conditions of approval; and
2. Authorize the mayor to sign the Letter of Public Convenience or Necessity.

ATTACHMENTS:

1. Locator Map
2. General Plan Land Use Designation
3. Floor Plan
4. Existing licenses in Census Tract 37.00
5. Draft Resolution
6. Letter of Public Convenience or Necessity



PRC 2014-019
 Applebees @ 892 W Henderson
 Project Locator Map
 1" = 300 ft
**ATTACHMENT
 ITEM NO. 1**



PRC 2014-019
 Applebees @ 892 W Henderson
 General Plan Land Use
 ATTACHMENT
 ITEM NO. 2
 1" = 300'

[illegible]

A1.4 GENERAL NOTES

- | | |
|--|--|
| <p>1. VARIOUS FINISHES AND COATINGS TO BE RETAINED BY OWNER'S PERSONAL SUPERVISOR. CONTRACT: O.C. TO COORDINATE REGULATION</p> | <p>2. KITCHEN EQUIPMENT SHOWN FOR REFERENCE ONLY. REFER TO KITCHEN DRAWINGS</p> |
| <p>3. ALL FRONT OF HOUSE PLUMBING, CUSTOMER EQUIPMENT AND FINISHES TO BE RETAINED BY O.C.</p> | <p>4. TABLE TOP AT ALL WITHDRAWN ACCESSIBLE LOCATIONS SHALL HAVE A 1" DIA. DISK BOLLARDING THE INTERNATIONAL SYMBOL OF ACCESSIBILITY</p> |

Casework Schedule	
TIME	COMMENTS
12:00 - 12:30	BAR TYPE
12:30 - 1:00	ADA BAR TYPE
1:00 - 1:30	BLACK BAR COORDINATOR
1:30 - 2:00	MCEN HOUSER
2:00 - 2:30	WAT STATION
2:30 - 3:00	HOSTESS STAND
3:00 - 3:30	RECEPTION LAMPYON COORDINATOR

Furniture – Booth Schedule

Furniture – Booth Schedule						
TYPE	LOCATION	DESCRIPTION	ROOM NUMBER	SEAT CURRENCY	BOOK CURRENCY	BASE
B1	NOT USED	BUCKET SEATING WITH UNFOLDED SEAT AND BACK ON INTERLOCK, BEATED PLATFORM	1	3	5	11
B2	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	3	6	12
C2	BAR DRINK 2	36" H BOOTH WITH REMOVABLE SEAT	1	4	7	13
D1	NOT USED	4" T BOOTH BOOTH WITH BOOTH OUTSIDE	1	2	5	12
D2	DRINK 2, 3 & 4	46" T BOOTH BOOTH 50" L-1	1	4	7	13
D3	DRINK 1	60" T 36" H BOOTH	1	4	7	13
D4	DRINK 2, 3 & 4	36" T 48" H BOOTH	1	4	7	13
E1	NOT USED	BUCKET SEATING WITH UNFOLDED SEAT	1	4	8	12
F1	NOT USED	36" H BUCKET SEATING	1	3	7	12
F2	NOT USED	36" H BUCKET SEATING WITH OUTSIDE	1	3	9	13
G1	NOT USED	46" T BOOTH SEAT	1	4	9	13
G2	DRINK 1, 3 & 4	36" T BOOTH SEAT	1	4	10	13

Material Legend

- | | | | |
|---|-------------------------------|----|--|
| 1 | STAIN TO MATCH P.C.-1 | 8 | 1A5 STAIN- STAIN TO MATCH P.C.-1 |
| 2 | UNIDENT.-APPEARED CHOCOLATE | 9 | UNIDENT.-APPEARED COFFIN |
| 3 | UNIDENTIFIED AF 4055 BROWN | 10 | UNIDENTIFIED 66561-007 BLOOD |
| 4 | UNIDENTIFIED AF 4694 GOLD | 11 | BLACK STAIN WITH SALT ALUMINUM CONCRETE QUARTZ |
| 5 | SAN ROAD SSP-001 BROWN | 12 | TARGETED WARE LIES WITH STAINLESS WARE BASE |
| 6 | OF STINON APPEARS PLASTIC | 13 | |
| 7 | NASTON LITERA STATION CLARITY | | |

Furniture – Chair Schedule

Furniture – Chair Schedule		
TYPE MARK	DESCRIPTION	COUNT
HT	MAINTING BENCH	2
HC-1	HIGH CHAIR	2
S-1	BABY STOOL	36
S-2	DINING ROOM CHAIR	12

Television Legend

Television Legend				
TAG	MANUFACTURE	MODEL	COMMENTS	QUANTITY
T1	SAMSUNG	UN50H60XX ZXA	55" LED TV-wall mounted	0
T2	SAMSUNG	UN39H5000R ZXA	39" LED TV-wall mounted	11
T3	SAMSUNG	UN70H5000R ZXA	75" LED TV-wall mounted	2

Furniture – Table Schedule

TYPE	LOCATION	DESCRIPTION	TABLE TOP MATERIAL
B-1	Dining 1 & 3	30" x 72" TABLE	WHITE ROVER BLOCK
B-2	BAR DINING 2, DINING 2 & 4	30" x 42" TABLE	WHITE ROVER BLOCK
B-3	BAR DINING 2, DINING 1	30" x 60" TABLE	WHITE ROVER BLOCK
B-4	BAR DINING 2, DINING 2 & 4	30" x 42" TABLE	WHITE ROVER BLOCK
B-5	BAR DINING 2	30" x 42" TABLE	WHITE ROVER BLOCK
B-6	DINING 1 & 3	30" x 72" TABLE	WHITE ROVER BLOCK
B-7	BAR DINING 2	30" x 60" TABLE	WHITE ROVER BLOCK
B-8	BAR DINING 2 & 4	30" x 42" TABLE	WHITE ROVER BLOCK
B-9	BAR DINING 2	45" x 72" TABLE	WHITE ROVER BLOCK
B-10	DINING 1	42" x 60" TABLE	WHITE ROVER BLOCK

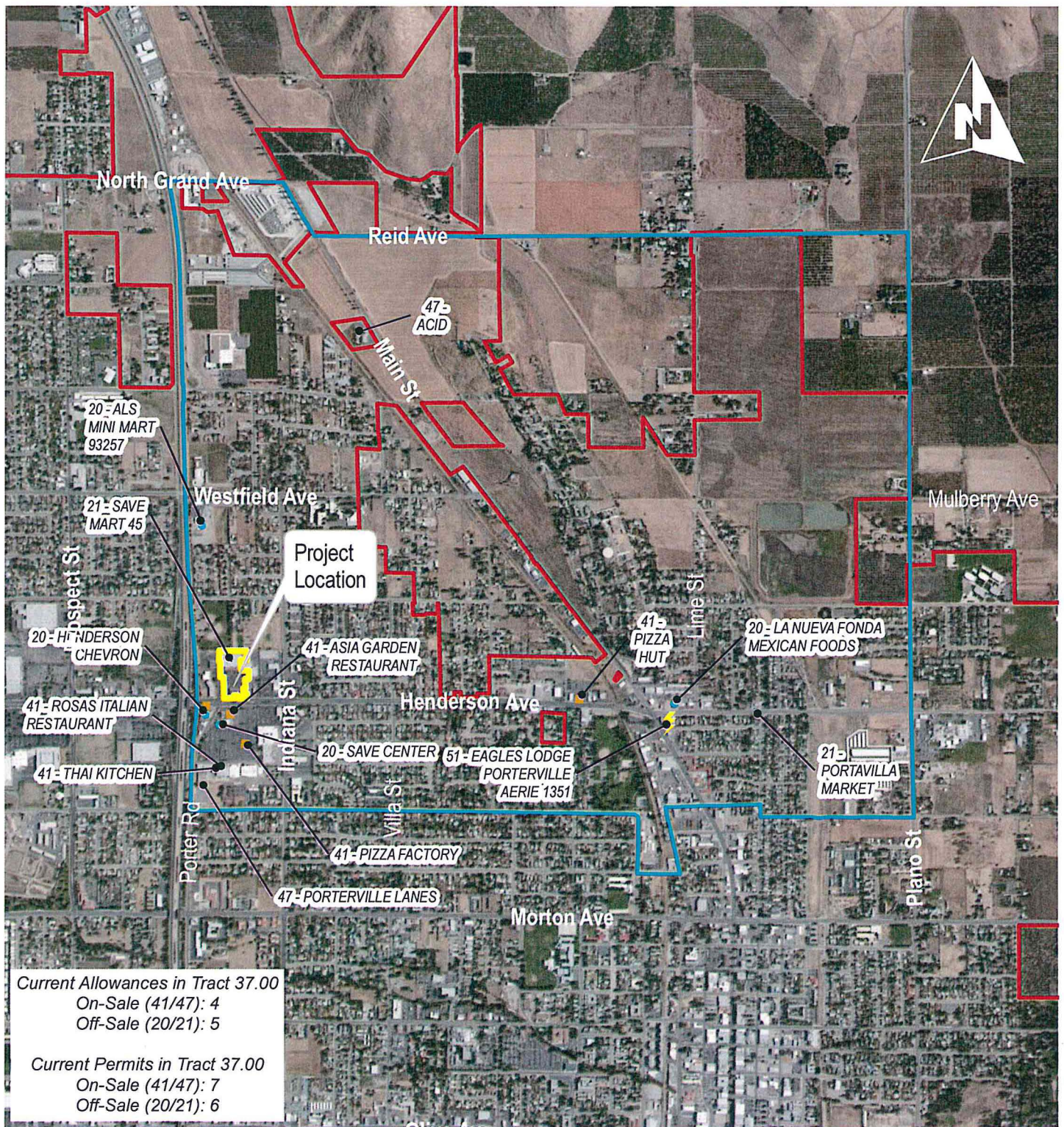
APPLEBEE'S RESTAURANT

PORTERVILLE TOWN CENTER
892 WEST HENDERSON
PORTERVILLE, CA,

ATTACHMENT
ITEM NO. 3



APPLEBEE'S
PORTERVILLE
PORTERVILLE TOWN CENTER
602 WEST HANCOCK
PORTERVILLE, CA
A-1.4
DATE: 07-25-14





**California Department of Alcoholic Beverage Control
For the County of TULARE - (Retail Licenses)
and Census Tract = 37**

Report as of 11/6/2014

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	195250	ACTIVE	21	1/21/1987	6/30/2015	SAVE MART SUPERMARKETS 900 W HENDERSON AVE PORTERVILLE, CA 93257-1704 Census Tract: 0037.00	SAVE MART 45	PO BOX 4278, ATTN: DEBRA KEELER MODESTO, CA 95352-4278	5404
2)	275575	ACTIVE	47	9/4/1992	5/31/2015	TRAMP, RODNEY R 952 W GRAND AVE PORTERVILLE, CA 93257 Census Tract: 0037.00			5404
3)	281609	ACTIVE	41	5/21/1993	9/30/2015	LEE, SHU KWAN 895 W HENDERSON AVE PORTERVILLE, CA 93257 Census Tract: 0037.00	ASIA GARDEN RESTAURANT		5404
4)	367020	ACTIVE	20	12/12/2000	3/31/2015	MENCHACA, JUAN C 96 W HENDERSON AVE PORTERVILLE, CA 93257 Census Tract: 0037.00	LA NUEVA FONDA MEXICAN FOODS		5404
5)	430188	ACTIVE	20	4/5/2006	3/31/2015	SANDHU, BALBIR SINGH 770 N PORTER RD PORTERVILLE,	SAVE CENTER		5404

						CA 93257 Census Tract: 0037.00			
6)	<u>437934</u>	ACTIVE	41	3/30/2006	2/28/2015	PANYATHONG, SUPHANH 951 W HENDERSON AVE PORTERVILLE, CA 93257 Census Tract: 0037.00	THAI KITCHEN		5404
7)	<u>454777</u>	ACTIVE	41	7/25/2007	6/30/2015	GAMMON, SCOTT EVAN 897 W HENDERSON AVE PORTERVILLE, CA 93257-6912 Census Tract: 0037.00	PIZZA FACTORY		5404
8)	<u>522505</u>	ACTIVE	20	7/30/2012 10:57:47 AM	6/30/2015	SALEH, TAHA ALI 957 W HENDERSON AVE PORTERVILLE, CA 93257-1761 Census Tract: 0037.00	HENDERSON CHEVRON		5404
9)	<u>523544</u>	ACTIVE	20	9/20/2012 10:57:37 AM	8/31/2015	NARWAL, SARBJIT KAUR 943 W WESTFIELD AVE PORTERVILLE, CA 93257-1255 Census Tract: 0037.00	ALS MINI MART 93257		5404
10)	<u>530514</u>	ACTIVE	21	7/16/2013 2:05:34 PM	6/30/2015	AL RAIFI LLC 34 E HENDERSON AVE PORTERVILLE, CA 93257-1764 Census Tract: 0037.00	PORTAVILLA MARKET		5404
11)	<u>531372</u>	ACTIVE	41	8/26/2013 10:36:07 AM	7/31/2015	GELT HOLDINGS INC 276 W HENDERSON AVE PORTERVILLE,	PIZZA HUT	220 PORTER DR, STE 100 SAN RAMON, CA 94583-9206	5404

						CA 93257 Census Tract: 0037.00			
12)	<u>531502</u>	ACTIVE	47	6/27/2013 4:07:34 PM	5/31/2015	TULE RIVER INDIAN TRIBE OF CALIFORNIA 615 N MAIN ST PORTERVILLE, CA 93257-2316 Census Tract: 0037.00	OAK PIT	PO BOX 589 PORTERVILLE, CA 93258-0589	5404
13)	<u>531842</u>	ACTIVE	47	5/31/2013 9:11:03 AM	4/30/2015	ALMANSUR, ILYAS 1531 N MAIN ST PORTERVILLE, CA 93257-9541 Census Tract: 0037.00	ACID	PO BOX 666 DUCOR, CA 93218-0666	5400
14)	<u>538547</u>	ACTIVE	41	5/14/2014 10:59:53 AM	2/28/2015	CORRIGAN, JASON EDWARD 949 W HENDERSON AVE PORTERVILLE, CA 93257 Census Tract: 0037.00	ROSAS ITALIAN RESTAURANT		5404
15)	<u>9228</u>	ACTIVE	51	6/5/1959	8/31/2015	EAGLES LODGE PORTERVILLE AERIE 1351 97 W HENDERSON AVE PORTERVILLE, CA 93257 Census Tract: 0037.00	EAGLES LODGE PORTERVILLE AERIE 1351	PO BOX 989 PORTERVILLE, CA 93258	5404

--- End of Report ---

For a definition of codes, view our [glossary](#).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE
PERMIT (PRC 2014-019-C) TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE
41 BEER AND WINE LICENSE IN CONJUNCTION WITH A RESTAURANT FOR
APPLEBEE'S LOCATED AT 892 W. HENDERSON AVENUE

WHEREAS: On November 5, 2014, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to Section 15061(b), (3) of the California Code of Regulation (CEQA Guidelines); and

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of November 18, 2014, conducted a public hearing to consider Conditional Use Permit (PRC 2014-019-C) to allow for the sale of alcohol under a Type 41 Beer and Wine License in conjunction with a restaurant for Applebee's located at 892 W. Henderson Avenue; and

WHEREAS: The City Council of the City of Porterville authorized the mayor to sign the Letter of Public Convenience or Necessity because of the regional nature of the shopping center within which the restaurant is located; and

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

WHEREAS: The City Council made the following findings:

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

The CMX designation is intended to provide for commercial, service, office and residential uses that meet local and regional demand. The proposed restaurant with alcohol sales would suit the purpose of the land use designation. The restaurant is a permitted use in the CMX land use, and alcohol sales may be permitted with a Conditional Use Permit.

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

Conditions of approval are included herein to ensure adequate development standards are met. The project is located within an existing building in a regional shopping center that has been well maintained since its original development. Further, all land owners within the city of Porterville are held to performance standards identified in Chapter 306 of the Development Ordinance. Specifically, Section 306.03 of the Ordinance states, "Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire,

**ATTACHMENT
ITEM NO. |**

explosive, or other hazard; noise, vibration, smoke, dust, odor, or form of air pollution; heat, cold, dampness, electrical or other disturbance; glare, refuse, or wastes; or other substances, conditions, or elements which would substantially adversely affect the surrounding area.”

3. This project is Categorically Exempt pursuant to CEQA Guidelines §15061(b), (3) - General Rule: the approval of the alcohol sales creates no physical change to the environment.
4. The California Department of Alcoholic Beverage Control (ABC) allows for a specific number of licenses per census tract, based on population. Whenever the ratio of on-sale licenses to population in a census tract exceeds the average ratio for the county, an “undue concentration” of licenses is determined to exist. The subject site is located within Census Tract 37.00; this tract contains 14 licenses for alcohol sales; seven (7) on-sale, six (6) off-sale and one (1) club licenses (Eagles Lodge). In Census Tract 37.00, four (4) on-sale and five (5) off-sale licenses are allowed without being deemed over-concentrated. Approval of this on-sale licenses would be the 8th on-sale licenses, five (5) above the allowable as determined by ABC. Due to the over concentration of on-sale licenses, a Letter of Public Convenience or Necessity will be required.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit (PRC 2014-019-C) subject to the following conditions:

1. The developer/applicant shall keep the beer and wine in a secure place with access only available to the employees, shown herein as the walk-in refrigeration and separate bar area in Exhibit “A.” Any future changes in operation which substantially alter the condition or nature of the subject business will require approval by the City Council if such modification involves expansion, relocation, or change in accessibility to the conditioned uses.
2. The facility shall be operated and maintained to comply with applicable State and Federal laws, and the City of Porterville Development Ordinance at all times.
3. The applicant shall maintain the security lighting on the exterior of the building and in the parking lot in a manner to allow reasonable surveillance of the area to the satisfaction of the Police Department and Zoning Administrator.
4. The applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Section 601.10 of the Porterville Development Ordinance.

5. The elements of the conditional use permit approving on-site alcohol sales will be subject to modification or revocation if the State of California imposes sanctions on the on-sale license.
6. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner.
7. No alcohol advertising shall be displayed and/or viewed from the outside of the proposed building.
8. The consumption of alcoholic beverages shall be prohibited off-site or outside of the building.
9. Upon approval of the conditional use permit, any future violations of regulations of the codes relating to the sales or consumption of alcohol, and/or excessive service calls by the Police Department resulting from the sales of alcohol will result in revocation of the Conditional Use Permit.
10. Unless an extension of time is granted by the City Council, the conditional use permit shall expire two (2) years after the date of approval if the on-sale Type 41 Alcohol License for General Bona Fide Eating Place is not active or actively pursued. The alcohol license permits sale of beer and wine in conjunction with the serving of meals.
11. The hours of operation during which alcoholic beverages may be sold and served under the on-sale license shall be limited to only during business hours.
12. That a Letter of Public Convenience or Necessity shall be required.

PASSED, APPROVED AND ADOPTED this 18st day of November, 2014.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By

Patrice Hildreth, Chief Deputy City Clerk

APPLEBEE'S RESTAURANT

PORTERVILLE TOWN CENTER
892 WEST HENDERSON
PORTERVILLE, CA



REV.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	08-12-14
2	REVISED	08-12-14



000.000
APPENDIX 5
PORTERVILLE
GENERAL TOWN CENTER
PERMIT NO. 14
DATE: 08-12-14

- ### A1.4 GENERAL NOTES
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODES AND ALL APPLICABLE ORDINANCES.
 2. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY ENGINEER.
 3. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 4. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 5. THE CITY ENGINEER SHALL HAVE THE FINAL SAY IN ALL MATTERS OF CONSTRUCTION.

Casework Schedule		COMMENTS	
TYPE	LOCATION	DATE	STATUS
BAR TOP	BAR TOP	08-12-14	11
BAR TOP	BAR TOP	08-12-14	12
BACK BAR COUNTER	BACK BAR COUNTER	08-12-14	13
FRONT COUNTER	FRONT COUNTER	08-12-14	14
FRONT COUNTER	FRONT COUNTER	08-12-14	15
FRONT COUNTER	FRONT COUNTER	08-12-14	16
FRONT COUNTER	FRONT COUNTER	08-12-14	17
FRONT COUNTER	FRONT COUNTER	08-12-14	18
FRONT COUNTER	FRONT COUNTER	08-12-14	19
FRONT COUNTER	FRONT COUNTER	08-12-14	20

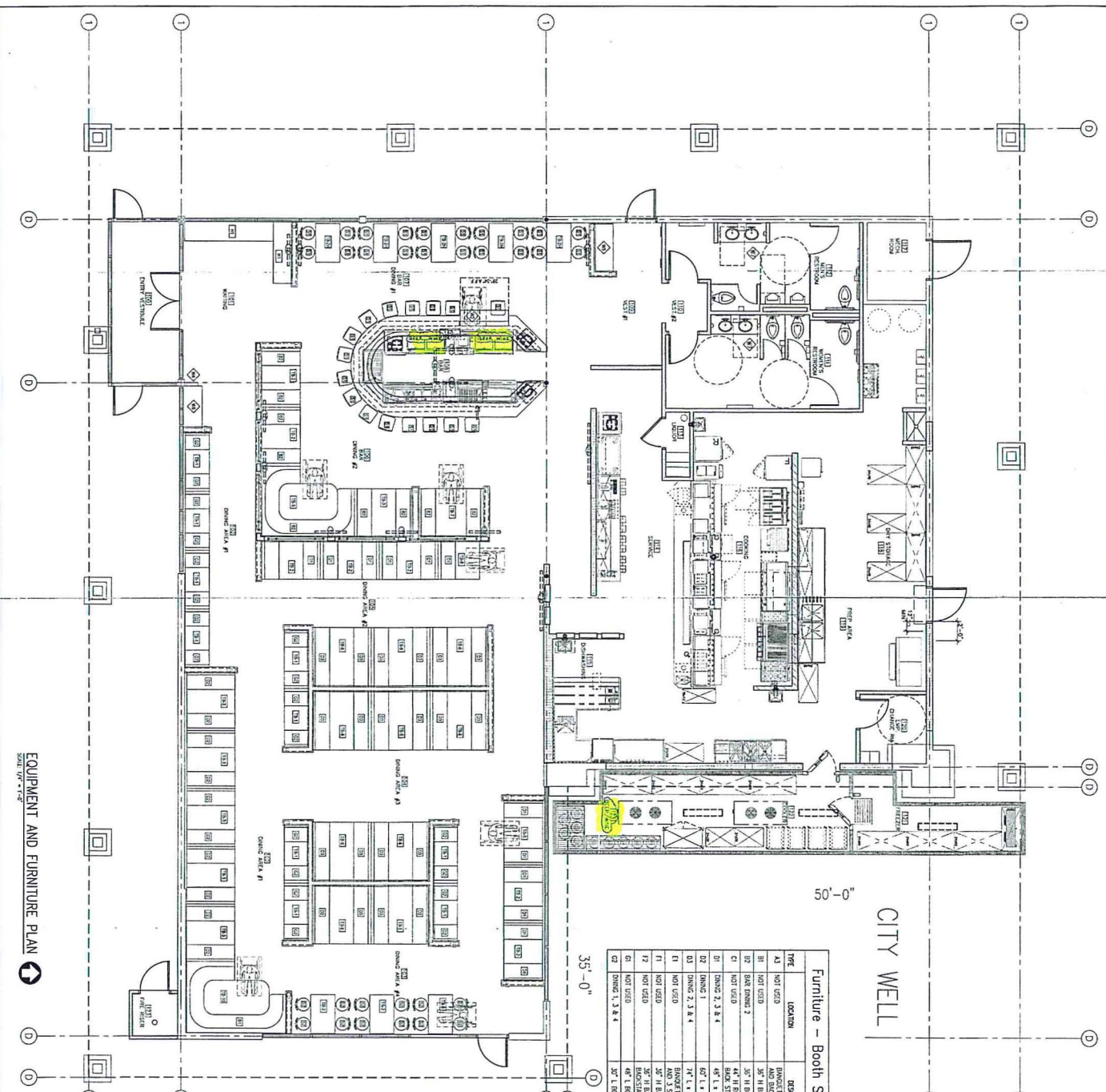
Furniture - Booth Schedule		COMMENTS	
TYPE	LOCATION	DATE	STATUS
BOOTH SEATING	BOOTH SEATING	08-12-14	1
BOOTH SEATING	BOOTH SEATING	08-12-14	2
BOOTH SEATING	BOOTH SEATING	08-12-14	3
BOOTH SEATING	BOOTH SEATING	08-12-14	4
BOOTH SEATING	BOOTH SEATING	08-12-14	5
BOOTH SEATING	BOOTH SEATING	08-12-14	6
BOOTH SEATING	BOOTH SEATING	08-12-14	7
BOOTH SEATING	BOOTH SEATING	08-12-14	8
BOOTH SEATING	BOOTH SEATING	08-12-14	9
BOOTH SEATING	BOOTH SEATING	08-12-14	10
BOOTH SEATING	BOOTH SEATING	08-12-14	11
BOOTH SEATING	BOOTH SEATING	08-12-14	12
BOOTH SEATING	BOOTH SEATING	08-12-14	13
BOOTH SEATING	BOOTH SEATING	08-12-14	14
BOOTH SEATING	BOOTH SEATING	08-12-14	15
BOOTH SEATING	BOOTH SEATING	08-12-14	16
BOOTH SEATING	BOOTH SEATING	08-12-14	17
BOOTH SEATING	BOOTH SEATING	08-12-14	18
BOOTH SEATING	BOOTH SEATING	08-12-14	19
BOOTH SEATING	BOOTH SEATING	08-12-14	20

Material Legend		COMMENTS	
ITEM	DESCRIPTION	DATE	STATUS
1	STAIN TO MATCH P-1	08-12-14	1
2	WOODEN PLATE'S DISCOUNT	08-12-14	2
3	MATERIAL 40-50-50 BROWN	08-12-14	3
4	MATERIAL 40-50-50 BROWN	08-12-14	4
5	STAIN TO MATCH P-1	08-12-14	5
6	STAIN TO MATCH P-1	08-12-14	6
7	STAIN TO MATCH P-1	08-12-14	7
8	STAIN TO MATCH P-1	08-12-14	8
9	STAIN TO MATCH P-1	08-12-14	9
10	STAIN TO MATCH P-1	08-12-14	10
11	STAIN TO MATCH P-1	08-12-14	11
12	STAIN TO MATCH P-1	08-12-14	12
13	STAIN TO MATCH P-1	08-12-14	13
14	STAIN TO MATCH P-1	08-12-14	14
15	STAIN TO MATCH P-1	08-12-14	15
16	STAIN TO MATCH P-1	08-12-14	16
17	STAIN TO MATCH P-1	08-12-14	17
18	STAIN TO MATCH P-1	08-12-14	18
19	STAIN TO MATCH P-1	08-12-14	19
20	STAIN TO MATCH P-1	08-12-14	20

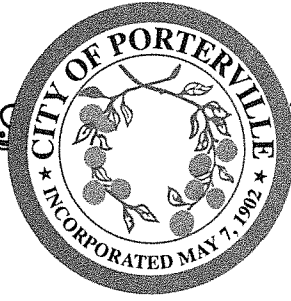
Furniture - Chair Schedule		COMMENTS	
TYPE	LOCATION	DATE	STATUS
BAR	BAR	08-12-14	1
BAR	BAR	08-12-14	2
BAR	BAR	08-12-14	3
BAR	BAR	08-12-14	4
BAR	BAR	08-12-14	5
BAR	BAR	08-12-14	6
BAR	BAR	08-12-14	7
BAR	BAR	08-12-14	8
BAR	BAR	08-12-14	9
BAR	BAR	08-12-14	10
BAR	BAR	08-12-14	11
BAR	BAR	08-12-14	12
BAR	BAR	08-12-14	13
BAR	BAR	08-12-14	14
BAR	BAR	08-12-14	15
BAR	BAR	08-12-14	16
BAR	BAR	08-12-14	17
BAR	BAR	08-12-14	18
BAR	BAR	08-12-14	19
BAR	BAR	08-12-14	20

Television Legend		COMMENTS	
ITEM	DESCRIPTION	DATE	STATUS
1	TELEVISION	08-12-14	1
2	TELEVISION	08-12-14	2
3	TELEVISION	08-12-14	3
4	TELEVISION	08-12-14	4
5	TELEVISION	08-12-14	5
6	TELEVISION	08-12-14	6
7	TELEVISION	08-12-14	7
8	TELEVISION	08-12-14	8
9	TELEVISION	08-12-14	9
10	TELEVISION	08-12-14	10
11	TELEVISION	08-12-14	11
12	TELEVISION	08-12-14	12
13	TELEVISION	08-12-14	13
14	TELEVISION	08-12-14	14
15	TELEVISION	08-12-14	15
16	TELEVISION	08-12-14	16
17	TELEVISION	08-12-14	17
18	TELEVISION	08-12-14	18
19	TELEVISION	08-12-14	19
20	TELEVISION	08-12-14	20

Furniture - Table Schedule		COMMENTS	
TYPE	LOCATION	DATE	STATUS
BAR	BAR	08-12-14	1
BAR	BAR	08-12-14	2
BAR	BAR	08-12-14	3
BAR	BAR	08-12-14	4
BAR	BAR	08-12-14	5
BAR	BAR	08-12-14	6
BAR	BAR	08-12-14	7
BAR	BAR	08-12-14	8
BAR	BAR	08-12-14	9
BAR	BAR	08-12-14	10
BAR	BAR	08-12-14	11
BAR	BAR	08-12-14	12
BAR	BAR	08-12-14	13
BAR	BAR	08-12-14	14
BAR	BAR	08-12-14	15
BAR	BAR	08-12-14	16
BAR	BAR	08-12-14	17
BAR	BAR	08-12-14	18
BAR	BAR	08-12-14	19
BAR	BAR	08-12-14	20



EQUIPMENT AND FURNITURE PLAN
SCALE: 1/8" = 1'-0"



**Community Development
Department**

November 19, 2014

California Department of Alcoholic Beverage Control
Fresno District Office
3640 East Ashlan Ave
Fresno, CA 93726
ATTN: Christine Weldon

RE: Applebee's – 892 W. Henderson Avenue, Porterville, CA

Dear Ms. Weldon:

The City Council of the City of Porterville has elected to approve submittal of this letter regarding the public convenience or necessity to be served through issuance of an on-sale Type 41 (beer and wine) license for Applebee's located at 892 W. Henderson Avenue. The shopping center within which the proposed restaurant will be located is a regional center, and has significant economic draw beyond the boundaries of the census tract.

Approval of this letter was based on the following:

1. Per Section 23958.4 of the "Business and Professions Code," the subject site is located within Census Tract 37.00 which allows four (4) on-sale licenses. At the present time seven (7) on-sale licenses currently exist in this tract. Due to the over concentrated of on-sale licenses a Letter of Public Convenience or Necessity was required.
2. On November 18, 2014, the City Council conditionally approved Conditional Use Permit (PRC 2014-019-C), review attached resolution, to allow the on-sale of beer and wine located at 892 W. Henderson Avenue. As a condition of approval, a Letter of Public Convenience or Necessity was required to be approved by the City Council.
3. In consideration of the above, the City Council determined that public convenience or necessity would be served by the issuance of an on-sale beer and wine license.

**ATTACHMENT
ITEM NO. 6**

Further issuance of an on-sale license allowing beer and wine sales represents a viable economic asset to the community which will contribute tax revenues to the local economy. The subject site is consistent with the General Plan Land Use Designation for Commercial Mixed-Use (CMX). The CMX designation is intended to provide for commercial, service, office and residential uses that meet local and regional demand. The proposed restaurant with alcohol sales would suit the purpose of the General Plan Land Use Designation. The restaurant is a permitted use in the CMX land use designation, and alcohol sales may be permitted in that land use with the requested Conditional Use Permit.

For these reasons, the City Council of the City of Porterville supports issuance of an on-sale beer and wine license for Applebee's located in the Porterville Town Center at 892 W. Henderson Avenue.

Sincerely,

Milt Stowe, Mayor

Attachment: Resolution

COUNCIL AGENDA: November 18, 2014

SUBJECT: CONSIDERATION OF CITY COUNCIL PROCEDURAL HANDBOOK

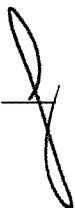
SOURCE: City Manager

COMMENT: At the City Council meeting of September 16th, Councilmember Ward requested, and the Council approved, the consideration of the City Council Procedural Handbook be scheduled for the October 7th meeting. At the October 7th meeting, the Council postponed consideration of the Handbook to the meeting of October 21st, then November 4th, and again to this meeting.

The prior City Council last revised the Handbook in October 2013, and given the recent seating of new members of Council, the Council may wish to review the Handbook for determining its own procedures and operations.

RECOMMENDATION: That the City Council consider the City Council Procedural Handbook, and adopt changes to the Handbook and/or provide direction to staff as deemed appropriate.

ATTACHMENT: City Council Procedural Handbook (Revised October 1, 2013)

C/M 

Item No. 11

CITY COUNCIL PROCEDURAL HANDBOOK



Compiled by:
The Office of City Clerk
291 North Main Street
Porterville, CA 93257
Tel: (559) 782-7447
Fax: (559) 782-7452
www.ci.porterville.ca.us

Revised October 1, 2013

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	E. Email Retention Policy <i>(to be attached upon completion and adoption)</i>	



PREAMBLE

The residents and businesses of the City of Porterville are entitled to have fair, ethical, and accountable local government. Such a government requires that:

- Public Officials comply with both the letter and spirit of the laws and policies affecting operations of the government;
- Public Officials be independent, impartial, and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

No part of this Handbook shall be interpreted so as to violate any federal or state law; a Council Member's Oath of Office; a Council Member's moral or ethical responsibilities; or the exercise of a Council Member's individual rights afforded him/her by the U.S. Constitution.

To this end, the City Council of the City of Porterville hereby approves of and affirms the above to encourage public confidence in the integrity of local government and its operations.
(*Minute Order 21-070511, July 5, 2011.*)



II. MEETINGS OF COUNCIL

The Council shall provide by ordinance the time and place of holding regular meetings and the manner in which special meetings may be called. Public interest and convenience shall be primary consideration when decisions are made as to time, location and frequency.

Except as otherwise provided by law, all meetings of the Council shall be open to the public.

A. REGULAR MEETINGS

1. Pursuant to Section 10 of the City Charter, Regular Meetings of the Porterville City Council shall be held on the first and third Tuesday of each month in the Council Chambers at City Hall, 291 North Main Street, in the City. The Regular Meetings will commence at five thirty o'clock (5:30) P.M., with Closed Sessions commencing at five thirty o'clock (5:30) P.M., and Open Session commencing at six thirty o'clock (6:30) P.M. In the event that a regular meeting of the Council shall fall on a legal holiday, that regular meeting shall be held at the same place and time on the next succeeding working day, or as determined by Council. (*Ordinance 1766, August 17, 2010; M.O. 15-09181, September 18, 2012.*)
2. Following the mid-meeting break (around 9:00 p.m.) the Mayor, with assistance from the City Manager, will review the balance of the agenda with Council to discuss how it can be handled in the allowed time. If it is necessary to continue any items, it will be announced at that time.

B. ADJOURNED MEETINGS/STUDY SESSIONS (Open to the public)

1. The purpose of these meetings shall be for informal discussions between staff, advisory bodies or consultants and the City Council regarding specific programs, projects or policies. If noticed, formal action may be taken at such a meeting.
2. Adjourned Meetings/Study Sessions will be held at a time and place convenient to Council and advantageous for public participation.
3. Participation of the public shall be at the discretion of the Presiding Officer, upon consensus of the Council.

C. SPECIAL MEETINGS

1. Special meetings may be called by the Mayor or three members of the City Council. (*Gov. Code Section 54956*) Written notice of each special meeting must be given not less than twenty-four (24) hours before such meeting to each member of the City Council not joining the call.
2. Written notice must be given to the City Council and to the media 24 hours prior to each meeting. (*Gov. Code Section 54956*)
3. A supplemental telephone call shall be made if necessary to notify each Council Member.
4. No business other than that announced shall be discussed.
5. Any special meeting held at a place other than City Hall shall be open to the public. Notice requirements of the Brown Act shall be complied with for any such meetings; regular minutes shall be taken by the City Clerk and shall be available for public inspection.

D. ORDER OF BUSINESS:

Call to Order
Roll Call
Oral Communications
Closed Session(s)
Reconvene at 6:30 p.m.
Closed Session Report
Pledge of Allegiance
Invocation
Presentations/Proclamations
Reports (AB1234 Reports, Committee/Commission/Board Reports;
Subcommittee Reports; Information Items and Reports)
Oral Communications
Consent Calendar
Approval of Minutes
~~Claims Against the City~~ (closed session)
Payment of Bills
Payments on Public Works Projects
Authorization to Purchase
Authorization to Call for Bids
Award of Bids
Acceptance of Projects

Acceptance of Dedications/Property
Approval of Final Tract Maps
Annexations
Requests for City Services
Reports
Other Routine Matters
Public Hearings
Second Reading of Ordinances
Scheduled Matters
Oral Communications (on any matter of interest)
Council Comments
Adjournment
(Resolution 101-2010, August 17, 2010, attached as Appendix A.)

E. CONSENT ITEMS

1. Consent items are the first items on the open session portion of the agenda (items that are routine, have been discussed before, relate to implementation of approved budget items, or to City operations or item to be later set for public hearing).
2. Any item removed from the Consent Calendar shall be considered immediately after the last Scheduled Matter on the agenda and immediately before the Second Oral Communications. *(M.O. 16-091812, September 18, 2012.)*



III. MEETING PROCEDURES

A. PRESIDING OFFICER

1. The Mayor is the Presiding Officer and acts as Chair at Council meetings.
2. In the absence or incapacity of the Mayor, the Vice Mayor as Mayor Pro Tempore will serve as Presiding Officer. In the absence of both the Mayor and Vice Mayor, the Council Members present shall select one of their number to serve as Presiding Officer for that meeting. *(Amended via Minute Order 08-071911, July 19, 2011.)*

3. Seating arrangement of the Council:

Seating arrangements shall be at Council discretion with preference being given to health conditions, seniority, individual Council Member preferences, and the Mayor's preference, in that order. *(Amended via Minute Order 08-071911, July 19, 2011.)*

4. Signing of City Documents:

The Mayor, unless unavailable, shall sign all ordinances, resolutions, contracts and other documents which have been adopted by the City Council and require an official signature; except when the City Manager, or his or her designee, has been authorized by Council action to sign documents. In the event the Mayor is unavailable, the Vice Mayor may sign the required documents. *(Amended via Minute Order 08-071911, July 19, 2011.)*

B. QUORUM

A majority of the Council Members shall constitute a quorum for the transaction of business. *(City Charter)*

C. DISCUSSION RULES

1. Obtaining the floor:
 - a. A member of the City Council, staff, or public shall first address the Presiding Officer and gain recognition.

- b. Comments and questions shall be limited to the issue before Council except when members of the public are addressing the Council under Oral Communications.
- c. Council shall require a motion and a second prior to any discussion of an agenda item. (*Minute Order 17-091812, September 18, 2012.*)
- d. Cross-exchange between Council Members, staff or public shall be avoided.
- e. Any citizen may arise and address the City Council on any business especially concerning them or affecting their interests during Oral Communications, but preference will be given to those who have first presented matters in the form of a written communication or who have personally notified the presiding officer of their desire to speak.
- f. Any member or other person using profane, vulgar, loud or boisterous language at any meeting, or otherwise interrupting the proceedings, who refuses to be seated or keep quiet when ordered to do so by the Mayor or Mayor Pro Tem of the City Council, shall be guilty of a misdemeanor. It shall be the duty of the Chief of Police, upon order of the presiding officer, to eject any such member or person from the council room. (*Ordinance 1537*)

2. Questions to staff:

A Council Member shall, after recognition by the Presiding Officer, address questions to duly designated staff members through the City Manager.

3. Interruptions:

- a. Once recognized, a Council Member shall not be interrupted while speaking except to make a point of order or personal privilege.
- b. If a Council Member is called to order while speaking, the individual shall cease speaking until the question of order is determined.
- c. Upon being recognized by the Presiding Officer, members of staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.



IV. COUNCIL REQUESTS FROM THE PUBLIC

A. Response to Letters from the Public

Periodically Council Members receive letters requesting their response. If a Council Member wishes to answer the letter, the matter can be handled in either of three ways:

1. The Council Member can give the letter to the City Manager's Secretary along with direction on how they wish their response to be worded. The City Manager's staff will then prepare the letter on City Council stationery and forward it to the appropriate Council Member for approval and signature. Copies of both letters are kept on file in the City Manager's Office, and copies are available upon request.
2. If the letter requires specific information or details only available from another City Department, the City Manager may refer the letter to the appropriate Department Head for response by them or their designee. Copies of the letters will then be forwarded to the City Manager's Office for filing.
3. If the Council Member wishes to answer their own correspondence, City stationery is available upon request from the City Manager's secretary. Copies of all such letters on City Letterhead shall be provided to all other Council members, and the letter shall include a provision clearly defining that the correspondence represents the views and/or feelings of the specific Council member signing the letter. If the Council Member wishes to have a copy of the letters in their file, they should submit a copy to the City Manager's staff for filing.

If a Council Member receives an informational item and wants a copy to be given to the other Council Members and the City Manager or other Directors, the item should be given to the City Manager's staff and copies will be made and sent out.

B. Referrals to Council agenda

Periodically Council Members receive correspondence or verbal requests for items to be acted upon, or considered, by the City Council. If a Council Member wishes to respond to the request, the matter should be referred to the City Manager. The request can then be handled as follows:

1. The Council Member may request the City Manager to place the item on the Council agenda as a written communication (however, the request must be stated on the agenda face sheet for Council to be able to act on it at the meeting); or
2. Upon research, the request may be determined to be a violation of City, State or Federal law, policy, or previous Council determination, in which case an appropriate response as to why the matter can not be heard will be provided to the requesting party.

Correspondence requesting that an item be acted upon, or considered, by the City Council, which is received directly by the City Manager, is handled in either of two ways:

1. The City Manager shall place any routine and/or legitimate written request under written communications*, or have a staff report prepared if time permits, for the next City Council agenda; or
2. The City Manager shall place any request which has already been acted upon by Council, cannot legally be accomplished, or which has a potential for litigation, in an Administrative Memorandum.

C. Telephone Calls

Citizens attempting to communicate with the City Council often call the offices at City Hall. Such calls are referred to the City Manager's Office. The City Manager's staff will take a message and refer it to the appropriate Council Member, or give the caller the telephone number of the City Council Member so they may call them directly, according to instructions given by the Council Member [see X-D (3)].

D. Personal Meetings

Council Members who wish to meet with their constituents may use various rooms at City Hall. The Council Member should call the City Manager's Secretary as soon as they know a room is needed so that it can be reserved for their use. No more than two Council Members may attend a meeting to discuss City matters without the meeting becoming a public meeting and therefore falling under the requirements of the Brown Act Open Meeting Laws.

E. Personal Correspondence

Council Members who wish to send their own correspondence using City stationery shall include a provision clearly defining that the correspondence represents the views and/or feelings of the specific Council member signing the letter. Copies of all such letters on City Letterhead shall be provided to all other Council members. Letterhead stationery is available upon request from the City Manager's secretary, and if the Council Member wishes to have a copy of their letter in their file, they should submit a copy to the City Manager's staff for filing.

F. Proclamation Approval Process

All Proclamations must be submitted at least 72 hours before noon on the Thursday before the next City Council Meeting to be considered for approval by the City Council. All received proclamations are to be scanned and emailed to all Council Members within one business day of being received. Each Council Member will have until noon on the Thursday before the next Council Meeting to contact the City Manager's Office to sponsor submitted proclamations. Proclamations receiving one sponsor will be placed on the next Council agenda as a Consent Calendar item. Those not receiving a sponsor will be disregarded. If multiple sponsors are received, the first Council Member to respond will be deemed the proclamation's sponsor. (*M.O. 13-100113, October 1, 2013.*)



V. COUNCIL MEMBER REQUESTS TO STAFF

A. General Information

All City Council Member requests for information or documents shall be referred through the City Manager. Any Department Head who receives a direct request from a Council Member shall submit the request, including the name of the requesting Council Member, to the City Manager.

B. Research

All City Council Member requests for information or documents which require extensive research, in the opinion of the City Manager, shall be referred through the City Manager to the Council for direction. The City Manager will discuss the matter with the appropriate department and relay the approximate time table for completion to the City Council for discussion and action at the next available meeting of the City Council. If the request is approved by the Council, upon completion of the research, the information or documents will be forwarded to the City Council Members by the City Manager. *(Amended via Minute Order 08-071911, July 19, 2011.)*

C. Items for inclusion in Council Agenda

The City Manager shall compile the agenda for each meeting and shall include as agenda items, business in the normal course of City affairs, including but not limited to staff proposals to improve services, support the economy and land use, and enhance the efficiency and effectiveness of the City organization, items relating to current, past, and proposed City contracts, leases, franchises, agreements and similar documents, and matters affecting future or proposed City equipment and property, items relating to City employees, agents and contractors, and such other matters as are defined in this handbook or otherwise directed by the City Council.

All City Council Member requests for an item to be placed on the Council agenda should be referred to the City Manager. Pursuant to Minute Order No. 11-022096, such request shall be submitted prior to Monday noon of the week before the Council meeting in order to be placed on the next regularly scheduled meeting.

The City Manager shall place any Council Member request for an agenda item on the next available agenda as a Consent Calendar item for Council approval to be included as a Scheduled Matter on the next available agenda. This does not prevent any Council Member from moving to place an item on the next available agenda during Other Matters of the current agenda. *(Amended via Minute Order 08-071911, July 19, 2011.)*



VI. COUNCIL AGENDA

A. Preparation:

Each Department Head submits agenda items regarding their Department to the City Manager for approval. Upon the City Manager's approval, the items are returned to the appropriate department for copying and collation.

The City Council meeting agendas are prepared on the Thursday prior to the Tuesday meeting. Any questions regarding whether items have been scheduled for consideration at a particular meeting may be directed to the Chief Deputy City Clerk and/or Deputy City Clerk.

B. Deadlines:

The deadlines for the agenda are the Monday preceding the Thursday preparation day. Public hearing items, scheduled matter items, Consent calendar items, and written communications must be submitted by the Monday deadline. The deadline for a Council member request for any item shall be Monday noon preceding the Thursday preparation day.

C. Delivery:

Agendas will be delivered to Council on the Thursday prior to the Tuesday meeting. The agenda shall include a complete copy of the agenda on compact disc suitable for loading on a laptop computer, with provisions for annotating materials with the use of a suitable Acrobat Reader. No items, or additional materials, shall be delivered after the initial delivery to Council on Thursday, except in the instance of a designated emergency item.

Council agendas shall be delivered to the Council Member's home or business, as requested. If no one is available to receive the agenda, the agenda shall be left in an area designated by the Council Member, unless other arrangements have been previously made with the City Clerk's staff. [See X(D)(1)(2).]

The agendas for staff, public and the news media are available after Council receives their agendas, usually on Friday.



VII. THE RALPH M. BROWN ACT

The Ralph M. Brown Act (California Government Code ' 54950 et seq.) governs meetings conducted by local legislative bodies such as city councils, boards of supervisors, special districts, and school boards. The Act represents the State Legislature's determination of how the balance should be struck between the public access to meetings of multi-member public bodies on one hand, and the need for confidential candor, debate, and information gathering on the other.

The Act contains specific exceptions from the open meeting requirements where government has a demonstrated need for confidentiality. Where matters are not subject to a closed meeting exception, the Act has been interpreted to mean that all of the deliberative processes by legislative bodies, including discussion, debate and the acquisition of information, be open and available for public scrutiny.

Meetings are defined as any gathering of a quorum of a legislative body (which includes newly elected but unsworn members of the body) to discuss or transact business under the body's jurisdiction and serial meetings are prohibited. Exemptions are individual contacts between board members and others which do not constitute serial meetings, attendance at conferences and meetings which are open to the public so long as legislative bodies do not discuss amongst themselves business of a specific nature under the body's jurisdiction, and attendance at social or ceremonial events where no business of the body is discussed.

The Act requires that notices of regular meetings must be posted at least seventy-two (72) hours prior to the meeting, and twenty-four (24) hour notice must be provided to members of the legislative body and media outlets for special meetings.

A user's guide to the Ralph M. Brown Act is provided to Council Members for their information. If a Council Member has a specific question which does not seem to be covered in the guide, the Council Member should contact the City Attorney for a legal opinion.



VIII. TRAVEL, MEETINGS AND EXPENSES

This policy would satisfy the requirements of California Government Code §§ 53232.2 and 53233.3 in the event such requirements could be constitutionally applied to charter cities.

The City Manager, or his staff, will notify the City Council Members about any League of California Cities' Conferences, Redevelopment Conferences, Committee meetings, and/or local meetings that may be of interest to the Council. If a Council Member is interested in attending any such meeting, the following procedures should be followed:

A. Requests for Reservations:

When a City Council Member wishes to attend a conference or meeting, he/she should contact the City Manager's office and indicate the following:

1. The date(s) of the conference or meeting;
2. If the Council Member will be accompanied by anyone else, i.e. spouse, child;
3. Any personal preferences for hotel reservations, such as smoking or non-smoking, king or double beds, etc.; and
4. Whether special travel arrangements need to be made, i.e. airplane tickets, ride-sharing, etc.

A disbursement will then be prepared and the payment for the conference or meeting will be forwarded, and, if applicable, the hotel will be contacted to make the appropriate reservations. When making hotel reservations to attend a conference or meeting, a request for a room sales tax waiver shall be made on behalf of the applicable Council member. If a prior room reservation request is not made, the Council member shall request a room sales tax waiver prior to payment for a room.

For lodging in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question, if such rates are available at the time of booking. If the group rate is not available, government rates must be used when available. Lodging rates that are equal or less than the government rates are presumed to be reasonable and allowed per this policy. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the IRS per diem rates for a given area are presumed reasonable and hence allowed.

B. Travel and Expense Form:

A Travel and Expense Form will then be prepared for the Council Member which indicates the following:

1. The amount of money to be issued to the traveler as per diem*; and
2. Mileage expense* (if a personal vehicle is used for travel and cost is paid in advance).

** Amount set in Administrative Policy Manual Sec. II-E-1, Travel & Conference Expenses. In regard to the per diem amount, if payments for expenses are made in advance pursuant to the specified per diem amounts, the disbursement shall not be considered to be reimbursable expense under AB 1234.*

The Council Member will then be issued a packet of materials several days prior to the meeting which contains the following:

1. A check for per diem and mileage;
2. Confirmation notification and informational materials regarding the conference;
3. Confirmation notification for any hotel reservations; and
4. A City credit card to pay for the room charges at the end of the meeting.

C. Receipts:

The Council Member shall then bring the receipt for the hotel charges to the City Manager's staff upon his/her return, together with the credit card, and any refund due the City. The Council Member shall sign the original Travel and Expense Form at that time, which shall then be filed with the Finance Department for final processing.

If a refund is due the Council Member, a check will be issued by the Finance Department and then distributed to the Council Member.

D. Eligibility:

The City shall pay for any Council Member to attend any meetings or conferences of their choice, as approved or ratified by the City Council. A Council Member may request mileage and other expenses associated with attending meetings of boards, commissions, committees, or other groups to which the Council Member has been elected, appointed, or designated to attend by the City Council without further approval or ratification. When accompanied by a spouse, significant other, and/or one or more children, the Council Member shall pay for expenses incurred above that which would otherwise have been paid for the Council Member. Any charge placed on a City credit card for someone other than a Council Member shall also be considered a refund due

the City, payable within 10 days of the receipt of the charges. (*Amended via Minute Order 18-091812, September 18, 2012.*)

E. Event Tickets :

1. City and/or City-Sponsored Events:

A Council Member may accept no more than two (2) tickets issued by the City to a City event or a City-sponsored event. Any tickets in excess of two (2) accepted by a Council Member shall be paid for by the Council Member from non-City funds at the time of acceptance of the tickets. (*Resolution 99-2012, October 2, 2012.*)

2. Non-City Sponsored Events:

The use of City funds to purchase tickets to community events are restricted to the Mayor and Vice-Mayor only. (*Minute Order 11-120412, December 4, 2012.*)



IX. CONFLICT OF INTEREST

A. City Council Members Filing Requirements

City Council Members are under the provisions of the Political Reform Act (Gov. Code, Section 81000 et seq. known as "the Act") as enforced by the Fair Political Practices Commission. The Act applies to campaign contributions requirements, as well as matters of conflict of interest while in office.

1. Disclosure of Economic Interests:

City Council Members must file assuming office and leaving office statements, as well as annual statements while in office. The statements basically require the disclosure of the following information:

- Investments or interests in real property and its fair market value;
- Income, and the name and address of each source of income aggregating five hundred dollars (\$500) or more, or fifty (\$50) or more if a gift, and a general description of the business activity, if any of each source;
- Interests in real property held by a business entity or trust;
- Loans, and its annual interest rate and the security, if any, given for the loan;

2. Disqualification of Participation (Conflict of Interest):

A Council Member shall not make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. This might include decisions which affect property within up to 500 feet of the subject property in which the Council Member has an interest.

A financial interest in a decision, within the meaning of Section 87100 of the Act, is if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the Council Member or:

- A member of his or her immediate family;

- A business entity in which the Council Member has a direct or indirect investment worth \$2000 or more;
- Any real property in which the Council Member has a direct or indirect interest worth \$2,000 or more;
- Any source of income, other than gifts or commercial lending institutes loans, aggregating \$500 or more received or promised to the City Council Member within twelve months prior to the time when the decision is made;
- Any business entity in which the City Council Member is a director, partner, trustee, employee, or holds any position of management;
- Any donor, or any intermediary or agent for a donor, or a gift or gifts aggregating \$420 or more in value provided to, received by, or promised to the City Council Member within 12 months prior to the time when the decision is made.

Indirect investment or interest means any investments or interest owned by the spouse or dependent child of a City Council Member, by an agent on behalf of a Council Member, or by a business entity or trust in which the Council Member, the Council Member's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10% interest or greater.

Section 87100 of the Act does not prevent any Council Member from making or participating in the making of a governmental decision to the extent his participation is legally required for the action or decision to be made. The fact that a Council Member's vote is needed to break a tie does not make his participation legally required for purposes of this section.

Pursuant to Section 87105 of the Act, a public official who holds an office specified in Section 87200 who has a financial interest in a decision within the meaning of Section 87100 shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:

- a. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.

- b. Recuse himself or herself from discussing and voting on the matter, or otherwise acting in violation of Section 87100.
- c. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.
- d. Notwithstanding paragraph (3), a public official may speak on the issue during the time that the general public speaks on the issue.

B. Other Agencies:

Whenever a Council Member is required to file a Statement of Economic Interest for an outside agency, the Deputy City Clerk will provide the correct form, and using the Statement of Economic Interest Form 700 filed in the City Clerk's Office for the City of Porterville, prepare a duplicate statement for signature, and forward the appropriate form to the requesting agency.

C. Redevelopment Agency Filing Requirements:

Upon assuming office, a City Council Member will also serve as a Redevelopment Agency Member. As an Agency Member, they must file a Conflict of Interest statement for the Porterville Redevelopment Project area. After assuming office, an Agency Member may not acquire any property within the Redevelopment Project area. If prior interests exist within the Project area, the Agency Member must disqualify themselves from any action taken which would constitute a benefit to them.

D. City of Porterville Conflict of Interest Code:

Certain designated City employees are also required to file conflict of interest forms under the provisions of the Political Reform Act Code, Sections 87100-87500 et seq. The City of Porterville Conflict of Interest Code was adopted by the City Council and is reviewed biennially to make sure it is kept current.

If Council Members have a question on whether an interest they have is sufficient for disqualification, they should contact the Fair Political Practices Commission at (866) 275-3772, or <http://www.fppc.ca.gov>, for a ruling or opinion.



X. GENERAL ITEMS

A. Different Hats

Members of the City Council also serve as the governing bodies for the following local agencies:

1. Redevelopment Agency
2. Industrial Development Authority
3. Public Financing Authority
4. Public Improvement Corporation
5. Planning Commission
6. Conflicts and Disclosure Monitor Agency

B. Compensation

As stated in the City Charter, Section 9, City Council Members shall receive \$20 per Council meeting, \$25 per Council meeting for the Mayor, with a maximum of seven paid Council meetings per month.

Redevelopment Agency Members shall receive \$30 per Redevelopment meeting. Council Members receive no benefits other than the amounts per meeting stated above.

C. Issuance of Laptop Computers to Council Members

A Wireless Communications Policy for the laptop computers is being developed as set forth in Minute Order 14-090605. (*See Appendix D*)

D. Direction to Support Staff:

Upon assuming office, Council Members should notify the City Manager's staff regarding the following items:

1. Where to deliver Council agendas and Administrative Reports and Memorandums, i.e. home or business.
2. Where to leave Council agendas if the business is closed and/or if no one is home, i.e. City Manager's Office Council mail box, front porch, back door, etc.
3. How to direct citizens who wish to speak to Council Members, i.e. take a message, give out home telephone numbers, give out business telephone numbers, etc.

E. City Attorney

The City Attorney is the legal advisor of the City Council, and all other City officials. The City Attorney shall prosecute all violations of City ordinances and shall draft all contracts and other legal documents and instruments, required by the Council or the City Manager. The City Attorney shall perform such other legal services as the Council may direct and shall attend all meetings of the Council unless excused therefrom by three members or by the Mayor.

The types of questions referred to the City Attorney are as follows:

1. Generally whether a conflict of interest exists for a Council Member and whether they should abstain from voting on a specific matter.

Please note: Any advice received from the City Attorney relating to Conflicts of Interests is informal only and not binding; the Council Member must seek and obtain a formal written opinion from the FPPC in order to be afforded any statutory immunities.

2. Whether an issue has a legal standing, and what type of action would be appropriate.
3. Legal recommendations for matters of litigation.

F. Annual City Manager/City Attorney Evaluations

The City Council shall provide for annual evaluations for the City Manager and the City Attorney. A standardized evaluation form shall be used which shall address the areas of importance as set forth by the City Council. (*See Appendix C.*)

G. Response to President/Governor Directives

Directives issued by the President of the United States and/or Governor of the State of California shall not be considered a mandatory directive to the City of Porterville except as authorized and/or approved by the City Council. The one exception to this rule is that flags on City buildings shall be flown at half mast upon orders by the President, Governor and/or Mayor, or by majority approval of the City Council.



APPENDICES

- A. Resolution 101-2010, Order of Business
- B. Resolution 99-2012, Ticket Policy
- C. Annual City Manager/City Attorney Evaluation Forms
- D. Laptop Computer and Cell Phone Policy (to be attached upon adoption)
- E. Email Retention Policy (to be attached upon adoption)

RESOLUTION NO. 101 -2010

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE RESCINDING RESOLUTION 72-2005
AND ESTABLISHING NEW ORDER OF BUSINESS TO BE FOLLOWED
AT REGULAR MEETINGS OF THE CITY COUNCIL

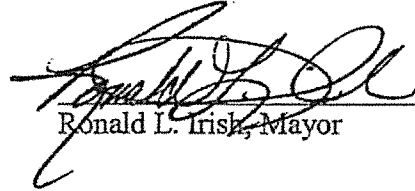
BE IT RESOLVED by the City Council of the City of Porterville that Resolution No. 72-2005 is herein rescinded.

BE IT FURTHER RESOLVED that the following is the order of business to be followed in conducting the regular meetings of the City Council:

- MEETING CALLED TO ORDER
- ROLL CALL
- ORAL COMMUNICATIONS (closed session items only)
- CLOSED SESSION
- RECONVENE OPEN SESSION
- REPORT ON ACTION TAKEN IN CLOSED SESSION
- PLEDGE OF ALLEGIANCE
- INVOCATION
- PROCLAMATIONS/PRESENTATIONS
- REPORTS (AB1234 Reports, Committee/Commission/Board Reports; Subcommittee Reports; Information Items and Reports)
- ORAL COMMUNICATIONS (on any matter of interest)
- CONSENT CALENDAR – to include:
 - Approval of Minutes
 - Claims Against the City
 - Payment of Bills
 - Payments on Public Works Projects
 - Authorization to Purchase
 - Authorization to Call for Bids
 - Award of Bids
 - Acceptance of Projects
 - Acceptance of Dedications/Property
 - Approval of Final Tract Maps
 - Annexations
 - Requests for City Services
 - Reports
 - Other Routine Matters
- PUBLIC HEARINGS
- SECOND READINGS
- SCHEDULED MATTERS

- ORAL COMMUNICATIONS (on any matter of interest)
- COUNCIL COMMENTS
- ADJOURNMENT

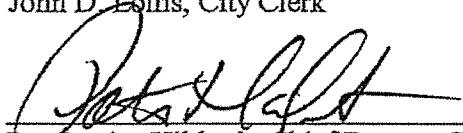
PASSED, APPROVED AND ADOPTED this 17th day of August, 2010.



Ronald L. Irish, Mayor

ATTEST:

John D. Lollis, City Clerk



By: Patrice Hildreth, Chief Deputy City Clerk

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

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 17th day of August, 2010.

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

Council:	MCCRACKEN	HAMILTON	IRISH	SHELTON	WARD
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk


By: Luisa Herrera, Deputy City Clerk

RESOLUTION NO. 99 -2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE ESTABLISHING A POLICY CONCERNING THE
ACCEPTANCE OF TICKETS BY COUNCIL MEMBERS TO CITY OR
CITY-SPONSORED EVENTS

WHEREAS, at its regular meeting of September 18th, 2012, the City Council of the City of Porterville authorized the drafting of a policy limiting the acceptance of tickets by City Council Members to City and City-sponsored events;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTERVILLE:

SECTION 1. The City Council hereby establishes a policy as follows: a Council Member may accept no more than two (2) tickets issued by the City to a City event or a City-sponsored event. Any tickets in excess of two (2) accepted by a Council Member shall be paid for by the Council Member from non-City funds at the time of acceptance of the tickets.

SECTION 2. This resolution establishing the above policy shall be attached as an appendix to the City Council Procedural Handbook.

PASSED, APPROVED AND ADOPTED this 2nd day of October, 2012.



Virginia Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By: 

Patrice Hildreth, Chief Deputy City Clerk

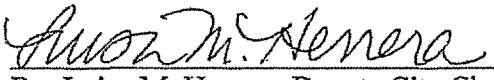
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 2nd day of October, 2012.

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

Council:	WARD	McCRACKEN	GURROLA	SHELTON	HAMILTON
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk


By: Luisa M. Herrera, Deputy City Clerk

**CITY MANAGER
PERFORMANCE EVALUATION
CITY OF PORTERVILLE
(January 1 – December 31, 2013)**

	<u>WEAK</u>					<u>STRONG</u>				
A. Providing Information										
1. Does the City Manager keep you informed, in a timely manner, of the things you want to know about?	1	2	3	4	5					
2. Do you feel that you receive information on an equal basis with other Council members?	1	2	3	4	5					
3. Do reports provide adequate information and analysis to help you make sound decisions?	1	2	3	4	5					
4. Are agenda items and supporting documents appropriate and brought to Council in sufficient time for deliberations?	1	2	3	4	5					
5. Does the City Manager regularly consult with the Council before setting the agenda to determine appropriate topics and timing?	1	2	3	4	5					
6. Does the City Manager follow up promptly on Council requests for information or action without having to be reminded?	1	2	3	4	5					
7. Are Council packets relatively free of errors and omissions?	1	2	3	4	5					
Average score										

	<u>WEAK</u>		<u>STRONG</u>		
B. Providing Advice					
1. Does the City Manager have adequate knowledge of municipal affairs?	1	2	3	4	5
2. Does he exercise good judgment?	1	2	3	4	5
3. Do you feel that the City Manager considers alternatives before making recommendations?	1	2	3	4	5
4. Does the City Manager plan ahead, anticipate needs and recognize potential problems?	1	2	3	4	5
5. How do you feel about the quality of analysis that accompanies recommendations?	1	2	3	4	5
6. Does he have a good sense of timing in bringing issues to the Council for action?	1	2	3	4	5
Average score					

INTERNAL ADMINISTRATION

	<u>WEAK</u>		<u>STRONG</u>		
A. Financial Management					
1. Are you comfortable with the City Manager's approach to budget preparation and review?	1	2	3	4	5
2. Is the City Manager effective in controlling costs through economical utilization of manpower, materials, and equipment?	1	2	3	4	5
3. Does the City Manager have sufficient knowledge of financial matters?	1	2	3	4	5
4. Does the City Manager provide you with sufficient information on the financial status of the City government?	1	2	3	4	5
5. Is the budget submitted on time?	1	2	3	4	5
Average score					

	<u>WEAK</u>		<u>STRONG</u>		
B. Personnel Management					
1. Is the City Manager successful in guiding people so that they work together as a team toward common objectives?	1	2	3	4	5
2. Is the City Manager effective in selection and placing personnel?	1	2	3	4	5
3. Does the City Manager develop and motivate personnel so that they are increasingly effective in performing their duties?	1	2	3	4	5
4. Is the City Manager willing to face up to disciplinary problems and take action when warranted?	1	2	3	4	5
5. Is the City Manager effective in promoting positive employer-employee relations?	1	2	3	4	5
6. Does the City Manager respond to Council suggestions on employee training, work priorities and productivity? Are the decisions explained to Council?	1	2	3	4	5
7. Is the City Manager effective on assuring that staff makes a positive impression on citizens?	1	2	3	4	5
8. Does the City Manager ensure that every City employee receives a written annual performance review?	1	2	3	4	5
Average score					

	<u>WEAK</u>		<u>STRONG</u>		
C. Getting the Job Done					
1. Do you have the feeling that things the Council decides or directs get done?	1	2	3	4	5
2. Does the City Manager organize or assign work so that it is performed efficiently and effectively?	1	2	3	4	5
3. Does the City Manager pay sufficient attention to detail to avoid error or things "slipping through the cracks"?	1	2	3	4	5
4. Does the City Manager put in sufficient time and effort to perform to your expectations?	1	2	3	4	5
5. Does the City Manager have a good sense of priorities in the way he spends his time on the job?	1	2	3	4	5
6. Is the City Manager able to analyze problems or issues and identify causes, reasons, and implications?	1	2	3	4	5
7. Does the City Manager develop and carry out short- and long-term action plans?	1	2	3	4	5
Average score					

EXTERNAL RELATIONS

	<u>WEAK</u>					<u>STRONG</u>				
A. Citizen Relations										
1. Does the City Manager generally make a positive impression on citizens and is he respected in Porterville?	1	2	3	4	5					
2. Is he effective in handling disputes or complaints involving citizens?	1	2	3	4	5					
3. Does the City Manager have appropriate visibility or identity in the community?	1	2	3	4	5					
4. Does the City Manager represent Council positions and policies accurately and effectively?	1	2	3	4	5					
5. Does the City Manager give sufficient credit to Council?	1	2	3	4	5					
6. Does the City Manager think and act in a manner reflecting an attitude that client (Council, staff, or citizens) perceptions and satisfactions are key?	1	2	3	4	5					
Average score										

	<u>WEAK</u>			<u>STRONG</u>		
B. Intergovernmental Relations						
1. Is the City Manager effective representing the City's interests in dealing with other agencies?	1	2	3	4	5	
2. Does the City Manager participate in enough intergovernmental activity to have an impact on behalf of the City?	1	2	3	4	5	
Average score						

PERSONAL CHARACTERISTICS

	<u>WEAK</u>			<u>STRONG</u>	
A. Personality					
1. Is the City Manager's personality suited to effective performance of his duties?	1	2	3	4	5
Average score					

	<u>WEAK</u>		<u>STRONG</u>		
B. Communications					
1. Is the City Manager easy to talk to?	1	2	3	4	5
2. Do you feel he is a good listener?	1	2	3	4	5
3. Are communications thoughtful, clear, and to the point?	1	2	3	4	5
4. Does the City Manager show sensitivity to the concerns of others?	1	2	3	4	5
Average score					

	<u>WEAK</u>		<u>STRONG</u>		
C. Management Style					
1. Does the City Manager demonstrate interest and enthusiasm in performing his duties?	1	2	3	4	5
2. Does he have sufficient leadership characteristics to command respect and good performance from employees?	1	2	3	4	5
3. Does the City Manager show initiative and creativity in dealing with issues, problems, and unusual situations?	1	2	3	4	5
4. Is the City Manager open to new ideas and suggestions for change?	1	2	3	4	5
5. Does the City Manager create an atmosphere in which employees can enjoy working for the City?	1	2	3	4	5

6. Is the City Manager honest and ethical?	1	2	3	4	5
7. Does the City Manager work well under pressure?	1	2	3	4	5
8. Is the City Manager able to change his approach to fit new situations?	1	2	3	4	5
9. Can the City Manager consistently put aside personal views and implement Council policy and direction?	1	2	3	4	5
Average score					

ACHIEVEMENTS

List the top three achievements or strong points of the City Manager for the past twelve (12) months:
1.
2.
3.

FUTURE DEVELOPMENT

List three performance objectives for the City Manager that you feel are the most important targets for this year:
1.
2.
3.

TOTAL OVER ALL SCORE

	<u>WEAK</u>				<u>STRONG</u>
OVERALL RATING	1	2	3	4	5
<i>Date:</i>					

Cameron Hamilton, Mayor

Brian Ward, Vice Mayor

Pete V. McCracken, Council Member

Virginia Gurrola, Council Member

Greg Shelton, Council Member

**CITY ATTORNEY
PERFORMANCE EVALUATION
CITY OF PORTERVILLE
(January 1 – December 31, 20__)**

	<u>WEAK</u>					<u>STRONG</u>				
A. Providing Information										
1. Does the City Attorney keep you informed, in a timely manner, of the legal issues affecting the City?	1	2	3	4	5					
2. Does the City Attorney demonstrate initiative and resourcefulness in identifying legal problems, and advising and recommending resolutions?	1	2	3	4	5					
3. Do reports/memoranda from the City Attorney provide adequate information and analysis to help you make sound decisions?	1	2	3	4	5					
4. Do the legal solutions that are developed appropriately address the issues to be resolved?	1	2	3	4	5					
5. Does the City Attorney follow up promptly on Council requests for information or action without having to be reminded?	1	2	3	4	5					
Average score										

	<u>WEAK</u>		<u>STRONG</u>		
B. Providing Advice					
1. Does the City Attorney have adequate knowledge of municipal legal affairs?	1	2	3	4	5
2. Does he/she exercise good judgment?	1	2	3	4	5
3. Do you feel that the City Attorney considers alternatives before making recommendations?	1	2	3	4	5
4. Does the City Attorney plan ahead, anticipate needs and recognize potential legal problems?	1	2	3	4	5
5. How do you feel about the quality of analysis that accompanies recommendations?	1	2	3	4	5
Average score					

	<u>WEAK</u>			<u>STRONG</u>	
C. Getting the Job Done					
1. Do you have the feeling that things the Council decides or directs get done?	1	2	3	4	5
2. Does the City Attorney pay sufficient attention to detail to avoid error or things "slipping through the cracks"?	1	2	3	4	5
3. Does the City Attorney put in sufficient time and effort to perform to your expectations?	1	2	3	4	5
4. Does the City Attorney have a good sense of priorities in the way he/she spends his/her time on the job?	1	2	3	4	5
5. Is the City Attorney able to analyze problems or issues and identify causes, reasons, and implications?	1	2	3	4	5
6. Does the City Attorney perform well under pressure?	1	2	3	4	5
7. When work is delegated to staff/deputy attorneys, is the project/issue handled appropriately?	1	2	3	4	5
Average score					

EXTERNAL RELATIONS

	<u>WEAK</u>			<u>STRONG</u>	
A. Citizen Relations					
1. Does the City Attorney generally make a positive impression on citizens and is he/she respected in Porterville?	1	2	3	4	5
2. Is he/she effective in handling disputes or complaints involving citizens?	1	2	3	4	5
3. Does the City Attorney have appropriate visibility or identity in the community?	1	2	3	4	5
4. Does the City Attorney think and act in a manner reflecting an attitude that client (Council, staff, or citizens) perceptions and satisfactions are key?	1	2	3	4	5
Average score					

	<u>WEAK</u>		<u>STRONG</u>		
B. Intergovernmental Relations					
1. Is the City Attorney effective representing the City's interests in dealing with other agencies?	1	2	3	4	5
Average score					

PERSONAL CHARACTERISTICS

	<u>WEAK</u>		<u>STRONG</u>		
A. Personality					
1. Is the City Attorney's personality suited to effective performance of his/her duties?	1	2	3	4	5
Average score					

	<u>WEAK</u>			<u>STRONG</u>	
B. Communications					
1. Is the City Attorney easy to talk to?	1	2	3	4	5
2. Do you feel he/she is a good listener?	1	2	3	4	5
3. Are communications thoughtful, clear, and to the point?	1	2	3	4	5
4. Does the City Attorney show sensitivity to the concerns of others?	1	2	3	4	5
Average score					

	<u>WEAK</u>		<u>STRONG</u>		
C. Management Style					
1. Does the City Attorney demonstrate interest and enthusiasm in performing his/her duties?	1	2	3	4	5
2. Does the City Attorney show initiative and creativity in dealing with issues, problems, and unusual situations?	1	2	3	4	5
3. Is the City Attorney honest and ethical?	1	2	3	4	5
4. Does the City Attorney work well under pressure?	1	2	3	4	5

5. Is the City Attorney able to change his/her approach to fit new situations?	1	2	3	4	5
6. Can the City Attorney consistently put aside personal views and implement Council policy and direction?	1	2	3	4	5
Average score					

ACHIEVEMENTS

List the top three achievements or strong points of the City Attorney for the past twelve (12) months:
1.
2.
3.

FUTURE DEVELOPMENT

List three performance objectives for the City Attorney that you feel are the most important targets for this year:
1.
2.
3.

TOTAL OVER ALL SCORE

	<u>WEAK</u>				<u>STRONG</u>
OVERALL RATING	1	2	3	4	5
Date: _____					

Cameron Hamilton, Mayor

Brian Ward, Vice Mayor

Pete V. McCracken, Council Member

Virginia Gurrola, Council Member

Greg Shelton, Council Member

CITY COUNCIL AGENDA – NOVEMBER 18, 2014

SUBJECT: CONSIDERATION OF APPOINTMENT TO THE LIBRARY AND LITERACY COMMISSION

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: There is currently one vacancy on the Library and Literacy Commission with a term to expire in October of 2015. Staff publicized notice of the vacancy and solicited applications from interested individuals.


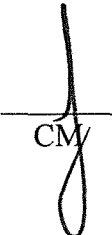
As of the time of Agenda preparation, the City Clerk's office has received the following Request for Appointment for Council's consideration:

- Jamie A. Hunt

Requests for Appointment received after Agenda preparation will be provided to the City Council and be made available for the public under separate cover.

RECOMMENDATION: That the City Council appoint one individual to fill the vacancy with a term to expire in October of 2015.

ATTACHMENTS: Request for Appointment

	N/A	
Dir	Approp./ Funded	CM

Item No. 12

RECEIVED

NOV 10 2014

CITY OF PORTERVILLE
ADMINISTRATIVE SERVICES

CITY OF PORTERVILLE REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: JAMIE A. HUNT
(Please Print)

Appointment to: LIBRARY AND LITERACY COMMISSION
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide :

Street Address: 302 W. GRAND AVENUE
PORTERVILLE, CA 93257

Mailing Address: "

Name of Business: _____

☐ Own ☐ Operate

Business Address: _____

Telephone: Home _____

Work 559-359-1676

FAX _____

E-mail grandhouse@ocsnet.net

City of Porterville resident: hjh

☒ Yes

☐ No

Registered Voter: hjh

☒ Yes

☐ No

Qualifications: Volunteer Read to Succeed Program 2007-Present
Nov. 2014, Working with teens in Thunderbolt Program
Writing for the Porterville Recorder & other newspapers.
Working in publishing business for 23 years previously

☐ Resume attached

☐ Letter of request attached

Submitted By: Janice A Hunt 11-10-14
Date

Received by: William Diaz

Forwarded to: City Clerk ☒ Date: 11-12-14

City Council ☐ Date: _____

City Manager ☐ Date: _____

Applicable Dept. ☐ Date: _____

Tentative Council Mtg Date: 11-18-14

COUNCIL AGENDA – NOVEMBER 18, 2014

SUBJECT: CONSIDERATION OF ALTERNATIVES FOR UPGRADES TO THE COUNCIL CHAMBERS

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: In response to concerns voiced at the City Council Meeting of October 21st with regard to proposed A/V upgrades within the Council Chambers and the potential utilization of live/video streaming of City Council Meetings, staff has compiled additional information to provide clarification and further options for Council's consideration.

Audio/Visual Upgrades in Council Chambers

As the Council is aware, the A/V appliances currently in place are antiquated and lack expansion capabilities and modern input ports which render them incompatible with newer technologies. Issues with audio are a common occurrence which cannot be effectively addressed with the current hardware. As such, staff proposes upgrades to the A/V infrastructure which includes an HD projector with mixer; new microphones on the dais; HD A/V connectivity panel, and related appurtenances. Staff obtained three quotes from vendors for the proposed A/V appliance upgrades, which are attached hereto for Council's reference. It is staff's opinion that ITC offers the best solution at the lowest cost, at \$19,419.97. In addition to some necessary in-house electrical work which staff estimates will not exceed \$1,000, the total cost for the proposed work is not to exceed \$20,419.97.

Live/Video/Audio Streaming Options

Option 1:

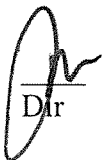
Annual Cost: \$6,000

Status Quo

As previously reported, the City currently provides Mr. Will Lloyd access to video City Council Meetings after which the City then purchases an unedited complete video recording.

Pros: Equipment is owned, maintained and operated by local vendor. No additional equipment purchase by City is necessary; no staff time needed for camera operation.

Cons: High cost; does not provide for public access unless PRA request is submitted; staff time required for producing video/audio recordings on request.


Dir


Funded/
Appr.


CM

Item No. 13

Option 2:

One-time Cost: \$2,400

Annual Cost: \$10,800

Status Quo with Video Uploaded to City's Website

Another option is to maintain the City's arrangement with Mr. Lloyd and increase the City's storage capacity through its internet provider to allow for the uploading of meeting videos. The quote provided by the City's vendor to upgrade the City's website for greater storage capacity and increased bandwidth for public access to allow for the video uploads is \$400 per month, or \$4,800 per year.

Pros: Equipment is owned, maintained and operated by local vendor; No additional equipment purchase is necessary; provides for direct public access which increases staff efficiency.

Cons: High cost; upgrade to storage capacity and bandwidth necessary; video saved as one large file without bookmarking capabilities.

Option 3:

One-Time Cost: \$6,380

Annual Cost: \$2,976

SuiteOne Media Live/Video Module:

This option presented to the Council on October 21st consists of contracting with a web-based vendor, SuiteOne Media, for the provision of live streaming/on-demand video capabilities. A key feature of this function through SuiteOne Media is the linking of the streaming component to the agenda management component thereby allowing users to simply click on the specific item they wish to view. The contract is essentially for unlimited cloud storage which mirrors the City's website, unlimited bandwidth, and 24/7 technical support, while the City maintains ownership of the files.

Pros: Low annual cost; provides for direct public access; increased staff efficiency; capabilities for live or on-demand streaming; video linked to agenda items; inexpensive unlimited cloud storage and bandwidth; 24/7 technical support.

Cons: Purchase, installation and maintenance of video cameras required.

Option 4:

Annual Cost: \$2,976

SuiteOne Media Live/Audio Streaming:

This option utilizes the same SuiteOne Media module, without the necessity of purchasing cameras. By utilizing only the audio component, public users would be able to directly link to an agenda item to which they wish to listen.

Pros: Lowest cost; provides for direct public access; increased staff efficiency; capabilities for live or on-demand video streaming in the future if desired; audio linked to agenda items; inexpensive unlimited cloud storage and bandwidth; 24/7 technical support.

Cons: None identified.

Funding for the Audio/Visual Chamber Upgrades Project is proposed to be from the Special Purposes Reserve Fund. Depending on the live/video/audio streaming option(s) selected, future ongoing costs would be offset by the current annual expenditure of \$6,000, and is proposed to become a budgetary item.

- RECOMMENDATION: That the Council:
1. Approve the proposed Audio/Visual Chamber Upgrades and authorize staff to engage the services of in-house staff for miscellaneous electrical upgrades not to exceed \$1,000; and ITC in an amount up to \$19,419.97; and
 2. Approve one of the four options presented, or any combination thereof, with regard to live/video/audio streaming of City Council Meetings.

ATTACHMENTS: Quotations for A/V Appliance Upgrades



244 W. Olive Ave.
Porterville, CA 93257

Estimate

Date	Estimate #
10/2/2014	2288

Name / Address
The City of Porterville 291 North Main Street Porterville, California 93257

			Project
Description	Qty	Rate	Total
City of Porterville AV System Upgrade:			
Provide and install listed material. A new HD scaler and switching system controller with picture in picture will be installed and programmed. The existing peripheral display source equipment will be reused. A new HD Projector system with wireless and LAN based display options will be installed. Two HD media source connectivity panels with VGA, HDMI, and Composite video/ audio will be installed. The Audio system will be updated to include all mic inputs and display audio inputs. The existing audio system and components/ microphones will be reused, five microphones will be replaced. The video display system will be controlled via the new system controller ** Optional lighting control an be added**.			
Estimated Labor	1	3,360.00	3,360.00
Material:			
HD Projector	1	2,409.00	2,409.00
Wireless Display Module (proprietary to projector)	1	119.00	119.00
HD A/V Connectivity Panel	2	360.00	720.00
1x8 HDMI Splitter & Clock Stretcher, Supports 3D and Deep Color	1	167.93	167.93
1x2 HDMI Splitter & Clock Stretcher, Supports 3D and Deep Color	1	62.93	62.93
HDMI extension/ interconnect cable	12	48.93	587.16
Touch screen remote	1	754.79	754.79
Remote base and remote power	1	385.00	385.00
Equipment rack with slide out base	2	365.40	730.80
Equipment shelf	4	36.72	146.88
Light duty equipment shelf	2	48.00	96.00
Fan system	1	280.00	280.00
Data Run	4	116.20	464.80
HDMI Feeder	2	265.92	531.84
HDMI to VGA switch	1	240.00	240.00
HD video scaler and switching system	1	3,045.00	3,045.00
Projector link cables	1	320.00	320.00
Remote mixer 4ch	2	658.90	1,317.80
DI receiver 4ch	1	158.40	158.40
		Total	



244 W. Olive Ave.
Porterville, CA 93257

Estimate

Date	Estimate #
10/2/2014	2288

Name / Address
The City of Porterville 291 North Main Street Porterville, California 93257

			Project
Description	Qty	Rate	Total
Sure 12" gooseneck with switch	5	293.25	1,466.25
Crown Amplifier CDi 1000	1	659.99	659.99
Sales Tax	14,663.57	0.085	1,246.40
Freight	1	150.00	150.00
		Total	\$19,419.97

LEE'S STEREO
3120 SOUTH MOONEY BLVD

VISALIA CA 93277
(559) 734-1225 Fax: (559) 635-2192
www.leesstereo.com

THANK YOU

NOT FINAL

Created On: 7/28/2014

CUSTOMER INFORMATION	
Williams Ted 291 N Main St	VIP#
Porterville CA 93257 Home: 782-7439 Work: Cell: (559) 333-7439	

AUTOMOBILE DESCRIPTION	
Make:	Model:
Year:	Color:
VIN#:	
Odometer:	
Registration:	

INVOICE	TYPE	DATE	TIME	PAGE#
Y 112543	RETAIL	10/2/2014	3:05:55 PM	1

DEALER INFORMATION	
ID#	
Ext:	
STK:	PO: RO:

APPOINTMENT INFORMATION	
Sales1: PL	Day: Monday Bay#: 0
Sales2:	Date: 7/28/2014
Start Time: 03:25 PM	Stop Time: 03:25 PM

JOB DESCRIPTION	

QTY.	MODEL	MAKE	DESCRIPTION	SERIAL NO.	PRICE	SUBTOTAL
7	#MISCITEM	MISCITEM	desk top mic	#MISCITEM	\$459.95	\$3219.65
1	#MISCITEM	MISCITEM	matrix swicher	#MISCITEM	\$699.95	\$699.95
1	#MISCITEM	MISCITEM	convgahd	#MISCITEM	\$179.95	\$179.95
8	#MISCITEM	MISCITEM	speco 8 dual cone commercial	#MISCITEM	\$49.95	\$399.60
1	#MISCITEM	MISCITEM	crown mixer/amp	#MISCITEM	\$799.95	\$799.95
4	MHX-HDME3	ETHEREAL	3M (9.8 FT.) HIGH SPEED HDMI C	MHX-HDME3	\$49.95	\$199.80
1	#MISCITEM	SONY	projector	#MISCITEM	\$1600.00	\$1600.00
1	#MISCITEM	MISCITEM	mixer shure	#MISCITEM	\$1999.95	\$1999.95
7	XC-10	NADY	10' MICROPHONE CABLE	XC-10	\$19.99	\$139.93
150	24/4P-L5-C	LIBERTY	Cat-5e Telephone/data Cable	24/4P-L5-C	TECHNICIAN \$0.50	\$75.00

LABOR/SUBLET DESCRIPTION	
SUBLET:	

Materials:	\$12818.08
Labor:	\$6000.00
Sublet:	\$0.00
Other:	\$0.00
Misc:	\$0.00
Sales Tax:	\$1057.50
Invoice	\$19875.58

TERMS & CONDITIONS	
<p>**NO CASH REFUNDS** ALL RETURNS OR EXCHANGES MUST BE MADE WITHIN 10 DAYS OF PURCHASE DATE. IN STORE CREDIT WILL BE GIVIN ONLY. WARRANTIES ONLY APPLY TO PRODUCTS SOLD BY LEES STEREO,CUSTOMER MUST PAY SHIPPING ON ALL WARRANTIES AND REPAIR SHIIPMENTS. ALL SPECIAL ORDER ITEMS MUST BE PAID IN FULL BEFORE ORDERING AND NO RETURNS. NO RETURNS ON ELECTRONIC PARTS INCLUDING TV LAMPS.</p> <p>SIGNATURE _____</p>	

HOW PAID	
Paid Cash :	
Paid Charge :	
Card Info :	
Auth. Code :	
Gift Card:	
Gift Cert:	
Paid Check : Chk#	
Paid House :	
A/R Open : Due:	
Deposit : Type:	\$0.00
Balance	\$19875.58

LEE'S STEREO
3120 SOUTH MOONEY BLVD

THANK YOU

NOT FINAL

Created On: 7/28/2014

VISALIA CA 93277
(559) 734-1225 Fax: (559) 635-2192
www.leesstereo.com

INVOICE	TYPE	DATE	TIME	PAGE#
Y 112543	RETAIL	10/2/2014	3:05:55 PM	2

CUSTOMER INFORMATION	
Williams Ted 291 N Main St	VIP#
Porterville CA 93257 Home: 782-7439 Work:	Cell: (559) 333-7439

DEALER INFORMATION	
ID#	
Ext:	
STK:	PO: RO:

AUTOMOBILE DESCRIPTION	
Make:	Model:
Year:	Color:
VIN#:	
Odometer:	
Registration:	

APPOINTMENT INFORMATION	
Sales1: PL	Day: Monday Bay#: 0
Sales2:	Date: 7/28/2014
Start Time: 03:25 PM	Stop Time: 03:25 PM

JOB DESCRIPTION	

QTY.	MODEL	MAKE	DESCRIPTION	SERIAL NO.	PRICE	SUBTOTAL
250	16-2C KO	LIBERTY	16AWG 65STR. SPKR. WIRE	16-2C KO	\$0.65	\$162.50
150	RG6 / 2C	ARBUCKLE	RG6 COAX W/ 18G 2C POWER	RG6 / 2C	\$0.95	\$142.50
1	#MISCITEM	MISCITEM	hdmi extender over coax	#MISCITEM	\$449.95	\$449.95
2	#MISCITEM	MISCITEM	wireless mic	#MISCITEM	\$499.95	\$999.90
1	#MISCITEM	MISCITEM	hdmi 1 in 8 out	#MISCITEM	\$399.95	\$399.95
1	#MISCITEM	MISCITEM	hdmi cables	#MISCITEM	\$600.00	\$600.00
10	#MISCITEM	MISCITEM	hdmi wall plates	#MISCITEM	\$39.95	\$399.50
1	#MISCITEM	MISCITEM	parts	#MISCITEM	\$350.00	\$350.00
1	LABOR	LABOR	labor	LABOR	\$6000.00	\$6000.00

TECHNICIAN

LABOR/SUBLET DESCRIPTION	
SUBLET:	

Materials:	\$12818.08
Labor:	\$6000.00
Sublet:	\$0.00
Other:	\$0.00
Misc:	\$0.00
Sales Tax:	\$1057.50
Invoice	\$19875.58

TERMS & CONDITIONS	
<p>**NO CASH REFUNDS** ALL RETURNS OR EXCHANGES MUST BE MADE WITHIN 10 DAYS OF PURCHASE DATE. IN STORE CREDIT WILL BE GIVIN ONLY. WARRANTIES ONLY APPLY TO PRODUCTS SOLD BY LEES STEREO,CUSTOMER MUST PAY SHIPPING ON ALL WARRANTIES AND REPAIR SHIIPMENTS. ALL SPECIAL ORDER ITEMS MUST BE PAID IN FULL BEFORE ORDERING AND NO RETURNS. NO RETURNS ON ELECTRONIC PARTS INCLUDING TV LAMPS.</p> <p>SIGNATURE _____</p>	

HOW PAID	
Paid Cash :	
Paid Charge :	
Card Info :	
Auth. Code :	
Gift Card:	
Gift Cert:	
Paid Check : Chk#	
Paid House :	
A/R Open : Due:	
Deposit : Type:	\$0.00
Balance	\$19875.58



9941 E. Mission Lane, Scottsdale, AZ 85258
Phone: 480 661-5629 Fax: 480 661-7589
www.jcgtechnologies.com

Audio System Proposal City of Porterville, CA October 1, 2014

JCG Audio Solution

JCG Technologies, Inc (JCG) provides cost effective software solutions to cities and other organizations that want to automate their legislative workflow and improve access to information; improving customer service while saving time and money.

JCG solutions include Digital Audio and Video Recording, Agenda Automation, Public Records Request Management, Video Streaming and Archiving Services, Media Presentation, and Audio/Video Systems. Please visit our web site at www.jcgtechnologies.com.

This system proposal is offered as a detailed explanation and outline for the above referenced project. The proposal details our scope of work, any concerns or exclusions, and our cost to you for the referenced project. Please read all information carefully and feel free to contact us with any questions or concerns.

Scope of Work

It is our goal to deliver a complete and functional, integrated media design whose components are listed below.

JCG will:

- Provide, install, and control 6 new Shure MX412S/S microphones, and the clients existing microphones, through a JCG Provided Lectrosonic Model 16/12 Digital mixer and a Lectrosonics Model 8/12 Digital mixer.



- Replace the client's existing amplifier with the QSC Amplifier.
- JCG will utilize the clients existing speakers.
- Provide and install Mid Atlantic Power Supply in clients existing rack.
- Mount and Install a HD Projector.
- Provide and configure a new Extron controller system.
- JCG will terminate and test the complete system prior to training.
- Provide the client with a binder of the manufacturers manuals, warranty cards, and any other pertinent pieces of documentation.
- Install and test all specified equipment and components to provide the client with a fully functional integrated media system. Specified equipment and components will be installed per the initial build documentation set.
- Provide comprehensive training on system usage and features to the client.

Requirements and Exclusions

The following details certain exclusions and points of concern as it relates to this project.

- JCG is not responsible for providing 110 VAC circuits to the specified equipment and/or to the equipment locations. JCG will coordinate with the client as to the engineered and physical requirements of the power circuits, which will be provided by client and or its subcontractor.
- Client will need to provide adequate space for any equipment rack mounting. JCG will furnish requirements for the rack locations if required.
- Client is responsible for speaker wire and termination of speaker wire to audio rack.



System Cost

This proposal is valid for 90 days from the date shown above. In the event the date of your approval to proceed exceeds this 90-day limitation, JCG will recalculate this proposal to represent the current costs for the system.

Equipment Cost	\$15,350.25
Engineering/Programming	1,250.00
Closeout Documentation and User Manual	Included
Assembly Labor	3,500.00
Travel / Lodging / Expenses	Included
Testing	Included
Training	Included
Freight Equipment	450.00
Sales Tax	NA
Total Cost	\$20,550.25



Components

Item Description	Qty	
Common Items		
JCG, Inc. Cables and Connectors, Screws, Microphone Cables, Misc Connectors	1	
Audio/Video System		
Lectrosonics DM812 Digital Matrix Audio Processor (8 inputs 12 outputs)	1	
Lectrosonics DM1612 Digital Matrix Audio Processor (16 inputs 12 outputs)	1	
QSC ISA500Ti Amplifier	1	
Shure MX412S/S Microphones	6	
LG HD Projector	1	
Projector Mounts	1	
HDMI Splitters	2	
Mid-Atlantic Power Supply	1	
Extron Equipment		
Extron 4 input Switcher with Mono Audio Amplifier	1	
Extron Secondary Control Panel	1	
Extron Surface Mount Boxes	1	
Extron VGA Twisted Pair Transmitter	3	
Extron VGA Twisted Pair Transmitter	3	



Deadline and Deliverables

A successful project requires that all parties work toward a common goal, especially as it relates to the completion of the project. JCG deliverables are based on a timeline that commences when JCG receives a signed contract or a purchase order authorizing its engagement for this project.

JCG is forecasting the delivery, installation, testing and commissioning of the proposed system to be complete no later than 60 days from receipt of a purchase order or signed contract. Upon official acceptance of this proposal and issuance of a signed contract or purchase order, JCG will contact the client to establish a working deadline for the completion of this project.

In the event the client requests changes to the original scope or deadline, JCG will propose a revised cost to the client for such changes and will issue an altered deadline as dictated by the request.

Method and Terms of Payment

A signed contract or a purchase order will serve as an acknowledgement and an agreement to the payment terms. In the event that it is impossible to honor these payment terms due to corporate or government restrictions, JCG will issue a new proposal or acceptance reflecting the altered and agreed upon terms of payment.

Each invoice shall be due and payable to JCG Technologies, Inc., at the address specified in this quotation. Client agrees to pay a late charge of two percent (2%) per month or the maximum lawful rate; whichever is less, for all amounts not paid within thirty (30) days of receipt of invoice.

JCG. will provide detailed accounting of part numbers, serial numbers, and equipment location. Our payment terms for this project are:

50% When the Purchase Order is issued.

Final payment of the contract upon completion and delivery of proposed system.



System Warranty

The strength of any Systems Integration Company is its ability to stand behind its system and workmanship. JCG is proud to offer a one-year “bumper to bumper” warranty for this project. This warranty period commences upon the completed installation.

What is Covered?

Workmanship:

Should any part of the system installed by JCG fail due to faulty wiring, faulty termination, or any other negligent act of labor by JCG; we will repair the system at no charge to the client.

Hardware and Components:

JCG honors the manufacturer’s warranty for all equipment sold for this project. Each individual manufacturer warrants its product for varying lengths of time. Should any product need replacement during the system warranty period, JCG will repair or replace that product at no charge to the client.

Outside of the system warranty period, JCG will assist the client in exercising any remaining warranty on the specific product. This will be done at normal service rates and expenses.

What We Will Do:

During the system warranty period, JCG will make every attempt to remotely diagnose and/or repair the deficiency of the system prior to an on-site service call. Once our staff has determined that there is no alternative but to conduct an on-site visit, we will make every attempt to respond as quickly as possible.

Handling a Warranty Claim:

Once a service call is made, our service department will handle the claim. Our service department can be reached during normal business hours at (480) 661-5629. Our normal business hours are Monday through Friday, 8:00am to 5:00pm. AZ MST, excluding holidays. We encourage our clients to keep us aware of critical meeting dates in the unlikely event a service issue arises. During the first year, there is no charge for handling the warranty.



Outside of that period, should a service call be required, you will incur time and material charges at a current service rates and expenses of JCG Technologies, Inc. This includes travel expenses. Additional comprehensive preventative maintenance programs are available from JCG.

Individual Equipment Warranty:

Aside from the system warranty, most components will carry additional manufacturer warranty coverage anywhere from two to four years. Our system documentation includes all of the necessary paperwork and cards so that the client can register with the manufacturers to officially be eligible for the warranty. As an authorized dealer of each system component, JCG will be available to assist in the processing of warranty claims for your project if and when the need arises.

What This Warranty Does Not Cover:

This system warranty does not cover defects resulting from accidents, alterations to the system, unauthorized repair of components, or general misuse of the system. JCG reserves the right to refuse warranty service if it is found that the client is negligent as described above.



Contact Information

Please do not hesitate to contact me if you have any questions or require any additional information.

Christie Schmenk

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AGENDA: NOVEMBER 18, 2014

PORTERVILLE PUBLIC FINANCING AUTHORITY

SUBJECT: ANNUAL MEETING OF THE PORTERVILLE PUBLIC FINANCING AUTHORITY



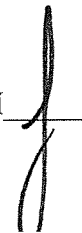
SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - REDEVELOPMENT

COMMENT: In 1992, the Porterville Public Financing Authority was formed designating the City Council members as directors. According to the Authority's By-laws, an annual meeting is to be held each year to report on the progress of the Redevelopment Projects being funded by Bond Issue #1 issued in December 1992. In September 2008, the Redevelopment Agency refinanced the Tax Allocation Bonds for the purpose of financing the Porterville Hotel Project and related housing project. The same reporting requirements are necessary.

A status report for these projects is provided as an attachment to this agenda item.

RECOMMENDATION: That the City Council, sitting as the Porterville Public Financing Authority, hold a public meeting in accordance with the Authority's By-laws, accept public comment, and approve the 2014 Status Report for the Redevelopment Bond Issue #1 and refinance of Tax Allocation Bond Projects.

ATTACHMENT: 2014 Status Report for Redevelopment Bond Issue #1 and Refinance of the Tax Allocation Bond Projects

DD  Appropriated/Funded  CM 

Item No. PFA-1

PORTERVILLE REDEVELOPMENT AGENCY

**Bond Issue No. 1 and
Refinance of Tax Allocation Bonds**

**Status Report
As of November 18, 2014**

1992 Total Bond Issue:		\$6,185,000
Redevelopment Fund	\$4,682,242	
Low and Moderate Income Housing Fund	\$1,170,561	
2008 Total Refinance Bond Issue:		\$8,475,000
Redevelopment Fund	\$6,675,000	
Low and Moderate Income Housing Fund	\$1,800,000	

REDEVELOPMENT FUND	STATUS
Projects:	
Porterville Hotel Project	Negotiations completed. Property now owned by the Successor Agency to the Porterville Redevelopment Agency.
Streetscape:	
Main Street – Morton Avenue to Olive Avenue (includes conversion of Main Street, Second Street and Hockett Street to two-way traffic)	Complete
Putnam Avenue and Olive Avenue – Hockett Street to Second Street	Design Phase Complete
Street and Pedestrian Lighting of side streets	Construction Documents Complete
Alley Lighting – Morton Avenue to Olive Avenue	Construction Documents Complete
Street Furnishings	Phase I Complete; Additional Phases to be accomplished as funds become available
Main Street – Olive Avenue to Orange Avenue	Design Phase Complete
Parking Lots – Construction and Acquisition:	

REDEVELOPMENT FUND	STATUS
Second/Harrison	Complete
Hockett/Oak	Complete
Railroad – Fourth, Morton to Thurman	Phase I Complete Acquisition of parcels from Morton to Harrison. One parcel sold in 2003-04. Second parcel sold in 2012-13
Second/Olive and adjacent lots	Complete
Building Renovation:	
Financial Incentive Program	14 Façade Renovations Complete
Building Assistance:	
Chamber of Commerce Office Complex	Complete
Loan Repayment:	
City Loan Repayment – Risk Management Fund Loan 1	Complete

LOW AND MODERATE INCOME HOUSING FUND	STATUS
Villa Siena – (Macfarlane & Costa) 70 unit multi use Low and Moderate Housing Project	Project completed and units rented. RDA provided the \$930,000 long term loan per the executed Affordable Housing Agreement.
Low and Moderate First-Time Homebuyer Program HOME Grant Match No. 1 (1994)	Complete - \$250,000 expended
Low and Moderate First-Time Homebuyer Program HOME Grant Match No. 2 (Year 2002)	Complete - \$121,951 expended
Low Income Homebuyer Casas Buena Vista Homebuyer Assistance	Complete - \$425,342 expended
Casas Buena Vista Project Common Area Improvements, Utilities, Meeting Expenses, Escrow Costs, Debt Service	Complete - \$321,830 expended
Multifamily Rental Construction Program :	
Project #1: St. James Place Construction Complete February 2005	Complete - \$254,000 expended

LOW AND MODERATE INCOME HOUSING FUND	STATUS
Project #2: Date Avenue Apartments Infrastructure	(served as the 25% match for the \$1,000,000 HOME grant) Complete - \$115,000 expended

LOW AND MODERATE INCOME HOUSING FUND	STATUS
Implementation Plan	Complete - \$24,364 expended

Note: Bond funds have been allocated toward the highest priority projects as detailed in the Redevelopment Strategic Plan. Projects detailed in the Redevelopment Strategic Plan with a lower priority ranking are not included in this Status Report due to lack of available funds.